



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

Monday, June 5, 2023

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Council Member Jesse Ornelas

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:01 PM.

- B.1.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Jeffrey Gonzales v. City of Merced; Workers' Compensation Appeals Board Case No. FRE-ADJ 15941693; Authority: Government Code Section 54956.9(d)(1)
- B.2.** **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; AUTHORITY: Government Code 54957
- 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 REAL PROPERTY NEGOTIATORS - Property: 151 Hawk Drive, APN: 059-420-013; Agency Negotiator: Frank Quintero, Deputy City Manager; Negotiating Parties: Russell Leitch, Dkota Investment Inc. and City of Merced; Under Negotiation: Price and Terms of Payment

Clerk's Note: Council adjourned from Closed Session at 5:34 PM.

C. CALL TO ORDER

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

C.1. Invocation - 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

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

D. ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Council Member Jesse Ornelas

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

Mayor SERRATTO stated, "Tonight during Closed Session, the City Council has decided unanimously to appoint Brian L. DOYLE as Interim City Attorney. At this time I would like to move Item M.1. up in the Agenda to approve the new Interim City Attorney employment contract, the contract is for a term of six months with a base monthly salary of \$19,004.80. The contract also includes additional benefits in-lieu of participation in the family health insurance, benefits, and essential worker premium pay. Details regarding specific benefits can be found in the contract itself, also which copies are available for public review this evening, and please see the Clerk for a copy."

M.1.

SUBJECT: Formally Announcing the Mayor and City Council's Selection for Interim City Attorney, Approval of the City Attorney's Employment Agreement for a Term of Six (6) Months and Adoption of a Resolution Appointing an Interim City Attorney and Approving an Employment Agreement

REPORT IN BRIEF

The Mayor and City Council have concluded a preliminary search for an

Interim City Attorney and desires to enter into an employment agreement with the candidate the Mayor and City Council have selected to serve as Merced's Interim City Attorney for a period of six (6) months and adopting a Resolution.

RECOMMENDATION

City Council - Adopt a motion:

A. Formally Announcing the Mayor and City Council's Selection for Interim City Attorney and Approving the Interim City Attorney's Employment Agreement and Salary Resolution; and,

B. Adopting **Resolution 2023-38**, a Resolution of the City Council of the City of Merced, California, appointing Brian L. Doyle as Interim City Attorney and approving an Employment Agreement therefore including compensation and other terms and conditions of employment; and,

C. Authorizing the Mayor to sign the Interim City Attorney's Employment Agreement on behalf of the City.

Clerk's Note: Agenda Item M.1. was moved to be heard after Agenda Item E.

Clerk's Note: There was no Council 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: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member Ornelas

Mayor SERRATTO introduced and welcomed the new Interim City Attorney Brian DOYLE.

Mr. DOYLE thanked the Mayor, Council, and the community.

Council Member SMITH welcomed Mr. DOYLE.

F. CEREMONIAL MATTERS

F.1. SUBJECT: Proclamation - Merced Pride Month

REPORT IN BRIEF

Received by a representative of the Merced LGBTQ+ Alliance.

Mayor SERRATTO presented the Merced Pride Month Proclamation to representatives of the Merced LGBTQ+ Alliance.

F.2. SUBJECT: Proclamation - Juneteenth

REPORT IN BRIEF

Received by Allen Brooks, NAACP President.

Mayor SERRATTO presented the Juneteenth Proclamation to President Allen BROOKS and representatives of the National Association for the Advancement of Colored People.

**F.3. SUBJECT: Recognition of Fire Chief Derek Parker's California
Emergency Medical Services Authority's (EMSA) EMS Cross Award**

REPORT IN BRIEF

Fire Chief Derek Parker will be recognized for being nominated and selected to receive the California Emergency Medical Services Authority's (EMSA) EMS Cross Award.

Mayor SERRATTO presented a Certificate of Recognition to Fire Chief Derek PARKER for receiving the California Emergency Medical Services Authority's (EMSA) EMS Cross Award.

Members of the Public recognized Mr. PARKER.

G. SPECIAL PRESENTATIONS

**G.1. SUBJECT: Review of Merced Fire Department FIRE OPS 101 From
April 22, 2023**

REPORT IN BRIEF

Merced Fire Department and Merced City Firefighters Association hosted an IAFF FIRE OPS 101 event on April 22, 2023.

Fire Chief Derek PARKER and Fire Captain Chad ENGLERT gave a video presentation on the Merced Fire Department Fire OPS 101.

Council, Mr. ENGLERT, and Mr. PARKER discussed details of the Fire OPS 101 event, thanked the Fire Department for their hard work, and the partners of outside agencies attending the event.

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.2.: Heather FRENCH, Madeline HARRIS, and Jerry PEREZCHICA.

I. ORAL COMMUNICATIONS

James REESE, Merced - thanked Council for assisting in the cleaning of the Veteran Memorial Wall located at the Merced County Courthouse Park.

Patricia MEIDEL, Merced - spoke on the benefits of having a second splash pad in Merced and shared her safety concerns of having one splash pad.

Gloria SANDOVAL, Merced - spoke on the Merced County Multi Jurisdictional Housing Element, requested Town Halls to involve, and inform the community on this project.

Steve ROUSSOS, Merced - thanked Council for their support with ARPA funding and the program to assist citizens in public speaking.

Necola ADAMS, Merced - spoke on details of the Merced County Nut Festival.

Christan SANTOS, Representative of Congressman John DUARTE, Merced - spoke on the Fiscal Responsibility Act, the ribbon cutting for the Farmers Market with the Hispanic Chamber of Commerce, and the Future Farmers of America event at the Merced County Fairgrounds.

Robert DYLINEA, Merced - spoke on details of the Housing Authority.

Arturo MARTINEZ, Merced - spoke on the High Speed Rail and potentially bringing investors for the future of Merced.

Nick CUCCIA, Merced - spoke on the rising of the Pride Flag event and the meaning behind Pride Month.

Pangcha VANG, Merced - spoke on details of the nut industry in the Central Valley and the funding awarded to the Nut Festival.

Cynthia KELLY, Merced - thanked Council for the Pride Month and shared a personal story.

J. CONSENT CALENDAR

Agenda Items J.6. Approval to Distribute the 2021-22 Wahneta Hall Trust Funds in the Amount of \$3,581 to the Kiwanis Club of Greater Merced to Operate and Maintain a Mini Train in Applegate Park, J.8. Authorization to Accept and Appropriate \$3,000,000 from Senator Anna M. Caballero for the Merced Regional Fire Training Center, Phase 1, J.9. Authorize the City of Merced to Apply, in Partnership with Merced County Probation Department, for the Organized Retail Theft Prevention Grant Program from the Board of State and Community Corrections, and J.11. Approval to Waive the Competitive Bidding Requirement, and Authorizing the Agreement with the Merced Main Street Association for \$60,000 for Services and the Administration of the Downtown Business Improvement Area for Fiscal Year 2022-2023; 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: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member Ornelas

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 May 2023

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$36,000 and of Public Works contracts under \$82,718.

This Consent Item was approved.

J.3.

SUBJECT: Information Only - Boards and Commissions Annual Attendance Reports

REPORT IN BRIEF

Annual attendance review conducted with results filed with the City Clerk's Office.

RECOMMENDATION

For information only.

This Consent Item was approved.

J.4.

SUBJECT: Information Only - Bicycle and Pedestrian Advisory Minutes of December 13, 2022

RECOMMENDATION

For information only.

This Consent Item was approved.

J.5.

SUBJECT: Approval of a Supplemental Appropriation from the General Fund in the Amount of \$270,000 to Fund 7002-Workers Compensation Due to Increased Worker's Compensation Settlement Activity in Fiscal Year 2022-2023

REPORT IN BRIEF

Considers approving a supplemental appropriation in the General Fund in the amount of \$270,000 to Fund 7002-Worker's Compensation due to higher than projected worker's compensation settlement activity than what was originally budgeted for in fiscal year 2022-2023.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a supplemental appropriation from the unreserved, unencumbered fund balance of the General Fund in the amount \$270,000, transfer to Fund 7002-Worker's Compensation and appropriate the same in Fund 7002-Worker's Compensation; and,

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

This Consent Item was approved.

J.7.

SUBJECT: Approval of Street Closure Request and Use of City Owned Real Estate by the Juneteenth Celebration Committee for the Juneteenth Community March and Celebration on June 17th, 2023

REPORT IN BRIEF

Considers approving the use of a portion of Parking Lot #14 Located at 1739 Martin Luther King Jr. Way, and the closure of Martin Luther King Jr Way from West 18th Street to West Main Street, West Main Street to M Street, M Street to W 11th Street, W 11th Street to K Street into (McNamara Park) on Saturday June 17th, 2023, to have a staging area, hold a march, parade and food preparation for the Juneteenth Celebration. The use of Bob Hart Square for the Juneteenth Celebrate Freedom Event from 10:00 a.m. to 3:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the request by Tamara Cobb and the Juneteenth Celebration Committee to use a portion of Parking Lot #14 Located at 1739 Martin Luther King Jr. Way, and the closure of Martin Luther King Jr Way from West 18th Street to West Main Street, West Main Street to M Street, M Street to W 11th Street, W 11th Street to K Street into (McNamara Park) on Saturday June 17th, 2023 to have a staging area, hold a march, parade and food preparation for the Juneteenth Celebration. The use of Bob Hart Square for the Juneteenth Celebrate Freedom Event from 10:00 a.m. to 3:00 p.m.

This Consent Item was approved.

J.10.

SUBJECT: Rescind a Previously Approved Purchase and Sale Agreement with Dkota Investments, Inc, for a 3.1-Acre Site in the Airport Industrial Park, and Approve a Proposed Purchase and Sale Agreement with Dkota Investments, Inc., for a 2.74 Acre Site in the Airport Industrial Park for \$383,600.00 Located at 151 Hawk Drive Also Known as APN 059-420-013 for the Construction of a Warehouse Building

REPORT IN BRIEF

Staff is requesting that Council cancel a previous Purchase and Sale Agreement with Dkota Investments, Inc. for a 3.1-acre site in the Airport Industrial Park, and consider the terms contained in a new Purchase and Sale Agreement for the disposal of a 2.74-acre site in the Airport Industrial Park for \$383,600.00 for the construction of an 11,478 square-foot warehouse building.

RECOMMENDATION

City Council - Adopt a motion:

A. Rescinding the previous Purchase and Sale Agreement with Dkota Investments, Inc., for a 3.1-acre site located at 157 Hawk Drive (APN 059-420-012) considered on September 9, 2022; and,

B. Approving the terms of the new Purchase and Sale Agreement with Dkota Investments, Inc., for the disposition of 2.74-acre site located at 151 Hawk Drive (portion of APN 059-420-013); and,

C. Appropriating \$23,016.00 in Fund 5003-Airport Industrial Park from the proceeds of the sale to pay for Real Estate Commission; and,

D. Authorizing the City Manager or Deputy City Manager to execute the necessary documents and make minor adjustments to the Purchase and Sale Agreement as needed (not effecting the purchase price).

This Consent Item was approved.

J.12.

SUBJECT: First Amendment to Agreement for Professional Services with Provost and Pritchard Engineering Group, Incorporated, for the PCE Groundwater Project No. CP230031

REPORT IN BRIEF

Considers authorizing an amendment to an Agreement for Professional Services for critical equipment repairs to the PCE treatment system in the amount of \$19,899, for a contract total of \$244,800.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an amendment to an Agreement for Professional Services with Provost and Pritchard Engineering Group, Incorporated, in the amount of \$19,899 for PCE groundwater cleanup; and,

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

This Consent Item was approved.

J.13.

SUBJECT: Award Construction Contract to New Century Construction & Consulting Inc. for the Ada Givens Pool Bathroom Rehabilitation, Project No. CP220011, in the Amount of \$195,550 and Approval of a Supplemental Appropriation in the Amount of \$40,000 from the General Fund and Transfer to Fund 5000-Parks and Community Services CIP

REPORT IN BRIEF

Considers awarding a Construction Contract to New Century Construction & Consulting Inc. in the amount of \$195,550 for the Ada Givens Pool Bathroom Rehabilitation project located at Ada Givens Elementary School.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the Ada Givens Pool Bathroom Rehabilitation, Project No. CP220011 Construction contract to New Century Construction & Consulting Inc. in the amount of \$195,550; and,

B. Approving supplemental appropriation in the amount of \$40,000 from the General Fund unreserved, unencumbered fund balance; transfer to Fund 5000-Parks and Community Services CIP and appropriate the same in Fund 5000, project CP220011-Ada Givens Pool Bathroom Rehabilitation; and,

C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total contract; and,

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

This Consent Item was approved.

J.14.

SUBJECT: Lease Agreement (Revision 2) with Williams Scotsman, Inc. to Provide a Temporary Portable Building for the Stephen Leonard Park Building Rehabilitation Structural Repairs, Project Number CP230052, in the Amount of \$80,811, Increasing Revenue in the Amount of \$6,548, and Appropriating the Same, Totaling \$114,785 for the Portable Building

REPORT IN BRIEF

Considers approving a Lease Agreement (Revision 2) with Williams Scotsman, Inc., for a temporary portable building at Stephen Leonard Park to provide office space for the current tenant or any future tenant while the Stephen Leonard Building is being repaired, increasing revenue in the amount of \$6,548, and appropriating the same, totaling \$114,785 for the portable building.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Lease Agreement (Revision 2) with Williams Scotsman, Inc. in the amount of \$80,811.00 to provide a temporary portal building at Stephen Leonard Park for the Stephen Leonard Park Building Rehabilitation Structural Repairs; and,

B. Approving an increase to cost recovery revenue in Fund 5000-Parks and Community Services in the amount of \$6,548, appropriating the same in Fund 5000-Parks and Community Services CIP Project Number CP230052-Stephen Leonard Building Repairs and allowing the use of pooled cash until reimbursement is received from the insurance company; and,

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

D. Authorizing the Finance Officer to make necessary budget adjustments for the for the Lease Agreement, building hook-up costs, and essentials.

This Consent Item was approved.

J.15.

SUBJECT: Reject All Bids Received for Project No. CP230060
Merced Yosemite Regional Airport Terminal

REPORT IN BRIEF

Considers rejecting all bids received to construct the new airport terminal due to non-responsive bids.

RECOMMENDATION

City Council - Adopt a motion rejecting all bids received for Project No. CP230060 Merced Yosemite Regional Airport Terminal Project due to non-responsive bidders and direct staff to re bid project.

This Consent Item was approved.

J.6.

SUBJECT: Approval to Distribute the 2021-22 Wahneta Hall Trust
Funds in the Amount of \$3,581 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 \$3,581 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 2021-22 Wahneta Hall Trust Funds of \$3,581 to the Kiwanis Club of Greater Merced per the Recreation and Parks Commission recommendation.

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

Clerk's Note: Council Member SMITH recused himself due to being a Board Member of one of the applicants, the Merced Symphony Association.

Clerk's Note: There was no Council discussion.

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 Boyle, Council Member DeAnda, and Council Member Xiong

No: 0

Absent: 1 - Council Member Ornelas

Abstain: 1 - Council Member Smith

J.8.

SUBJECT: Authorization to Accept and Appropriate \$3,000,000 from Senator Anna M. Caballero for the Merced Regional Fire Training Center, Phase 1

REPORT IN BRIEF

Considers accepting and appropriating funding in the amount of \$3,000,000 from Senator Anna M. Caballero, who secured funding from the state's budget to help support the Merced Regional Fire Training Center, Phase 1.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting and increasing the revenue in Fund 5004-Public Safety CIP, project CP230076 in the amount of \$3,000,000; and,

B. Appropriating the same to Fund 5004-Public Safety CIP, Project CP230076; and,

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

Mayor SERRATTO thanked the office of Senator Anna CABALLERO, Arturo MARTINEZ, and congratulated the Fire Department.

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: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member Ornelas

J.9.

SUBJECT: Authorize the City of Merced to Apply, in Partnership with Merced County Probation Department, for the Organized Retail Theft Prevention Grant Program from the Board of State and Community Corrections

REPORT IN BRIEF

Authorizing the City of Merced to apply for the Organized Retail Theft Prevention Grant Program from the Board of State and Community Corrections (BSCC), in partnership with the Merced County Program Department. No matching funds are required.

RECOMMENDATION

City Council - Adopt a motion authorizing the submission of a grant application to the Organized Retail Theft Prevention Grant Program from BSCC for a total estimated project cost of \$12,250,000 and allowing the City Manager or Deputy City Manager to execute any necessary documents related to the grant submission.

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

Council and City Manager Stephanie DIETZ discussed details of the grant program, surveillance systems, preventative measures for crime, and utilizing this funding for other City necessities.

Wolf D, Merced - spoke in support of Council Member XIONG and using this funding for other projects for the community.

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: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Council Member Ornelas

J.11.

SUBJECT: Approval to Waive the Competitive Bidding Requirement, and Authorizing the Agreement with the Merced Main Street Association for \$60,000 for Services and the Administration of the

Downtown Business Improvement Area for Fiscal Year 2022-2023

REPORT IN BRIEF

Considers approving to waive the competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving an Agreement between the City of Merced and the Merced Main Street Association for \$60,000 to provide services to the Downtown Business Improvement Area during Fiscal Year 2022-2023.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 based on the Merced Main Street Association's proven experience of providing the Administration of Downtown Services since 2015 and providing continuity during the formation of the PBID; and,
- B. Approving the agreement with the Merced Main Street Association for Downtown Services for 2022-2023 in the amount of \$60,000; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

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

Council and Deputy City Manager Frank QUINTERO discussed the details of the of Downtown Business Improvement Area, the boundary line, the waiving the competitive bidding process, details of the funding, and the state funding allocated to the Merced Main Street Association.

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 Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member Ornelas

K. PUBLIC HEARINGS

- K.1. **SUBJECT:** Final Public Hearing (Continued) - Receipt of Final Public Comment and Approval of the U.S. Department of Housing and Urban Development (HUD) 2023 Annual Action Plan

REPORT IN BRIEF

Re-open and hold the Final/Second Public Hearing that was continued from the May 1, 2023, Council Meeting, in order to provide the public opportunity for final comment to the Final Draft 2023 Annual Action Plan; Discuss and provide final direction to staff regarding any final changes to project funding or other items; Award of funding to the final list of 2023 projects as per previous Council Direction; Approval of the 2023 Annual Action Plan; and, Authorizing the City Manager or Deputy City Manager to execute all documents necessary to submit the finalized plan to HUD and to accept the Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) grants after approval by HUD.

RECOMMENDATION

City Council -

A. Re-open and conduct the Public Hearing to receive any final public input regarding the Draft 2023 Annual Action Plan; and,

B. Discuss and provide final direction to staff regarding any section of the Plan;

and, Adopt a motion:

C. Awarding HUD funding to the final Subrecipients for their respective projects/programs, as listed in the Administrative Report, contingent upon HUD's final approval and provided all National Objectives and HUD eligibility requirements, including environmental clearances, are met and obtained for each proposed project activity; and,

D. Adopting **Resolution 2023-34**, A Resolution of the City Council of the City of Merced, California, Approving the 2023 HUD Annual Action Plan, certifying compliance with the requirements of the Community Development Block Grant (CDBG) Program and Home Investment Partnership (HOME) Program.

Clerk's Note: Council Member SMITH recused himself due to a work conflict.

Housing Supervisor Kim NUTT gave a slideshow presentation on the 2023 United States Department of Housing and Urban Development (HUD) Annual Action Plan.

Mayor SERRATTO opened the Public Hearing at 7:18 PM.

Wolf, Merced - asked where the \$5,000 will be allocated.

Alejandro FLORES, Merced - asked for details on the landlord and tenant counseling.

Mayor SERRATTO closed the Public Hearing at 7:20 PM.

Council, Ms. NUTT, and Director of Development Services Scott MCBRIDE discussed details of the landlord/tenant counseling, details of the affordable housing project, and details of the funding for remaining projects.

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

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

No: 0

Absent: 1 - Council Member Ornelas

Clerk's Note: Council took a recess at 7:26 PM and returned at 7:32 PM

K.2.

SUBJECT: Public Hearing to Allow the Interested Public an Opportunity to Provide Input on the Content of the City Council, Public Financing and Economic Development Authority and the Parking Authority Fiscal Year 2023-24 Proposed Budget and After Hearing all Comments Continue the Public Hearing to June 20, 2023

REPORT IN BRIEF

Public Hearing to afford the interested public an opportunity to provide input on the content of the 2023-24 City Council, Public Financing and Economic Development Authority, and Parking Authority Proposed Budget.

RECOMMENDATION

City Council/Public Financing and Economic Development

Authority/Parking Authority - It is recommended that the City Council/Authorities conduct the Public Hearing and provide direction to the City Manager on the content of the Fiscal Year 2023-24 Budget; and adopt a motion continuing the Public Hearing to the June 20, 2023, Council Meeting.

Finance Officer Venus RODRIGUEZ and City Manager Stephanie DIETZ gave a slideshow presentation regarding city revenues, expenses, staffing levels, community funding request for proposals (RFP) reviewed by the Budget Subcommittee, and other aspects of the City of Merced Fiscal Year 2023-2024 Budget.

Council and Mrs. DIETZ discussed the over funding to Parks projects.

Mayor SERRATTO opened the Public Hearing at 7:53 PM.

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

Ana Maria FABIAN, Merced - spoke against the industrial study due to contamination and suggested other programs that should be funded by the City.

Rebecca MARTINEZ, Merced - urged Council to approve funding for a right-to-counsel and spoke against funding the industrial study.

Garett ROSALES, Merced - spoke in support of funding the Merced Pride Center.

Amanda, Merced - asked Council to become an ally to the Central Valley Pride Center.

Kim COSTA, Merced - requested the Council to fund the Central Valley Pride Center.

Arthur DURAZO, Merced - thanked Council for supporting the raising of the pride flag ceremony and asked for Council to fund the LGBTQ+ community.

Maria CRYSTAL, Merced - urged Council to fund the Central Valley Pride Center.

Dr. Heather FRENCH, Merced - asked Council to continuously fund the Central Valley Pride Center and spoke on the program.

Collin LEWIS, Merced - asked Council to fund the Central Valley Pride Center and shared details of the program.

Angela DOBBINS, Merced - spoke on the Central Valley Pride Center and asked Council to fund the program.

Maria Elena YOUNG, Merced - requested Council to consider funding the Central Valley Pride Center.

Jennifer MCQUEEN, Merced - spoke in support of funding the Central Valley Pride and LGBTQI+ Community.

Kim LECHER, Merced - asked Council to support the LGBTQIA+ community by funding the Central Valley Pride Center.

Lane PRESLEY, Merced - asked Council to consider funding the Central Valley Pride Center.

Nancy REDDING, Merced - suggested Council to support and fund the LGBTQ+ community.

Kenny ROJA, Merced - asked Council to fund the Central Valley Pride Center.

Tyler MARGHETIS, Merced - asked Council to consider funding the Central Valley Pride Center.

Brenda, Merced - asked to invest the Central Valley Pride Center.

Valie MOOR, Merced - asked Council to budget funding for the LGBTQIA+ community.

Astrid MORALES, Merced - urged Council to fund a Right-to-Counsel program and to not approve funding for the South Merced Industrial park study.

Julio PEREZ, Merced - spoke in opposition of the South Merced Industrial Park study and to prioritize low-income households and farm workers for the First-time home buyers program.

Isaac CERRATOS, Merced - spoke on allocating the funds for the proposed Industrial Park study on updating South Merced.

Selena PABLO-MACIAS, Merced - thanked Council for supporting the LGBTQIA community and asked to fund the LGBTQIA community.

Concerned Citizen, Merced - spoke in support in funding the LGBTQ+ community.

Jay CRUZ, Merced - spoke on the LGBTQ community and asked for funding to expand the program.

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

Blanca OJEDA, Merced - asked Council to fund the Right-to-Counsel program.

Madeline HARRIS, Leadership Counsel, Merced - spoke on the pollution in the area of the proposed South Merced Industrial Park Study and to prioritize low-income residents and farm-workers to the First Time Homebuyer program.

Pangcha VANG, Merced - urged Council to not fund the South Merced Industrial Park Study, requested to fund the Right-to-Counsel program, and asked to dedicate the First Time Homebuyer Program to low-income residents and farm-workers.

Salvador SANDOVAL, Merced - asked for details on the request for funding the League of United African American Citizens made, spoke against the South Merced Industrial Park study, the legal services in the Central Valley not being helpful to low-income families, and encouraged Council to consider funding for the Pride Center.

Wolf, Merced - asked for details of the Fire Department's female training program, the old housing that is vacant in Merced, and spoke in support of placing funding elsewhere.

Mayor SERRATTO closed the Public Hearing at 8:27 PM.

Council, Mrs. DIETZ, Interim City Attorney Brian DOYLE, and Mrs.

RODRIGUEZ discussed details of the education districts, the community funding process, allocating funds to specific community groups, the applications received for community funding program, and the recommendation.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to approve the recommendation as is from the Committee. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Ornelas

Council and Mrs. DIETZ discussed details of the Measure Y funding allocation, the percentage that each department receives, and information on the rifles that need to be replaced.

A motion was made by Council Member Xiong, seconded by Mayor Pro Tempore Perez, to take \$17,000 out of the quick deploy cameras, \$9,000 rifles with scope, and \$19,000 out of laser shots, and put that back into the Measure Y Police unencumbered, unreserved fund. The motion failed by the following vote:

Aye: 1 - Council Member Xiong

No: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, and Council Member Smith

Absent: 1 - Council Member Ornelas

Council, Mrs. DIETZ, Fire Chief Derek PARKER discussed details of the Measure C funds allocation, details of the Fire Department's female training program, outreach for the female training program, and the policy for removing the ballistic and night vision helmets.

A motion was made by Council Member Xiong, seconded by Mayor Pro Tempore Perez, to remove the ballistic and night vision helmets from Measure C. The motion failed by the following vote:

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

No: 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, and Council Member Smith

Absent: 1 - Council Member Ornelas

Council and Mrs. DIETZ discussed the next steps in the Public Hearing process.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to continue the Public Hearing. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Ornelas

K.3.

SUBJECT: Public Hearing to Consider the Annexation of Certain Property into Community Facilities District (CFD) No. 2003-2 (Services), Calling and Holding a Special Election for Annexation No. 24 into CFD No. 2003-2 (Services; Canvassing the Results of the Election Held within Annexation No. 24 of Said District, and Annexing Annexation No. 24 to Said District and Authorizing the Levy of a Special Tax Within Said Annexation No. 24. Annexation No. 24 Consists of Approximately 38 Acres of Land Generally Located at the Northwest Corner of G Street and Farmland Avenue

REPORT IN BRIEF

Hold a public hearing and election for annexation into Community Facilities District No. 2003-2 (Services) for the approximately 38 acres of land generally located at the northwest corner of G Street and Farmland Avenue.

RECOMMENDATION

City Council - Adopt a motion:

A. Holding a Public Hearing on the annexation of certain property into the CFD and the levy of special taxes; and,

B. Adopting **Resolution 2023-35**, a Resolution of the City Council of the City of Merced, acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced determining the validity of prior proceedings, calling a special election related to Annexation No. 24; and,

C. Holding an election; and,

D. Adopting **Resolution 2023-36**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced canvassing the results of the election held within Annexation No. 24 of said District; and,

E. Adopting **Resolution 2023-37**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced, annexing Annexation No. 24 to said district and authorizing the levy of a special tax within said Annexation No. 24.

Clerk's Note: Council Member SMITH recused himself due to a work conflict.

Senior Planner Julie NELSON gave a slideshow presentation on an area being annexed into the Community Facilities District 2003-2 (Services) and briefly described the process.

Mayor SERRATTO opened the Public Hearing at 9:14 PM.

Madeline HARRIS, Merced - spoke on storm water drainage in unincorporated communities in Merced.

Josue HERRERA, Merced - spoke on the lack of resources in the unincorporated communities in South Merced.

Mayor SERRATTO closed the Public Hearing at 9:17 PM.

Council, City Manager Stephanie DIETZ, and Director of Development Services Scott MCBRIDE discussed details of the unincorporated communities in South Merced, collaboration with Merced County, the services for the area within city limits, details of the Senate Bill 244, and future projects of the City.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, to approve Resolution 2023-35. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Ornelas

Abstain: 1 - Council Member Smith

Assistant City Clerk Jennifer LEVESQUE opened the ballot and announced that the ballot was in favor of annexation into the CFD.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to approve Resolution 2023-36 and Resolution 2023-37. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Ornelas

Abstain: 1 - Council Member Smith

L. REPORTS

L.1.

SUBJECT: Report to Allow for Public Input on the Various Maintenance Districts' Engineer's Reports and Budgets for Fiscal Year 2023/2024 During the Public Meeting

REPORT IN BRIEF

Considers public input on the various Maintenance Districts' budgets during the public meeting, without taking action on the determination of assessment levy until the close of the Public Hearing scheduled for Tuesday, June 20, 2023.

RECOMMENDATION

City Council - Adopt a motion seeking public input on the Fiscal Year 2023/2024 Maintenance Districts' budgets, without taking action until the Public Hearing is closed on June 20, 2023.

Director of Public Works Ken ELWIN gave a slideshow presentation on the Maintenance Districts Fiscal Year 2023/2024 Engineers report and the budget.

Council and Mr. ELWIN discussed the funding process of the maintenance districts, the outline of the districts, different funding sources the City uses, the percentage of funding each districts receive, past actions, and Council taking action.

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

M. BUSINESS

Clerk's Note: Agenda Item M.1. was moved to be heard after Agenda Item E.

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.

Clerk's Note: No future items were added.

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 Supervisor Rodrigo ESPINOSA's Town Hall and the Mercado event.

Council Member XIONG reported on attending the Pride Flag raising ceremony, congratulated all the students that graduated, and gave a shout out to a Merced High School Senior that got accepted to Harvard University.

Mayor Pro Tempore PEREZ reported on attending the Fireman's Ball, a meeting with resident Maria FABIAN and Director of Development Services Scott MCBRIDE, and thanked staff for their presentations.

Council Member SMITH reported on introducing Emily ROWAN at the Recital event in the Merced Theatre.

Council Member BOYLE reported on attending the Fireman's Ball, the Merced College State of the College Luncheon, the Pride flag raising

ceremony, and reminded everyone to report fireworks on the Merced Connect App.

Interim City Attorney Brian DOYLE spoke on Santa Clara's Female Fire training.

Mayor SERRATTO reported on attending the Merced Scholarship Night event and spoke on the Merced High School student who got accepted to Harvard University.

N. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 10:00 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: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member Ornelas