



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

Monday, May 2, 2022

6:00 PM

A. CLOSED SESSION ROLL CALL

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

Absent: 0

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:03 PM.

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code section 54956.9: Potential Case Regarding 1820 I Street - APN 031-082-015 and Gateway Terrace II Project Site APN: 031-323-002

B.2. **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; AUTHORITY: Government Code 54957

Council adjourned from Closed Session at 5:57 PM.

C. CALL TO ORDER

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

C.1. Invocation - Pastor Joel Dorman, First Baptist Church Merced

The invocation was delivered by Pastor Joel DORMAN from First Baptist Church Merced.

C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

- Present:** 7 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle
- Absent:** 0

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

Mayor SERRATTO reported that Council approved terms to a contract with the law firm of Lozano/Smith to serve as the City Attorney and gave the City Manager authority to finalize all of the documents and bring to the meeting of May 16 for final ratification.

F. CEREMONIAL MATTERS

F.1. SUBJECT: Proclamation - Bike Month

REPORT IN BRIEF

Received by the Bicycle and Pedestrian Advisory Commission

Mayor SERRATTO presented the Bike Month proclamation to Development Services Director Scott MCBRIDE.

F.2. SUBJECT: Proclamation - Mental Health Awareness Month

REPORT IN BRIEF

The Mental Health Awareness Month Proclamation will be presented to a representative of Behavioral Health and Recovery Services.

Mayor SERRATTO presented the Mental Health Awareness Month proclamation to Genevieve VALENTINE from Merced County Behavioral Health and Recovery Services.

F.3. SUBJECT: Proclamation - Municipal Clerks Week

REPORT IN BRIEF

Received by Jennifer Levesque, Assistant City Clerk

Mayor SERRATTO presented the Municipal Clerks Week proclamation to Assistant City Clerk Jennifer LEVESQUE.

G. SPECIAL PRESENTATIONS

G.1. **SUBJECT:** Update on City of Merced Youth Council High School Town Halls

REPORT IN BRIEF

Members of the Youth Council will provide an update on recent High School Town Halls.

RECOMMENDATION

For information only.

Members of the Merced Youth Council gave a presentation to City Council regarding the recent High School Town Hall Meetings they held at Merced High and Golden Valley High, the feedback they received, and their plans for future town halls.

G.2. **SUBJECT:** Update on the Childs and Canal Project

REPORT IN BRIEF

Developer Frank Kozlowski will provide Council an update on the Childs and Canal project.

RECOMMENDATION

For information only.

Frank KOZLOWSKI with KOZ Real Estate gave Council an update on the proposed project at Childs Avenue and Canal Street that will include a grocery store and several other retail businesses.

H. WRITTEN PETITIONS AND COMMUNICATIONS

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

Oral Communications - Steven DONAHUE and Kibbles PEREZ.

Item L.3. - Evalina HANSEN, Krystal SHEHADEY, and Andrea TORRES.

Item M.2. - Jean ARAGON, Caroline CARPENTER, Vickie GARCIA, Beverly JENKINS, Bethany RODRIGUEZ, and J.A. THOMAS.

I. ORAL COMMUNICATIONS

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

Lynn BARRERA, Merced - commented on a cat trap, neuter, and release program.

Steven DONAHUE - spoke on his comments from a previous meeting.

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

Antonio SALAZAR, Merced - spoke about upcoming events in the City.

Florence LAMBERT, Merced SPCA President - spoke about a cat trap, neuter, and release program.

Cindy KELLY, Merced - spoke about a cat trap, neuter, and release program.

Monique LAU, Merced - spoke in favor of a trap, neuter, and release program for cats.

Devon VERDIN, Merced - commented on the use of trap, neuter, and release programs.

Annissa FRAGOSO, Merced County Hispanic Chamber of Commerce - commented on the upcoming Cinco De Mayo event.

Monica VILLA - spoke about a fundraiser she is organizing.

Adam LANE - spoke about an upcoming queer film festival.

Gloria SANDOVAL, Merced - commented on the needs of the community.

Sheng XIONG, Leadership Council for Justice and Accountability - spoke about ARPA funding and utility billing credits.

Ana QUINTANA-CEJA, Merced - spoke about the bike paths located in the city.

James YANCEY, Merced - spoke about affordable housing units in Merced.

Donna YANCEY, Merced - spoke about affordable housing.

Zendi HERNANDEZ, Merced - requested traffic controls near Alicia Reyes School for the safety of the students.

J. CONSENT CALENDAR

Items J.5 Approval of a Professional Services Agreement for Design of an Off the Shelf Master Plan Set for Cottages and Accessory Dwelling Units, J.12. Approval of Memorandum of Understanding Between the City of Merced and the County of Merced for Reimbursement of Prorated Share of Countywide Broadband Strategic Plan in the Amount of \$69,030, and J.14. Second Reading and Final Adoption of an Ordinance Amending the Official Zoning Map by Rezoning Approximately 8.5 Acres of Land Generally Located on the Northeast Corner of Bellevue Road and Barclay Way from Planned Development (P-D) #73 to Residential Planned Development (RP-D) #63; were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 0

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

REPORT IN BRIEF

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

RECOMMENDATION

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

This Consent Item was approved.

J.2. **SUBJECT: Information-Only Contracts for the Month of April 2022**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$34,000 and of Public Works contracts under \$76,875.

This Consent Item was approved.

- J.3.** SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of March 21, April 4, and April 18, 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 March 21, April 4, and April 18, 2022.

This Consent Item was approved.

- J.4.** SUBJECT: Authorization to Accept and Appropriate Grant Funding in the Amount of \$177,952.00 from State of California - Natural Resources Agency Department of Parks and Recreation for Play Equipment, Restrooms, or Other Amenities that Support the Development of Community Park-42 Regional Sports Facility (CP-42) Phase 1, 887 S. Tyler Road, Merced, Ca 95340

REPORT IN BRIEF

Consider accepting and appropriating grant funds in the amount of \$177,952.00 from State of California - Natural Resources Agency Department for the development of two restrooms at Community Park-42 (CP-42). The grant requires a matching fund of \$44,488.00 from the City of Merced.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting grant funds from State of California - Natural Resources Agency Department in the amount of \$177,952; and,
- B. Increasing revenue account 442-1202-324-02-00 in the amount of \$177,952 and appropriating the same to account 442-1202-647-65-00, project 122061; and,
- C. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,
- D. Authorizing the Finance Officer to make the necessary budget

adjustments; and,

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

This Consent Item was approved.

J.6.

SUBJECT: Approval of Street Closure Request #22-04 by the Merced County Sheriff's Department for Merced County Fair (35th District Agricultural Association/Merced County Fair) to Close Traffic on G Street, Between W. Childs Avenue and 11th Street, During the Merced County Fair from June 8 Through the 12, 2022, from 3:00 p.m. to 12:00 a.m.

REPORT IN BRIEF

Considers approving a request by the Merced County Sheriff's Department for the Merced County Fair (35th District Agricultural Association/Merced County Fair) for the closure and use of City streets to control traffic for the Merced County Fair. The request seeks approval to close G Street, between W. Childs Avenue and 11th Street, on June 8 through 12, 2022, from 3:00 p.m. to 12:00 a.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of G Street, between W. Childs Avenue and 11th Street, from 3:00 p.m. to 12:00 a.m. from Wednesday, June 8, 2022, through Sunday, June 12, 2022, for the Merced County Fair, subject to the details and conditions outlined in the administrative staff report.

This Consent Item was approved.

J.7.

SUBJECT: Adoption of Resolution Declaring Intent to Vacate the Excess Portion of a Bicycle Path at 897 Lehigh Drive and Setting a Public Hearing for June 6, 2022 (Vacation #21-04)

REPORT IN BRIEF

Considers adopting a resolution of intent and set a public hearing for intent to abandon an excess portion of a City bike path at 897 Lehigh Drive.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2022-18**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 8,179-square-foot excess portion of a

bicycle path at 897 Lehigh Drive, generally located on the north side of Lehigh Drive, approximately 500 feet west of San Jose Avenue. (Vacation #21-04) and setting time and place for Public Hearing.

This Consent Item was approved.

J.8.

SUBJECT: Adoption of Resolution Declaring Intent to Vacate 15 Easements Within the Merced Mall Parking Lot at 851 W. Olive Avenue to Accommodate the Merced Mall Remodel and Expansion Project and setting a Public Hearing for June 6, 2022 (Vacation #21-05)

REPORT IN BRIEF

Considers adopting a resolution of intent to abandon 15 easements within the Merced Mall parking lot at 851 W. Olive Avenue, Merced, and setting time and place for Public Hearing.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2022-17**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate 15 easements within the parking lot for the Merced Mall at 851 W. Olive Avenue, generally located on the north side of Olive Avenue, approximately 450 feet east of R Street (Vacation #21-05) and setting time and place for Public Hearing.

This Consent Item was approved.

J.9.

SUBJECT: Approval of a First Amendment with Modesto Industrial Electrical Company, Inc., for the Supply and Delivery of Electrical/Mechanical Parts and Repair/Installation Services adding the not to Exceed Amount of \$50,000, Totaling \$110,000 for the 2021-22 Fiscal Year

REPORT IN BRIEF

Considers approving a First Amendment to a Supply and Services Agreement with Modesto Industrial Electrical Company, Inc., for additional parts and services through June 30, 2022.

RECOMMENDATION

City Council - Adopt a motion approving the First Amendment with Modesto Industrial Electrical Company, Inc. for the supply and delivery of electrical/mechanical parts and repair/installation services in the additional amount not to exceed \$50,000, totaling \$110,000 for Fiscal Year 2021-22; and authorizing the City Manager or Deputy City

Manager to execute the necessary documents.

This Consent Item was approved.

J.10.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of Four (4) Budgeted Fleet Vehicles for the Airport Through Cooperative Purchasing Agreements with Sourcewell and Garton Tractor of Merced, Including One Jacobson Industrial Mower for \$77,573.88, One Cushman Utility Vehicle for \$16,269.40, One Midsize Kubota Tractor for \$61,052.99, and One Landpride 20' Heavy Duty Rotary Cutter for \$33,242.13

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase currently budgeted and Council approved fleet vehicles through the government procurement program Sourcewell.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 to utilize cooperative purchasing agreements through Sourcewell, a government procurement program; and,
- B. Approving the purchase of one Jacobson 11'4" Industrial Mower from Garton Tractor in the amount of \$77,573.88 through Sourcewell contract #062117-KBA; and,
- C. Approving the purchase of One Cushman Utility Vehicle in the amount of \$16,269.40, from Garton Tractor through Sourcewell contract #122220-JCS-1; and,
- D. Approving the purchase of one Midsize Kubota Tractor in the amount of \$61,052.99, from Garton Tractor through Sourcewell contract # 062117-KBA; and,
- E. Approving the purchase of one Landpride 20' Heavy Duty Rotary Cutter in the amount of \$33,242.13 from Garton Tractor through Sourcewell contract # 062117-KBA; and,

F. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents for the purchases specified above, the Finance Officer to make the appropriate budget adjustments and City Buyer to issue the Purchase Orders, and approval of change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

J.11.

SUBJECT: Approval of Contract Change Order #4 with Hoffman Electronic Systems in the Amount of \$1,795, to Purchase Wireless Motion Sensors for the Upgraded Alarm Monitoring System at the Wastewater Treatment Facility for a Total Contract Amount of \$72,564

REPORT IN BRIEF

Considers approving a fourth contract change order with Hoffman Electronic Systems, in the amount of \$1,795, to purchase wireless motion sensors for the upgraded alarm monitoring system at the Wastewater Treatment Facility for a total contract amount of \$72,564.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the fourth contract change order with Hoffman Electronic Systems, in the amount of \$1,795, to upgrade the existing alarm monitoring system at the Wastewater Treatment Facility for a total contract amount of \$72,564; and,

B. Approving future contract change orders up to 10% of the total contract amount; and,

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

This Consent Item was approved.

J.13.

SUBJECT: Approval of Memorandum of Understanding Between the United States Fish and Wildlife Service - San Luis National Wildlife Refuge Complex and the Merced City Fire Department for Exchange of Technical Education

REPORT IN BRIEF

Considers the authorization to approve the Memorandum of Understanding Between the United States Fish and Wildlife Service - San Luis National Wildlife Refuge Complex and the Merced City Fire Department for technical education exchange.

RECOMMENDATION

City Council - Adopt a motion approving the Memorandum of Understanding and authorizing the City Manager or the Deputy City Manager to execute all necessary documents.

This Consent Item was approved.

J.5.

SUBJECT: Approval of a Professional Services Agreement for Design of an off the Shelf Master Plan Set for Cottages and Accessory Dwelling Units

REPORT IN BRIEF

Recommend approving an agreement for professional services with Precision Civil Engineering, Inc., to prepare an Off the Shelf Master Plan Set for Cottages and Accessory Dwelling Units (ADUs).

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an Agreement for Services with Precision Civil Engineering, Inc. (PCE), in the amount of \$85,000 to prepare designs for an off the Shelf Master Plan Set for Cottages and ADUs and to prepare program documents; and,

B. Authorizing the City Manager or Deputy City Manager to execute the agreements.

Mayor SERRATTO pulled this item due to a request from the public.

Fue XIONG, Merced - commented on the use of these plans to develop affordable housing.

Pangcha VANG, Merced - suggested an affordable housing requirement with use of the plans.

Diana ODOM-GUNN, Merced - expressed support for the plans.

A motion was made by Mayor Pro Tempore Blake, 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 Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

J.12.

SUBJECT: Approval of Memorandum of Understanding Between the City of Merced and the County of Merced for Reimbursement of Prorated Share of Countywide Broadband Strategic Plan in the Amount of \$69,030

REPORT IN BRIEF

Considers the authorization to approve the memorandum of understanding between the City of Merced and the County of Merced for reimbursement of prorated share of countywide broadband strategic plan in the amount of \$69,030.

RECOMMENDATION

City Council - Adopt a motion approving the memorandum of understanding with the County of Merced and authorizing the City Manager or Deputy City Manager to execute all necessary documents.

Mayor SERRATTO pulled this item due to a request from the public.

Pangcha VANG, Merced - commented on the cost of the City's portion of the broadband contract.

Information Technology Director Jeff BENNYHOFF commented on the contract amount.

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

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

No: 0

Absent: 0

J.14.

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending the Official Zoning Map by Rezoning Approximately 8.5 Acres of Land Generally Located on the Northeast Corner of

Bellevue Road and Barclay Way from Planned Development (P-D)
#73 to Residential Planned Development (RP-D) #63

REPORT IN BRIEF

Second reading and final adoption of an Ordinance changing the Zoning from Planned Development (P-D #73) to Residential Planning Development (RP-D) #63.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2539**, An Ordinance of the City Council of the City of Merced, California, amending the Official Zoning Map by rezoning approximately 8.5 acres of land generally located on the northeast corner of Bellevue Road and Barclay Way from Planned Development (P-D) #73 to Residential Planned Development (RP-D) #63.

Mayor SERRATTO pulled this item due to a request from the public.

Fue XIONG, Merced - spoke about the requirements to build affordable housing.

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

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

No: 1 - Council Member Ornelas

Absent: 0

K. PUBLIC HEARINGS

K.1.

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. 20 into CFD No. 2003-2 (Services) for Approximately 15.93 Acres Located at the Northeast Corner of El Redondo Drive (Extended) and Monaco Drive; Canvassing the Results of the Election Held within Annexation No. 20 of Said District, and Annexing Annexation No. 20 to Said District and Authorizing the Levy of a Special Tax Within Said Annexation No. 20

REPORT IN BRIEF

Hold a public hearing and election for annexation into Community Facilities

District No. 2003-2 (Services) for the approximately 15.93-acre residential project located at the northeast corner of El Redondo Drive (extended) and Monaco Drive.

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 2022-22**, 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. 20; and,

C. Holding an election; and,

D. Adopting **Resolution 2022-23**, 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. 20 of said District; and,

E. Adopting **Resolution 2022-24**, 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. 20 to said district and authorizing the levy of a special tax within said Annexation No. 20.

Senior Planner Julie NELSON gave a 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 7:39 PM and subsequently closed the Public Hearing at 7:40 PM due lack of public comment.

A motion was made by Council Member Boyle, seconded by Council Member Shelton, to adopt Resolution 2022-22. The motion carried by the following vote:

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

No: 0

Absent: 0

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 Blake, seconded by Council Member Shelton, to adopt Resolution 2022-23 and Resolution 2022-24. The motion carried by the following vote:

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

No: 0

Absent: 0

K.2.

SUBJECT: Public Hearing to Consider a Resolution Approving General Plan Amendment #22-02 and Environmental Review #22-14 (Mitigated Negative Declaration), and the Introduction of an Ordinance for Zone Change #430 for Approximately 4.59 Acres Located on the East Side of Parsons Avenue, Approximately 300 Feet South of Yosemite Parkway (Hwy 140); and Approval of a Legislative Action Agreement for the Project

REPORT IN BRIEF

Request for City Council approval to change the General Plan Land Use Designation from Thoroughfare Commercial (CT) to High-Medium Density (HMD) Residential and change the Zoning designation from Thoroughfare Commercial (C-T) to Medium Density Residential (R-3-1.5) for approximately 4.59 acres generally located on the east side of Parsons Avenue, approximately 300 feet south of Yosemite Parkway (Hwy 140), including the adoption of a Mitigated Negative Declaration and approval of a Legislative Action Agreement.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2022-21**, A Resolution of the City Council of the City of Merced, California, Approving a Mitigated Negative Declaration (Environmental Review #22-14) for General Plan Amendment #22-02 and Zone Change #430 for approximately 4.59 acres of land generally located on the east side of Parsons Avenue, south of Yosemite Parkway (Hwy 140) (1808 Parsons Avenue) and approving General Plan Amendment #22-02 changing the General Plan land use designation from thoroughfare Commercial (CT) to High-Medium Density (HMD) Residential and

approving a Legislative Action Agreement for General Plan Amendment #22-02 and Zone Change #430; and,

B. Introducing **Ordinance 2540**, an Ordinance of the City Council of the City of Merced, California, amending the Official Zoning Map by rezoning approximately 4.59 acres of land generally located on the east side of Parsons Avenue, south of Yosemite Parkway (Hwy 140) (1808 Parsons Avenue) from thoroughfare Commercial (C-T) to Medium Density Residential (R-3-1.5); and,

C. Approving the Legislative Action Agreement and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

Senior Planner Julie NELSON gave a slideshow presentation on a request to change the General Plan Land Use Designation from Thoroughfare Commercial (CT) to High-Medium Density (HMD) Residential and change the Zoning designation from Thoroughfare Commercial (C-T) to Medium Density Residential (R-3-1.5) for approximately 4.59 acres generally located on the east side of Parsons Avenue for an upcoming project to build affordable housing.

Mayor SERRATTO opened the Public Hearing at 7:51 PM.

Krystal SARRARAZ, representing the applicant, Visionary Home Builders - commented on the company, the type of project being proposed, the affordable units, and the amenities being offered in the community.

Council and Ms. SARRARAZ briefly discussed various aspects of the project.

Ken BROWN, Golden Valley Neighborhood Association - requested more amenities and businesses in the area instead of an apartment complex.

Gayle BROWN, Merced - spoke against the project.

Fue XIONG, Merced - questioned the location of the affordable housing project.

Pangcha VANG, Merced - spoke about the location of the project.

Jen RAMOS-EISEN, Merced County - commented on the location of the project and available resources.

Private Citizen, Merced - questioned the need for the affordable housing and the size of the project.

Sheng XIONG, Leadership Council - commented on the location of the project and the proposed farm worker units.

Michael BELLUOMINI, Merced - expressed support for the project but suggested design changes.

Marisela FULLER, representing Visionary Home Builders - addressed some of the speaker comments in rebuttal.

Carol ORNELAS, CEO of Visionary Home Builders - discussed locating the property near the shopping center, the affordability of the units, and the amenities provided to residents.

Mayor SERRATTO closed the Public Hearing at 8:34 PM.

Council briefly discussed the need for affordable housing in the City.

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

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

No: 0

Absent: 0

L. REPORTS

L.1.

SUBJECT: Approval of Density Bonus #22-01, Initiated by Visionary Homes of California, LLC, on Behalf Evan R. Rahilly and Marlea Massey, Trustees, Property Owners and Approval of Certain Concessions to Development Standards to Allow the Construction of 108-Unit Affordable Apartment Complex at 1808 Parsons Avenue

REPORT IN BRIEF

Considers the approval of a Regulatory Agreement with Visionary Home Builders of California, Inc., granting certain concessions to development standards to allow the construction of 108-unit affordable apartment complex generally located on the east side of Parsons Avenue, approximately 300 feet south of Yosemite Parkway (Hwy 140) (1808 Parsons Ave).

RECOMMENDATION

City Council - Adopt a motion:

A. Finding that the adoption of the Regulatory Agreement is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3); and

B. Approving the Affordable Housing Regulatory Agreement with Visionary Home Builders of California, Inc., for the property located at 1808 Parsons Avenue to construct a 108-unit affordable apartment complex; and,

C. Authorizing the City Manager or Deputy City Manager to execute the agreement.

Development Services Director Scott MCBRIDE gave a brief slideshow presentation to grant certain concessions to development standards allowed through a density bonus to allow the construction of 108-unit affordable apartment complex generally located on the east side of Parsons Avenue.

Senior Planner Julie NELSON described the concessions requested by the developer for the project.

Private Citizen, Merced - questioned the density bonus and government subsidies.

Mr. MCBRIDE stated the funding will still need to be obtained for the project.

Jen RAMOS-EISEN - commented on the CEQA exemption.

A motion was made by Council Member Perez, 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 Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

L.2.

SUBJECT: Authorization to Forgive Community Facilities District (CFD) Loans from the General Fund Totaling \$1,710,991.71

REPORT IN BRIEF

Considers forgiving Community Facilities District loans from the General Fund totaling \$1,710,991.71.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2022-25**, a Resolution of the City Council of the City of Merced, California, Authorizing Forgiveness of the Loan Agreements between the City of Merced's General Fund and City of Merced's Community Facilities District Public Safety Police Fund, Fire Fund, and Parks Fund; and,

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

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

Finance Officer Venus RODRIGUEZ gave a slideshow presentation detailing Community Facilities District loans from the General Fund and requested Council forgive those loans at this time.

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

Anonymous caller - expressed concern with the loan forgiveness.

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

Fue XIONG, Merced - expressed concern over forgiveness of the loans using General Fund dollars.

Pangcha VANG, Merced - questioned the taxed areas being forgiven.

Jen RAMOS-EISEN - stated the loans should be paid back.

Sheng XIONG, Leadership Council - questioned the use of General Fund to pay back the loans.

Ms. RODRIGUEZ clarified the reasons for the loans and the lack of revenue to pay them back.

Private Citizen, Merced - asked about CFD exemptions.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Boyle, to adopt Resolution 2022-25. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Shelton, and Council Member Boyle

No: 3 - Council Member Echevarria, Council Member Perez, and Council Member Ornelas

Absent: 0

L.3.

SUBJECT: Review and Discuss the Arts and Culture Advisory Commission's Recommendations for the Open Call for Art Projects

REPORT IN BRIEF

Review, discuss, and approve Arts and Culture Advisory Commission's recommendations for the open call art projects.

RECOMMENDATION

City Council - Adopt a motion:

A. Recommending advancing ranked art projects with scores of 15 or higher for a funding total of \$51,340.00; and,

B. Confirming project locations and grant authority for artists to perform work on City property.

Senior Management Analyst Jennifer FLACHMAN gave a slideshow presentation highlighting submissions to the City's open call for art projects and the Arts and Culture Advisory Commission's recommendations from the proposals received.

Council discussed the submitted proposals, locations for the projects, the use of local artists, and funding for the projects.

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

Goku MAXI, Merced - requested more funding for public art and less for graffiti abatement.

Carlos REYZA, Merced - expressed support for public art.

Christina ALAGI, Merced - expressed support for this item.

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

Eddie RODRIGUEZ, Merced - commented on public art in Merced and the proposals submitted.

Patricia PRATT, Merced - asked Council for more funding for public art and commented on the scoring done by the Arts and Culture Advisory Commission.

Diana ODOM-GUNN, Arts and Culture Advisory Commission member - stated she was available to answer any questions on the process.

Private citizen, Merced - asked about fundraising for the projects.

Joel AGUILER, Merced - spoke about the funding for art projects.

Council and City Manager Stephanie DIETZ discussed funding for the projects, which projects to fund, the graffiti abatement contract, the cost to fund all of the submitted proposals, and potentially increasing the funding.

A motion was made by Council Member Echevarria, seconded by Council Member Perez, to increase the budget to \$100,000 and to fund projects from artists within the City's sphere of influence. The motion carried by the following vote:

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

No: 1 - Mayor Serratto

Absent: 0

Council discussed which proposals to fund at this time.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Ornelas, to fund the five proposals from the City's sphere of influence as recommended by the Arts and Cultural Advisory Commission. The motion carried by the following vote:

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

No: 0

Absent: 0

Clerk's Note: Council took a recess at 9:55 PM and reconvened at 10:03 PM.

M. BUSINESS

M.1. **SUBJECT:** Council Member Echevarria's Request to Discuss a Feline Policy

REPORT IN BRIEF

Council Member Echevarria's Request to discuss a feline policy pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff regarding a feline policy.

Council Member ECHEVARRIA requested an update to any City ordinances for a cat trap, neuter, and release program, requested that staff explore capacity issues at the shelter, requested additional Animal Control staff and requested a report back from staff at a later date.

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

Lynn BARRERA, Merced - expressed support for a TNR program.

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

Diana ODOM-GUNN, Merced- expressed support for a TNR program.

City Manager Stephanie DIETZ restated the request and commented that staff would complete the items for review and return with an update to the Council at a future meeting.

Clerk's Note: No formal Council action or vote was taken on this item.

M.2. **SUBJECT:** Request to Display the Pride Flag in Bob Hart Square in Honor of Pride Month Beginning on June 1, 2022 Through June 30, 2022 and to Include this Request on the Annual Flag Calendar Adopted by the City Council

REPORT IN BRIEF

Request from the Merced Pride Center to Display the Pride Flag in Bob Hart Square on June 1, 2022 through June 30, 2022 and to include this request on the annual Flag Calendar adopted by the City Council.

RECOMMENDATION

Provide direction to staff on the display of the Pride Flag in Bob Hart Square in accordance with Council Policy C-7 regarding the display of

commemorative flags, and to include this request on the annual Flag Calendar adopted by the City Council.

City Manager Stephanie DIETZ briefly described the request to display the Pride Progress Flag in Bob Hart Square for the month of June and reviewed the Council Flag Policy.

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

Rhonda JENKINS - spoke in opposition of any flag other than the American Flag.

Jake TALBOT - requested only the American and State Flags be flown at Bob Hart Square.

Richard RODRIGUEZ - spoke in opposition of this item.

Cynthia RODRIGUEZ - spoke in opposition of this item.

Richard RODRIGUEZ - spoke against flying the Pride Flag.

Sarah THOMAS - spoke in opposition of this item.

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

Adam LANE - spoke in support of displaying the Pride Progress Flag in Bob Hart Square.

Shelby DEFEO, Merced - spoke in support of this item.

Jesse CRUZ, Merced - spoke in support of displaying the Pride Progress Flag.

Jennifer MQUEEN, Executive Director of the Merced Pride Center - spoke in support of displaying the Pride Progress Flag in Bob Hart Square.

Alejandro CORTES - spoke in support of this item.

Jada ROBINSON - spoke in support of this item.

Theo, Merced - spoke in support of raising the Pride Flag.

John KUNTZ, Merced - spoke in support of this item.

Council briefly discussed the request and the types of requests that may

come in the future.

A motion was made by Council Member Ornelas, seconded by Council Member Echevarria, to approve the request. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 1 - Mayor Pro Tempore Blake

Absent: 0

M.3.

SUBJECT: Council Direction Concerning Hosting a Bike Race in March 2023 Within the City of Merced and Neighboring Community

REPORT IN BRIEF

Council to discuss the City of Merced's ability to partner with a local, community host to commit funds, staff, and other resources to host the proposed 2023 Hincapie Gran Fondo.

RECOMMENDATION

Provide staff direction on the proposed 2023 Hincapie Gran Fondo.

City Manager Stephanie DIETZ gave a brief presentation on a request of the City to help sponsor a bike event in March of 2023.

Council discussed the event, the fundraising efforts already underway, the positive financial aspects of hosting the event will have on the City and expressed general support for the item.

Clerk's Note: No formal Council action or vote was taken on this item.

M.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.

Council Member SHELTON requested an item to discuss having specific ending times for Council Meetings at the June 6, 2022 meeting.

M.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 ORNELAS commented on attending an event for crime survivors in Sacramento and an upcoming boxing event at the Boys and Girls Club.

Council Member ECHEVARRIA commented on attending the Lao New Year event downtown and an upcoming Cinco de Mayo festival.

Council Member PEREZ reported on attending a San Jose Sharks game for Merced Night at the arena.

Council Member BOYLE reported on a tour of the Merced Station student housing facility, the San Jose Sharks Merced night, and the Lao New Year event.

Council Member SHELTON commented on attending the Lao New Year event.

Mayor SERRATTO commented on the Merced Station tour, Merced Night at the San Jose Sharks game, an election convention at Merced High School, the Merced Youth Council park cleanups, and the Lao New Year event.

N. ADJOURNMENT

Clerk's Note: The meeting was adjourned at 11:07 PM.

A motion was made by Mayor Serratto, seconded by Mayor Pro Tempore Blake, to adjourn the meeting in honor of the passing of a respected community member and youth advocate, Dave Nannini . The motion carried by the following vote:

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

No: 0

Absent: 0