



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, February 3, 2025

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Sarah Boyle, Council Member Darin Dupont, Council Member Ronnie DeAnda, Council Member Michael Harris, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 0

B. CLOSED SESSION

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

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

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

B.3. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION City of Merced v. A. Pilola, MSC Case No. 21CV-00824
Pursuant to California Government Code Section 54956.9(d)(1)

B.4. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED
LITIGATION Significant Exposure to Litigation. One (1) Potential
Case, Pursuant to California Government Code Section Gov. Code §
54956.9(d)(2)

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 6:03 PM.

C.1. Invocation - Pastor Joel Dorman, Summit Church Merced

The Invocation was delivered by Pastor Joel DORMAN of the Summit Church of Merced.

C.2. Pledge of Allegiance to the Flag

Pastor Joel DORMAN led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Sarah Boyle, Council Member Darin Dupont, Council Member Ronnie DeAnda, Council Member Michael Harris, Council Member Shane Smith, and Council Member Fue Xiong

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, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency. City Council members receive a monthly stipend of \$500.00 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 2024-78. The members of the Parking Authority, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency receive no compensation.

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

F.1. **SUBJECT:** Proclamation - Black History Month

REPORT IN BRIEF

Received by a Representative of the NAACP.

Mayor SERRATTO presented the Black History Month Proclamation to representatives of the NAACP.

G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Public Comment: Micki ARCHULETA and Jean OKUYE.

Agenda Item K.1.: Debbie ALEXANDER, Beverly BOMERSBACH, Beverly SCHICK, and Glenda SMALLS.

H. PUBLIC COMMENT

Lena IVORY, Merced - spoke on her current living situation and her job-seeking efforts in Merced.

Rick WENDLING, Merced - spoke on sanctuary cities and details on immigration in the United States.

James REESE, Merced - shared details of the upcoming Community Cookout Event hosted by Neighbors Unidos.

Dedra COOKS, Merced - spoke on details of the new building being used for her community organization.

Merced County Supervisor Josh PEDROZO, Merced - shared details of the upcoming Merced County Strategic Planning meeting.

Christa DIAZ, Merced - shared ideas on the plan to assist those who need housing and jobs in the community.

Chief of Police Steve STANFIELD, Merced - shared details of a Merced Police Officer saving a child's life during a police call.

Police Officer Cruz RAMIREZ, Merced - shared details of the incident regarding saving a child's life.

Rene GUTIERREZ, Merced - requested a future agenda item to consider a sanctuary city resolution.

I. CONSENT CALENDAR

Agenda Items I.11. Accept and File Community Facilities District (CFD) Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced) Annual Disclosure Reports for Fiscal Year 2023-2024 and I.12. Consider the Adoption of a Resolution Approving Final Map #5423 for The Crossing at River Oaks Phase 5, Subdivision for 32 Lots at Coffee Street and E. Childs Avenue, and the Approval of the Subdivision Agreement for The Crossing at River Oaks Phase 5; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member DeAnda, Council Member Harris, 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 Contracts for the Month of January 2025

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$38,000 and of Public Works contracts under \$85,161.

This Consent Item was approved.

I.3. SUBJECT: Information Only - Planning Commission Minutes of October 9, 2024, October 23, 2024, December 4, 2024

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4. SUBJECT: Information Only - Bicycle and Pedestrian Advisory Minutes of December 12, 2023, February 27, 2024, April 23, 2024

RECOMMENDATION

For information only.

This Consent Item was approved.

I.5. SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of September 16, 2024

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency - Adopt a motion approving the meeting minutes of September 16, 2024.

This Consent Item was approved.

I.6.

SUBJECT: Approval of a First Amendment Lease Agreement with the U.S. Department of Homeland Security, Transportation Security Administration (TSA) for Office Space in the Terminal Building of the Merced Yosemite Regional Airport

REPORT IN BRIEF

Considers approving First Amendment to the Lease Agreement with U.S. Department of Homeland Security, Transportation Security Administration for office space in the terminal building of the Merced Yosemite Regional Airport.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Lease Agreement First Amendment with Government Services Agency (GSA), an agent for the Transportation Security Administration (TSA) for office space at the Merced Yosemite Regional Airport; and,

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

This Consent Item was approved.

I.7.

SUBJECT: Approval of a Joint Use Agreement with Merced Irrigation District for E. Childs Avenue

REPORT IN BRIEF

Considers entering into a Joint Use Agreement with Merced Irrigation District (MID) for the use of the southerly 30 feet of E. Childs Avenue adjacent to the Crossing at River Oaks Subdivision for the undergrounding of MID canal.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Joint Use Agreement with Merced Irrigation District for the use of the southerly 30 feet of E. Childs Avenue adjacent to the Crossing at River Oaks Subdivision for the undergrounding of an MID canal; and,

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

This Consent Item was approved.

I.8.

SUBJECT: Approval of Street Closure Request #24-34 by Velo Promo, LLC to Host the 38th Annual Merced Criterium Bicycle Race, to Include M Street, from West 21st to West 18th Streets; West 18th Street, from M to N Streets; and N Street, from West 18th Street to West 21st Street, Including the Merced County Courthouse Loop on Sunday, March 2, 2025, from 6:00 A.M. to 5:00 P.M.

REPORT IN BRIEF

Considers approving a request by Velo Promo, LLC for the closure and use of City streets on Sunday, March 2, 2025, for the 38th Annual Merced Criterium Bicycle Race. The request seeks approval to close M Street, between W. 21st and W. 18th Streets; W. 18th Street, between M and N Streets; and N Street, from W. 18th Street to W. 21st Street, including the Merced County Courthouse loop from 6:00 a.m. to 5:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of M Street, between W. 21st and W. 18th Streets; W. 18th Street, between M and N Streets; and N Street, from W. 18th Street to W. 21st Street, including the Merced County Courthouse loop on Sunday, March 2, 2025, from 6:00 a.m. to 5:00 p.m., subject to the details and conditions outlined in the Administrative Staff Report.

This Consent Item was approved.

I.9.

SUBJECT: Approval of Street Closure Request #25-02 By Gran Fondo Hincapie for the 2nd Annual Gran Fondo Hincapie-Merced Bike Event, Family Festival & Expo. Closures Include the Parking Lot at N Street and W 18th Street Starting Tuesday, March 11, 2025, at 9:00 AM; N Street Between Arbor Lane Alley and W 19th Street Starting Thursday, March 13, 2025, at 5:00 PM; and

Expanded Closures to Include West Main Street and West 20th Street Starting Saturday, March 15, 2025, at 5:00 AM

REPORT IN BRIEF

Considers approving a request from Gran Fondo Hincapie for the closure and use of City streets for the 2nd Annual Gran Fondo Hincapie-Merced Bike Event, Family Festival & Expo. The requested street closures include the parking lot at N Street and W 18th Street, N Street between Arbor Lane Alley and W 19th Street, and W Main Street and W 20th Street.

RECOMMENDATION

City Council - Adopt a motion approving the street closures as follows:

- **Parking Lot at N Street and W 18th Street:** Closed starting Tuesday, March 11, 2025, at 9:00 AM.
- **N Street between Arbor Lane Alley and W 19th Street:** Closed starting Thursday, March 13, 2025, at 5:00 PM.
- **West Main Street and West 20th Street:** Closed starting Saturday, March 15, 2025, at 5:00 AM.
- Subject to conditions #1-#16 contained in the Administrative Report.

(Additionally, other intersections will be temporarily closed only when cyclists are present, and one lane of M Street will be coned off for cyclist safety.)

This Consent Item was approved.

I.10.

SUBJECT: Approval of a Third Amendment to the Professional Services Agreement with Eide Bailly LLP for Financial Auditing and Related Services for an Additional \$9,120 for a Total Not-to-Exceed Amount of \$242,970

REPORT IN BRIEF

Considers approving a Third Amendment to the Agreement with Eide Bailly LLP for Professional Auditing and Related Services, adding \$9,120 for a total not-to-exceed amount of \$242,970.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Third Amendment with Eide Bailly LLP to provide financial audit services of the Successor Agency for an additional \$9,120 for a total not-to-exceed amount of \$242,970; and,

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

This Consent Item was approved.

I.11.

SUBJECT: Accept and File Community Facilities District (CFD) Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced) Annual Disclosure Reports for Fiscal Year 2023-2024

REPORT IN BRIEF

The continuing annual disclosure reports contain certain CFD information required to be filed annually by the City per Security and Exchange Commission (SEC) rule 15c2-12(b) and Government Code sections 50075-50077 and 53410-53412.

RECOMMENDATION

City Council - Adopt a motion accepting and filing the CFD Annual Disclosure Reports for Fiscal Year 2023-2024 for CFD Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced).

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

Council Member XIONG and Finance Officer Venus RODRIGUEZ discussed details of Community Facilities Districts (CFDs), the allocation of funds for park maintenance, and details of the expenditures to the Improvement Area Districts.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member DeAnda, Council Member Harris, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 0

I.12.

SUBJECT: Consider the Adoption of a Resolution Approving Final Map #5423 for The Crossing at River Oaks Phase 5, Subdivision for 32 Lots at Coffee Street and E. Childs Avenue, and the Approval

of the Subdivision Agreement for The Crossing at River Oaks
Phase 5

REPORT IN BRIEF

Considers adopting the Final Map #5423 for 32 lots, located between Coffee Street and Campus Parkway, south of E. Childs Avenue, and the Subdivision Agreement for The Crossing at River Oaks, Phase 5 Subdivision.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2025-08**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for The Crossing at River Oaks, Phase 5 Subdivision (#5423); and,

B. Approving the Subdivision Agreement for The Crossing at River Oaks, Phase 5 Subdivision; and,

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

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

Clerk's Note: Council Member SMITH recused himself due to the applicant being a client at his law firm.

Clerk's Note: There was no Council discussion.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member DeAnda, Council Member Harris, and Council Member Xiong

No: 0

Absent: 0

Recused: 1 - Council Member Smith

J. ACTION ITEMS

- J.1. **SUBJECT:** Consideration and Approval of Substantial Amendments to the 2019 and 2024 U.S. Housing and Urban Development Annual Action Plans, to Consider Repurposing Remaining Coronavirus

Community Development Block Grant (CDBG-CV) Funding Originally Appropriated to COVID-19 Pandemic Response Programming in the 2019 Annual Action Plan; to Consider Repurposing CDBG Funding Originally Appropriated in the 2024 Annual Action Plan; and, to Consider Appropriating Unanticipated Amounts of 2024 Program Year CDBG Program Income to Suitable Eligible Project(s) that will Expedite Expenditures

REPORT IN BRIEF

Considers and recommends approval of proposed amendments to the 2019 and 2024 U.S. Department of Housing and Urban Development Annual Action Plans involving a change in the use of the remaining 2019 Coronavirus Community Development Block Grant (CDBG-CV) funds and the City's normal entitlement Community Development Block Grant (CDBG) funds, to activities that will expedite the disbursement of both funding sources to meet approaching HUD expenditure deadlines. Additionally, the 2024 Annual Action Plan substantial amendment considers the prior request of City Council to have the opportunity to evaluate making a change to the use of project funding preliminarily awarded to Sierra Saving Grace Homeless Project's acquisition/rehabilitation activities and recommends no change to the previously approved use of CDBG funds.

RECOMMENDATION

City Council - Adopt a motion:

2019 Annual Action Plan Amendment:

- A. Approving Fourth Amendment (Third Substantial Amendment) to the 2019 Annual Action Plan that moves all remaining, unspent CDBG-CV funds (up to \$500,109.69) from all current COVID-19 Pandemic support and response projects to the 2023 program year K/13th Street/Hwy 59 Water-Sewer Main & ADA Improvement project currently in progress, which serves a primarily residential area and prepares and plans for future pandemics by helping to protect the City's potable water supply; and,
- B. Creating a new project in the 2019 Annual Action Plan that proposes to add all remaining, unspent CDBG-CV funding (up to \$500,109.69) to the 2023 program year K/13th Street/Hwy 59 Water-Sewer Main & ADA Improvement Project.

2024 Annual Action Plan Amendment:

Approving the First Amendment to the 2024 Annual Action Plan, to include:

C. Allocating \$60,327.87 of unanticipated 2024 Program Year program income to a new 2024 project that proposes to provide supplemental CDBG funding to the 2023 program year K/13th Street/Hwy 59 Water-Sewer Main & ADA Improvement Project; and,

D. Reallocating the combined total of disencumbered CDBG Prior Year Resources and reductions in budgeted Activity Delivery Costs (\$221,867.37) to a new 2024 project that proposes to provide supplemental CDBG funding to the 2023 program year K/13th Street/Hwy 59 Water-Sewer Main & ADA Improvement project; and,

E. Reallocating in advance an anticipated \$307,913.40 of CDBG Prior Year Resources, which are expected to be returned to the City during the 2024 Program Year, to the new 2024 project that proposes to provide supplemental CDBG funding to the 2023 program year K/13th Street/Hwy 59 Water-Sewer Main & ADA Improvement Project, after a repayment to HUD of unrelated ineligible expenditures with local funds is completed; and,

F. Creating a new project in the 2024 Annual Action Plan (Project #14) utilizing the funding reallocated in Actions B, C, and D, above, to provide supplemental funding to the 2023 program year K/13th Street/Hwy 59 Water-Sewer Main & ADA Improvement Project that is currently in progress; and,

G. Formally approving 2024 Project #2, and award CDBG funding in the amount of \$586,381 to Sierra Saving Grace Homeless Project, for acquisition with rehabilitation of a 1-4 unit property(ies) within the Merced city limits, as preliminarily approved with the original 2024 Annual Action Plan approval in August 2024; and,

H. Authorizing staff to finalize and complete all sections of the Annual Action Plan affected by the substantial amendment and submit the amended plan to HUD; authorizing the City Manager to execute all related documents, certifications, and agreements with HUD; and,

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

Housing Program Supervisor Kim NUTT gave a slideshow presentation on the third substantial amendment to the 2019 Housing and Urban Development (HUD) Annual Action Plan and the first substantial

amendment to the 2024 (HUD) Annual Action Plan.

Council, City Manager Scott MCBRIDE, and Ms. NUTT discussed details of proposed housing projects, details of the amendments made on the 2019 and 2024 Annual Action Plans, prioritizing projects that meet the need of the community, the process Sierra Saving Grace follows when choosing a future affordable home site, City Staff's involvement with Sierra Saving Grace, previous direction from Council on this item, successes with previous projects, details of the Corona Virus Fund, and details of the funding allocated to the Merced County Food Bank.

A motion was made by Council Member Harris, seconded by Council Member Smith, to approve staff's recommendation of the 2019 Annual Action Plan and the 2024 Annual Action Plan amendments as presented. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member DeAnda, Council Member Harris, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

K. BUSINESS

K.1.

SUBJECT: Request to Display the Christian Flag in Bob Hart Square in Honor of Easter as Submitted by the Barn Church Beginning on April 11, 2025 Through May 9, 2025 and to Include this Request on the Annual Flag Calendar Adopted by the City Council

REPORT IN BRIEF

Request from the Barn Church to Display the Christian Flag in Bob Hart Square on April 11, 2025 through May 9, 2025 in honor of Easter 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 2025 year in accordance with Council Policy C-7 regarding the display of commemorative flags; and,

B. Bringing a Resolution back for adoption.

Assistant City Clerk Jennifer LEVESQUE and City Manager Scott

MCBRIDE briefly discussed the request to display the Christian Flag in Bob Hart Square and the process of approving to display a commemorative flag.

Council and City Attorney Craig CORNWELL discussed details of the request to display the Christian Flag, details of the C-7 Policy, the deadline for requests, Council's past practice on flag requests, and the history of the Christian Flag.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member DeAnda, Council Member Harris, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 0

K.2.

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

Council Member DUPONT requested a discussion on Council Policy C-1 regarding the Request to Add Items and potentially amending the policy to not allow a single Council Member to bring up an item to be heard at the March 3rd Council meeting.

A motion was made by Council Member Harris, seconded by Council Member Smith, to accelerate Council Member DuPont's request to the March 3rd Council Meeting. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member DeAnda, Council Member Harris, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

K.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 discussed his concerns regarding street vendors selling products after dark.

Mayor SERRATTO and City Attorney Craig CORNWELL discussed having a conversation regarding Senate Bill 946 with Council Member DEANDA.

Council Member SMITH shared similar concerns with Council Member DEANDA regarding street vendors.

Council Member HARRIS reported on attending the Ribbon Cutting Event with Sierra Saving Grace, the American Legion Auxiliary Celebration, the Police Department's Swear-In Ceremony, the Merced City Council Town Hall Meetings, Congressman Adam GRAY's Swear-In Ceremony, and the Black History Month Flag Raising Ceremony.

Council Member DUPONT spoke on his birthday celebrations, reported on attending a tour with a new Hotel in District 1, the Police Department's Swear-In Ceremony, and the Merced County Office of Education Annual Report Luncheon.

Mayor Pro Tempore BOYLE reported on attending an event outside Merced and spoke on the Merced Police Departments Explorers being at the event.

Council Member DUPONT announced the final Town Hall Meeting at Don Stowell Elementary School.

L. ADJOURNMENT

Clerk's Note: Council adjourned from the Regular Meeting to Closed Session at 7:38 PM.

Council Member DEANDA left Closed Session at 8:23 PM.

Clerk's Note: Council adjourned from Closed Session to the Regular Meeting at 8:27 PM.

Mayor SERRATTO stated, "There is no report out of Closed Session."

Clerk's Note: The Regular Meeting was adjourned at 8:29 PM.

A motion was made by Mayor Pro Tempore Boyle, seconded by Council Member Dupont, to adjourn the Regular Meeting in the memory of Merced Realtor Rafael Diaz. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member Harris, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda