



CITY OF MERCED

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

Minutes

City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

Tuesday, January 2, 2024

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Matthew Serratto, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Mayor Pro Tempore Bertha Perez

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:34 PM.

Clerk's Note: Council Member SMITH arrived to Closed Session at 5:40 PM.

- B.1.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Scott McBride; Employee Organizations: Merced Police Officers' Association (MPOA) and Merced Association of Police Sergeants (MAPS). AUTHORITY: Government Code Section 54957.6
- B.2.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Scott McBride; Employee Organizations: International Association of Fire Fighters, Local 1479. AUTHORITY: Government Code Section 54957.6
- B.3.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Scott McBride; Unrepresented Management AUTHORITY: Government Code Section 54957.6
- B.4.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): City Manager Scott McBride; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57 and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6

- B.5.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9, City of Merced et al v. State of California, et al, Superior Court of California County of Merced, Case No. 23CV-03845 Case Status Update

Clerk's Note: Council adjourned from Closed Session at 6:05 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:09 PM.

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

The Invocation was delivered by Pastor Joel DORMAN of the First Baptist Church.

- C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

Present: 6 - Mayor Matthew Serratto, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Mayor Pro Tempore Bertha Perez

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 \$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, 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 - National Slavery and Human Trafficking Prevention Month

REPORT IN BRIEF

Received by a representative of the Valley Crisis Center.

Mayor SERRATTO presented the National Slavery and Human Trafficking Prevention Month Proclamation to members of the Valley Crisis Center.

G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Oral Communication: Belinda BURNETT.

Agenda Item J.3.: Colby ALVARADO, Paul DEAL, and Javette TYSON.

H. ORAL COMMUNICATIONS

Rick WENDLING, Merced - reserved his comments for Agenda Item I.14.

Cindy KELLY, Merced - spoke on events of the last Council meeting.

I. CONSENT CALENDAR

Agenda Items I.9. Award Bid to Santos Ford for the Purchase of Three (3) New SUV Interceptors for a Cost of \$49,335.00 Each, Totaling \$148,005 for the Police Department, I.11. Considers the Adoption of a Resolution Approving Final Map #5412 for Renaissance 154, Phase 3 Subdivision for 31 Single-Family Lots, Generally Located North of Merced Avenue, Approximately 2,000 Feet East of Coffee Street Avenue and the Approval of the Subdivision Agreement for the Renaissance 154, Phase 3 Subdivision, I.14. Request for Approval Reimbursement Agreement HSR 22-27 with the California High Speed Rail Authority in the Amount of \$500,000 for the Downtown Station Land Use and Vision Plan, and I.15. Approval of Reimbursement Agreement with the California High Speed Rail Authority for Technical Review in an Amount of \$300,000; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

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 December 2023**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$37,000 and of Public Works contracts under \$84,338.

This Consent Item was approved.

I.3.**SUBJECT: Information Only - Planning Commission Minutes of October 4, 2023, and November 8, 2023**

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4.**SUBJECT: Information Only - Site Plan Review Minutes of September 14, 2023, October 5, 2023, and November 9, 2023**

RECOMMENDATION

For information only.

This Consent Item was approved.

I.5.**SUBJECT: Information Only - Building and Housing Board of Appeal Minutes of August 3, 2023**

RECOMMENDATION

For information only.

This Consent Item was approved.

I.6.

SUBJECT: Information Only - Bicycle and Pedestrian Advisory
Minutes of April 25, 2023, June 27, 2023, August 22, 2023, and
October 24, 2023

RECOMMENDATION

For information only.

This Consent Item was approved.

I.7.

SUBJECT: Approval of City Council/Public Financing and
Economic Development/Parking Authority/Successor Agency to the
Redevelopment Agency Meeting Minutes of April 17, 2023, and
November 20, 2023

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

**City Council/Public Financing and Economic
Development/Parking Authority/Successor Agency to the
Redevelopment Agency - Adopt a motion approving the meeting
minutes of April 17, 2023, and November 20, 2023.**

This Consent Item was approved.

I.8.

SUBJECT: Adoption of Resolution to Amend the Pay Ranges for the
Temporary Classifications of Lifeguard I, Lifeguard II, Pool
Manager, Recreation Coordinator, Recreation Leader, and
Recreation Specialist, Effective January 1, 2024, to Comply with
State of California Minimum Wage Requirements

REPORT IN BRIEF

Considers adopting a Resolution to authorize amendments to the Pay Ranges for the Temporary Classifications of Lifeguard I, Lifeguard II, Pool Manager, Recreation Coordinator, Recreation Leader, and Recreation Specialist effective January 1, 2024, to comply with State of

California minimum wage requirements.

RECOMMENDATION

City Council - Adopt a motion

A. Adopting **Resolution 2024-01**, a Resolution of the City Council of the City of Merced, California, amending the salary ranges for the temporary classifications of Lifeguard I, Lifeguard II, Pool Manager, Recreation Coordinator, Recreation Leader, and Recreation Specialist; and,

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

This Consent Item was approved.

I.10.

SUBJECT: Approval of Street Closure Request and Use of City Owned Real Estate by the Martin Luther King Jr. Celebration Committee for the Annual Martin Luther King Jr. Community March and Celebration on January 15, 2024, West 24th Street from the West Entrance of the Amtrak Station to Martin Luther King Jr Way, Martin Luther King Jr Way from West 24th Street to West Main Street and the Use of a Portion of Parking Lot #14 Located at 1739 Martin Luther King Jr. Way

REPORT IN BRIEF

Considers approving the use and closure of West 24th Street from the West entrance of the Amtrak Station to Martin Luther King Jr Way, Martin Luther King Jr. Way from West 24th Street to West Main Street and a portion of the City Parking Lot #14 located at 1739 Martin Luther King Jr. Way on Monday, January 15, 2024, to hold a march, parade and food preparation for the annual Martin Luther King, Jr. celebration.

RECOMMENDATION

City Council - Adopt a motion approving the request by Tamara Cobb and the Martin Luther King Jr. Celebration Committee to close West 24th Street from the West entrance of the Amtrak Station to Martin Luther King Jr Way, from West 24th Street to West Main Street and to cone off a portion of the City Parking Lot #14 located at 1739 Martin Luther King Jr. Way on Monday, January 15, 2024, to hold the march and prepare food as part of a community celebration.

This Consent Item was approved.

- I.12. **SUBJECT:** Adoption of Resolution of the Successor Agency to the Redevelopment Agency of the City of Merced Approving a Recognized Obligation Payment Schedule for July 1, 2024 Through June 30, 2025 (ROPS 24-25)

REPORT IN BRIEF

Considers approving and adopting a Recognized Obligation Payment Schedule as the Successor Agency to the Redevelopment Agency of the City of Merced for July 1, 2024 through June 30, 2025, which is due to the Department of Finance by February 1, 2024.

RECOMMENDATION

Successor Agency - Adopt a motion:

A. Approving **Resolution SA 2024-01**, a Resolution of the Successor Agency to the Redevelopment Agency of the City of Merced approving the Recognized Obligation Payment Schedule (ROPS 24-25) including Administrative Budget for July 1, 2024 through June 30, 2025; and,

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

This Consent Item was approved.

- I.13. **SUBJECT:** Approval of a Professional Service Agreement with Provost & Pritchard to Provide Environmental Consulting Services to the City of Merced as the Successor Agency for FY 24/25

REPORT IN BRIEF

Considers approving a Professional Service Agreement with Provost & Pritchard to provide environmental consulting services to the City of Merced as the Successor Agency to the former Redevelopment Agency for fiscal year 24/25.

RECOMMENDATION

Successor Agency - Adopt a motion:

A. Approving a Professional Service Agreement with Provost & Pritchard for consulting services starting July 1, 2024 through June 30, 2025, in a not to exceed amount of \$393,000.00 from the 2024-2025

Successor Agency Recognized Obligation Payment Schedule (ROPS);
and,

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

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

This Consent Item was approved.

I.16.

SUBJECT: Approval of the Suspension of the Double Business
License Fee Collected Within the Business Improvement Area as
Contained in Chapter 3.44 - Business Improvement Area Tax in the
Merced Municipal Code

REPORT IN BRIEF

Considers approving not collecting the Business Improvement Area Tax
which was identified as part of the Downtown Merced Property Based
Improvement District Management Plan since the PBID would be
funded through the voluntary property assessment. Staff is
recommending the Downtown Business Area Tax be suspended until
further notice.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2024-07** a Resolution of the City Council of
the City of Merced, California, Suspending the Collection of the
Business Improvement Area Tax as Contained in Chapter 3.44
(Business Improvement Area Tax) of the Merced Municipal Code; and,

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

C. Directing the Finance Officer to suspend collecting the tax as part of
the Business License process.

This Consent Item was approved.

I.9.

SUBJECT: Award Bid to Santos Ford for the Purchase of Three (3)

New SUV Interceptors for a Cost of \$49,335.00 Each, Totaling
\$148,005 for the Police Department

REPORT IN BRIEF

Considers awarding the bid to Santos Ford for the purchase of three new SUV interceptors for the Police Department for a total cost of \$148,005.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding the bid to Santos Ford for the supply of three new SUV interceptors, for a total cost of \$148,005; and,
- B. Authorizing the City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make any necessary budget adjustments; and,
- D. Authorizing the City Buyer to issue the Purchase Order(s), and approval of change orders not to exceed 10% of the total purchase price.

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

Council Member XIONG requested separate consideration.

Clerk's Note: There was no Council discussion.

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

Aye: 4 - Mayor Serratto, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 2 - Council Member Ornelas, and Council Member Xiong

Absent: 1 - Mayor Pro Tempore Perez

I.11.

SUBJECT: Considers the Adoption of a Resolution Approving Final
Map #5412 for Renaissance 154, Phase 3 Subdivision for 31
Single-Family Lots, Generally Located North of Merced Avenue,

Approximately 2,000 Feet East of Coffee Street Avenue and the
Approval of the Subdivision Agreement for the Renaissance 154,
Phase 3 Subdivision

REPORT IN BRIEF

Considers adopting the Final Map #5412 for 31 single-family lots, located north of Merced Avenue, approximately 2,000 feet east of Coffee Street, and the subdivision agreement for the Renaissance 154, Phase 3 Subdivision.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2024-04**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Renaissance 154, Phase 3 Subdivision (#5412); and,

B. Approving the Subdivision Agreement for the Renaissance 154, Phase 3 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 a conflict of interest with his workplace.

Clerk's Note: There was no Council discussion.

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

Aye: 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

Recused: 1 - Council Member Smith

I.14.

SUBJECT: Request for Approval Reimbursement Agreement HSR
22-27 with the California High Speed Rail Authority in the Amount

of \$500,000 for the Downtown Station Land Use and Vision Plan

REPORT IN BRIEF:

Considers approving the reimbursement with High Speed Rail Authority to the City of Merced up to \$500,000 for the Downtown Station Land Use and Vision Plan as part of the overall City of Merced General Plan comprehensive update.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-05**, a Resolution of the City Council of the City of Merced, California, approving High Speed Rail Agreement #22-27 with the California High Speed Rail Authority for reimbursement of costs related to the preparation of a Land Use and Vision Plan for the Downtown Station as part of the General Plan Update; and,

B. Authorizing the City of Merced to enter into High Speed Rail Reimbursement Agreement #22-27 with High Speed Rail Authority for Downtown Station land use planning and visioning in amount of \$500,000; and,

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

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

Mayor SERRATTO pulled Agenda Items I.14. and I.15. at the request of resident Rick WENDLING.

Clerk's Note: Mayor SERRATTO stated that Council will hear Agenda Items I.14. and I.15. together.

Rick WENDLING, Merced - spoke on how the High Speed Rail will affect local farms, the cost of the project, and compared the price of traveling through air and rail.

Clerk's Note: There was no Council discussion.

Clerk's Note: Council made a motion for Agenda Items I.14. and I.15. together.

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

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

I.15.

SUBJECT: Approval of Reimbursement Agreement with the California High Speed Rail Authority for Technical Review in an Amount of \$300,000

REPORT IN BRIEF

Considers approving proposed Reimbursement Agreement with the California High Speed Rail Authority to Reimburse the City of Merced for staff costs associated with reviewing plans and specifications, providing information on utilities, and technical documents as necessary as part of the Merced segment and Downtown Station.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-06**, a Resolution of the City Council of the City of Merced, California, approving a reimbursement agreement with the California High Speed Rail Authority for reimbursement of costs related to the review of technical studies, legal documents, and design plan for the high speed rail project; and,

B. Authorizing the City of Merced to enter into a Reimbursement Agreement with the California High Speed Rail Authority for Technical Review not to exceed \$300,000; and,

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

D. Authorizing the Finance Officer to make the necessary budget

adjustments.

Clerk's Note: Mayor SERRATTO stated that Council will hear Agenda Items I.14. and I.15. together.

Clerk's Note: Council made a motion for Agenda Items I.14. and I.15. together.

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

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing to Consider Adoption of Resolution Accepting the Annual Report on Development Impact Fees for Fiscal Year 2022/2023 as Required by Government Code Section 66006(b)

REPORT IN BRIEF

Considers adopting a Resolution of the City Council of the City of Merced accepting the City's Annual Compliance Report for Development Impact Fees (AB 1600) as required by Government Code section 66006(b).

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the Annual Compliance Report for Development Impact Fees for Fiscal Year 2022/2023 which contains the information required by California Government Code Section 66006(b); and,

B. Adopting **Resolution 2024-03**, a Resolution of the City Council of the City of Merced, California, accepting the Development Impact Fees Fiscal Year 2022/2023 Annual Report and making findings related to unexpended developer deposits for public improvements as required by California Government Code Section 66001.

Interim City Engineer Michael WEGLEY gave a slideshow presentation on the annual report on Development Impact Fees for fiscal year 2022/2023.

Council and Mr. WEGLEY discussed the funds overtime, details of the proposed Resolution, and the five year plan.

Mayor SERRATTO opened the Public Hearing at 6:41 PM and subsequently closed the Public Hearing at 6:42 PM due to lack of public comments.

Council and Mr. WEGLEY discussed the financial aspect of the report, attachments of the staff report, and details of the different road projects in Merced.

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, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Mayor Pro Tempore Perez

J.2.

SUBJECT: Public Hearing to Consider a Resolution Approving the Sale of the Housing Successor Agency Properties at 1815 and 1823 I Street, and 205 and 211 W. 18th Street, and 202 W. 19th Street; Accepting the Summary Report Pursuant to Section 33433 of the California Health and Safety Code; Approving a Disposition and Development Agreement Between the City of Merced (Acting on its Own Behalf and as the Housing Successor) and Linc Housing for the Development of a 54-Unit Apartment Complex with 53 Affordable Units; and Approval of Density Bonus #23-01 Initiated by Linc Housing, Corporation to Allow Concessions for the Development of the Affordable Complex on 5 Parcels Generally Located at the Northwest Corner of 18th and I Streets and the Southwest Corner of 19th and I Streets

REPORT IN BRIEF

Considers approving a Resolution approving the sale of the housing successor agency properties at 1815 and 1823 I Street, and 205 and 211 W. 18th Street, and 202 W. 19th Street, including accepting the Section 33433 report. Then consider various actions including the approval of the Disposition and Development Agreement between the City of Merced Acting on its Own Behalf and as the Housing Successor and Linc I Street

Apts, LP for the development of affordable housing; approving a Regulatory Agreement setting up the terms of affordability; Deed Restriction and Loan Agreement for the Permanent Local Housing Allocation funds, approving Density Bonus #23-01, granting certain concessions to Development Standards to allow the construction of a 54-unit apartment complex consisting of 53 affordable housing units, a manager's unit, and a courtyard area on 5 parcels generally located at the northwest corner of 18th and I Streets and the southwest corner of 19th and I Streets; and Environmental Review #23-19.

RECOMMENDATION

City Council - Hold a Public Hearing for the 33433 Report and Adopt a motion:

- A. Adopting **Resolution 2024-08**, a Resolution of the City Council of the City of Merced, California, Approving a Disposition and Development Agreement Between the City of Merced and Linc I Street Apts. LP and Making Certain Findings and Approvals under Section 33433 of the California Health and Safety Code; and,
- B. Approving the Sale of Housing Successor Agency properties at 1815 and 1823 I Street, and 205 and 211 W. 18th Street, and 202 W. 19th Street; and,
- C. Accepting the Summary Report Pursuant to Section 33433 of the California Health and Safety Code; and,
- D. Finding that the adoption of the Regulatory Agreement (RA) is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15194 and 15332; and,
- E. Approving the Environmental Review #23-19 (Categorical Exemption); and,
- F. Approving Density Bonus #23-01 and the Affordable Housing Regulatory Agreement to allow the construction of the affordable apartment complex on 5 parcels generally located at the northwest corner of 18th and I Streets and the southwest corner of 19th and I Streets; and,
- G. Authorizing the City Manager to make any minor changes to the PLHA loan agreements should the State require language changes, subject to the

agreements and/or documents being approved as to form by the City Attorney; and,

H. Authorizing the City Manager to execute all agreements and documents to fulfill the terms and conditions of the disposition of the property per the DDA, the RA, DB, and any future documents that may be necessary for the project, subject to the agreements and/or documents being approved as to form by the City Attorney.

Management Analyst Leah BROWN gave a slideshow presentation on the Linc I Street Apts LLP project and details of actions seeking Council approval.

Council, Mrs. BROWN, City Manager Scott MCBRIDE, Applicant Rose CUYNO, and Applicant Carmen NOYOLA discussed the parking issues, bus routes, a Downtown Traffic Study, transportation issues, and details of the proposed Affordable Housing project.

Mayor SERRATTO opened the Public Hearing at 7:08 PM and subsequently closed the Public Hearing at 7:08 PM due to lack of public comments.

Council, Mr. MCBRIDE, and Ms. CUYNO discussed changing the lanes to maximize parking, future plans for Downtown Merced, the building schedule, and funding sources.

A motion was made by Council Member Smith, seconded by Council Member Ornelas, to approve this Agenda Item as presented. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

J.3.

SUBJECT: Public Hearing to Consider General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42, Initiated by Benchmark Engineering, on Behalf of Bellevue Merced, LLC, Baxter Ranches, LLC, and Stonefield Home, Inc., the General Plan Amendment and Site Utilization Plan Revision Would Amend the Land Use Designation for Approximately 156 Acres of Land Within the Bellevue Ranch Master Development Plan (BRMDP) Area. The Site Utilization Plan Revision Would Also Amend Table 6.1 of the

BRMDP Related to Required Roadway Improvements and the Timing of Said Improvements. This Property is Generally Bounded by the City Limit Line to the North, Cardella Road to the South, G Street to the East, and the City Limit Line to the West

REPORT IN BRIEF

Request for City Council approval of a General Plan Amendment and Site Utilization Plan Revision amending the land use designations for approximately 156 acres of land within the Bellevue Ranch Master Development Plan (BRMDP) and the modification of Table 6.1 of the BRMDP related to required improvements and the timing of those improvements.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-09**, A Resolution of the City Council of the City of Merced, California, Approving an Addendum to the *Merced Vision 2030 General Plan EIR* for General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42 to amend the land use designations for approximately 156 acres of land within the Bellevue Ranch Master Development Plan (BRMDP) area and amend Table 6.1 of the BRDMP and approving General Plan Amendment #17-02 for the same approximately 156 acres of land within the BRMDP Area; and,

B. Introducing **Ordinance 2559**, An Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #12 to Planned Development (P-D) #42 changing the land use designation for approximately 156 acres of land within the Bellevue Ranch Master Development Plan (BRMDP) area and amending Table 6.1 of the BRMDP; and,

C. Authorizing the City Manager to execute the Legislative Action Agreements.

Clerk's Note: Council Member SMITH recused himself due to a conflict of interest with his workplace.

Principal Planner Jonnie LAN stated that the applicant requested a continuance of Agenda Item J.3. to the next Council meeting.

Mayor SERRATTO opened the Public Hearing at 7:14 PM.

Charles PEREIRA, Merced - spoke on the timing of the project and how it will affect the neighborhoods surrounding the site.

Paul OLSON-DIEHL, Merced - spoke on the lack of information of the project, the disruption of surrounding neighborhoods, and the flooding of 2023.

Eric OLSON-DIEHL, Merced - spoke on the confusing process for residents, the timeline, the 2023 floods, and parking issues.

Mayor SERRATTO closed the Public Hearing at 7:23 PM.

Council and City Manager Scott MCBRIDE discussed the steps staff will take to inform the community and the time given towards the project.

A motion was made by Council Member Boyle, seconded by Council Member DeAnda, that this agenda item be continued to the January 16th Council meeting. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

Recused: 1 - Council Member Smith

K. REPORTS

K.1.

SUBJECT: Request by the Property Based Improvement District Formation Committee to the City Council to Appoint the Board of Directors for the Downtown Property Based Improvement District (PBID)

REPORT IN BRIEF

The Property Based Improvement District Formation Committee is requesting the City Council appoint recommended business owners and property owners to the Property Based Improvement District (PBID) Board of Directors. The appointed board members and officers will be able to proceed conducting the business of the PBID.

RECOMMENDATION

City Council - Adopt a motion:

A. Appointing the following PBID Board Members; Eric Hamm, Chair, Doug Fluetsch, Vice Chair, Peg Larson, Secretary, Grey Roberts, Treasurer, Robin Donovan, Board Member, Elmer Lorenzi, Board Member, and Robert Matsuo, Board Member; and,

B. Appointing the City Manager to the PBID Board; and,

C. Directing the City Clerk to provide the Certified Minute Action to the PBID Board.

Deputy City Manager Frank QUINTERO briefly spoke on the Property Based Improvement District (PBID) appointments. He also stated that staff recommended to include appointing Eddie BELTRAN as a Board Member and the City Manager to serve on the PBID Board.

Fernando AGUILERA, Merced - spoke on the issue of not informing the public, the additional taxes to property owners, and asked Council to postpone this matter.

Javier FUENTES, Merced - spoke on the Conflict of Interest with members to be appointed to the PBID Board and proposed to table these appointments until the public gets more information.

Dwight LARKS, Merced - asked to see Mayor Pro Tempore PEREZ present during PBID appointments.

Council and Mr. QUINTERO discussed potentially continuing the item, Cities with a PBID board, Mayor Pro Tempore PEREZ's absence, moving forward with the agenda item, and improving Downtown Merced.

A motion was made by Council Member Smith, seconded by Council Member Boyle, to approve the Report Item as presented with the addition of Eddie Beltran as a Board Member and the City Manager designee as requested by staff. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 2 - Council Member Ornelas, and Council Member Xiong

Absent: 1 - Mayor Pro Tempore Perez

K.2.

SUBJECT: Request Authorization to Waive the Competitive Bidding

Process for Community Park 42 (CP-42) and Single Source the
Remainder of the Work as Approved by the Merced City Council for
the Construction of the Second Phase of Development at Community
Park 42 (CP-42), Including the Approval of Contract Change Order
No. 2 on Project Number CP220061 - Community Park 42 (CP-42) in
the Amount of \$1,532,539 for Additional Work

REPORT IN BRIEF

Staff request authorization to waive the competitive bidding requirements for CP-42 and single source the remainder of the work as approved by City Council for the construction of the second phase of development at CP-42, and request Council approve Contract Change Order No. 2 for additional site grading; installing the electrical for irrigation controls, lights, and field lights; installing storm drain and irrigation for the two extra soccer fields and landscaping, sidewalks, and basketball courts; and contract quantity adjustments in the amount of \$1,532,539.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210; and,
- B. Approving Contract Change Order No. 2 with American Paving Co. in the amount of \$1,532,539 and adding 40 working days for the change in scope of work; and,
- C. Authorizing the City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make any necessary budget adjustments.

Director of Parks and Community Services Christopher JENSEN gave a slideshow presentation on the status updates on Community Park 42 (CP-42).

Council, Mr. JENSEN, City Surveyor Joe CARDOSO, and City Manager Scott MCBRIDE discussed the Site Plan, equipment pricing, an update on meeting budget expectations, the benefits of using the same contractor, and details of what was approved in a previous Council meeting.

Rick WENDLING, Merced - spoke on Council finding funds for more

lighting.

Council, Mr. JENSEN, and City Attorney Craig CORNWELL discussed details of the proposed change order and waiving the City's competitive bidding requirement process.

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

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

K.3.

SUBJECT: Consideration and Approval of the First Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD) 2023 Annual Action Plan Involving Changes to Available Resources, Projects and Activities, and Goals and Objectives Affected by the Reallocation of Community Development Block Grant (CDBG) Funding to Projects in Support of an Affordable Rental Housing Project

REPORT IN BRIEF

Considers the First Substantial Amendment to the HUD 2023 Annual Action Plan for changes to funding, projects, activities, and goals involving CDBG funds that support the acquisition of land for and the development of an affordable housing project (Devonwood Apartments).

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-02**, a Resolution of the City Council of the City of Merced, California, approving Substantial Amendment #1 to the Program Year 2023-2024 Annual Action Plan; Authorizing the City Manager or Deputy City Manager to Execute any Related Documents, Certifications, and/or Agreements Resulting from this Amendment; Certifying Compliance with the Requirements of the Community Development Block Grant (CDBG) Program; and, Authorizing Staff to Submit all Required Documents to the U.S. Department of Housing and Urban Development; and,

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

Housing Program Supervisor Kim NUTT and City Manager Scott MCBRIDE gave a slideshow presentation on the First Substantial Amendment to the 2023 U.S. Department of Housing and Urban Development Annual Action Plan.

Clerk's Note: There was no Council discussion.

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

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

K.4.

SUBJECT: Arts and Cultural Advisory Commission (ACAC) to Present Project Award Selections for Heartland Grant Project

REPORT IN BRIEF

ACAC to present artist and design recommendations to the City Council for seven projects funded by the Heartland Grant.

RECOMMENDATION

City Council - Adopt a motion approving the Arts and Culture Advisory Commission's recommendations of artists and their designs to be installed at City owned locations funded by the Heartland Grant.

Senior Management Analyst Jennifer FLACHMAN and Arts and Culture Advisory Commissioner Sandra HAY gave a presentation on the Arts and Culture Advisory Commission's selection for the Heartland grant project.

Council, Ms. FLACHMAN, Deputy City Manager Frank QUINTERO, and Arts and Culture Advisory Commission Member Eddie RODRIGUEZ discussed the McCombs Center being affected by the High Speed Rail Project, preserving the art after the destruction of the site, and the length of a public art project. They also discussed budgeting for the art project, the artists that submitted a proposal, the allocation of funds, the graffiti issues around the proposed area, and the quality of the painting surface.

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

Smith, that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

L. BUSINESS

L.1.

SUBJECT: Council Member Ornelas' Request for a Report on Pre-Hire and Post-Hire Required Training for Dispatchers and Police Officers

REPORT IN BRIEF

Council Member Ornelas' request for a report on pre-hire and post-hire required training for Dispatchers and Police Officers.

RECOMMENDATION

Provide direction to staff on the next steps.

Council Member ORNELAS briefly discussed the request for a report on the Police Department's required training.

Police Chief Steven STANFIELD gave a verbal presentation on the training required by the State and the Police Department for police officers and dispatchers, recent changes to the training requirements, and the training opportunities.

Council and Mr. STANFIELD discussed the changes made since Mr. STANFIELD was hired, staying in compliance, being audited, details of different schools officers can attend, and connecting with outside agencies.

Rick WENDLING, Merced - spoke on the reason why Council Member ORNELAS brought this consideration to Council.

Council Member ORNELAS and Mr. WENDLING discussed doing community work around police brutality and the Police Department receiving different funding methods.

Council and Mr. STANFIELD discussed methods to engage with the community and implementing mental health and first aid training.

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

only.

L.2. SUBJECT: Update on Town Hall Locations and Outreach Efforts

REPORT IN BRIEF

Updating the City Council on Town Hall locations and outreach efforts.

RECOMMENDATION

Information Only.

Senior Management Analyst Jennifer FLACHMAN gave a brief introduction of the selection of Town Hall locations and community outreach.

Steven GRAHAM, Merced - spoke on meeting end times and public speakers.

Mayor SERRATTO and City Manager Scott MCBRIDE discussed the outline of the Town Hall meetings.

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

L.3. 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.

Mayor SERRATTO requested to add an item to consider a Bike Pedestrian Bridge over Parsons Avenue and Bear Creek Drive for the February 20th Council Meeting.

Council discussed potentially considering Mayor SERRATTO's item during the Strategic Planning Session.

L.4. 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 BOYLE reported on attending a District 5 tour with the City Manager and wished everyone a Happy Holidays.

Council Member SMITH wished everyone a Happy New Year.

Council Member ORNELAS reported on attending the Juvenile of Justice Subcommittee and a District Tour with the Police Chief and City Manager. He also stated that he will be attending the Public Safety Committee meeting.

Council Member DEANDA reported on attending the Ground Breaking for the Airport Terminal.

Clerk's Note: Council Member DEANDA left the Regular Meeting at 9:12 PM.

Mayor SERRATTO reported on attending the Ground Breaking for the Airport Terminal and the 1213 V Street Project, spoke on Merced County's improvement on homelessness, and thanked Council and staff for their work.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 9:15 PM.

A motion was made by Council Member Boyle, seconded by Council Member Smith, that this Regular Meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 2 - Mayor Pro Tempore Perez, and Council Member DeAnda