



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, November 17, 2025

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Sarah Boyle, Council Member Darin Dupont, 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 5:04 PM.

B.1.

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS Agency Designated Representative(s): City Manager Scott McBride, City Attorney Craig Cornwell, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro Employee Organization: International Association of Fire Fighters, Local 1479, American Federation of State, County, and Municipal Employees (AFSCME) Council 57, Merced Police Non-Sworn Unit, and Merced Association of City Employees (MACE) Pursuant to California Government Code Section 54957.6

B.2.

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 5:53 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:03 PM.

Invocation - Lamar Henderson, Human Services Agency All Dads Matter

The invocation was delivered by Lamar HENDERSON from All Dads Matter.

Pledge of Allegiance to the Flag

Council Member DUPONT led the Pledge of Allegiance.

D. ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Sarah Boyle, Council Member Darin Dupont, Council Member Michael Harris, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 0

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: The emails were received for the following agenda item and forwarded to Council prior to the meeting.

Public Comment: LaTanya RI'CHARD and Mickie ARCHULETA

Agenda Item I.1.: Carol and Robert DINUZZO and Jerry PEREZCHICA

Agenda Item I.2.: Strong Towns Merced

Agenda Item J.3.: Ashley Marie SUAREZ

G. PUBLIC COMMENT

Cindy KELLY, Merced - spoke on the KKK and her family experience. She also spoke on her thoughts regarding a social media post that Council Member XIONG made and provided advice for him.

Marilyn SOBEL, the Merced Farmer Workers Mutual Aid Fund Merced - Praised Council Member XIONG for his extraordinary support of farm working families in the city and county. She spoke on the effects of the delays of CalFRESH benefits and SNAP benefits.

Aggie FREEMAN, Merced - spoke on her thoughts regarding Council Member XIONG'S social media post and called on him to provide a public apology.

Karthik PRASAD, Merced - Thanked the City for their efforts in the Veterans Parade. He also, on behalf of Congressman Adam GREY, provided an update from Washington.

Kim GARNER, Director of the Central Valley Opportunity Fund Merced - spoke on upcoming Christmas Events in Merced.

Crissy GALLARDO, Merced - spoke on an op-ed from Council Member SMITH, removing the Pride Flag from public visibility, the Christian Flag, Council banning flags, and Mayor Pro Tempore BOYLE'S social media activity.

Jazz DIAZ, Merced - spoke on an op-ed from Council Member SMITH, the decisions that Council made to fly the Christian Flag, the history of the Christian Flag, racism, and thanked Council Member XIONG.

Sergio CARRERA, Merced - spoke on the growth in Merced, disparity between North and South Merced, and economic growth in South Merced.

Yevea, Merced - spoke on Christian Nationalism, separation between church and state, a rise in racism and divisive behavior, encouraged Council Member XIONG to keep up the good work, and the disparity between North and South Merced.

H. CONSENT CALENDAR

Agenda Item H.5. Adoption of Resolution Acknowledging Receipt of the Merced Fire Department's Annual State Mandated Inspection Compliance Report Regarding the Inspection of Certain Occupancies for the Reporting Period of October 1, 2024, Through September 30, 2025, Pursuant to California Health and Safety Code §13146.2 and §13146.3, Agenda Item H.7. Ratification of Statement of Services Contract with Rolfe Construction Inc, for the Local Emergency Within the Territorial Limits of the City of Merced as Proclamation by Director of Emergency Services on January 7, 2023, and Agenda Item H.8. Approval of a Memorandum of Understanding (MOU) with the County of Merced for Road Improvements of McKee Road within Merced City Limits from North Bear Creek Drive to Yosemite Avenue; were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Council Member Dupont, seconded by Council Member Harris, to approve the Consent Agenda. 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: 0

H.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.

H.2. **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of July 21, 2025, August 4, 2025, August 18, 2025, and September 2, 2025

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 July 21, 2025, August 4, 2025, August 18, 2025, and September 2, 2025.

This Consent Item was approved.

H.3. **SUBJECT:** Approval of Street Closure Request with the Use of City Owned Property Located at Bob Hart Square, and for In-Kind Services Provided by the City of Merced, Submitted by United Way of Merced County and the Merced Christmas Collaborative for the 2025 Annual Christmas Parade on December 6th, 2025, From 10:00 A.M. Until 7:00 P.M.

REPORT IN BRIEF

Considers approving to allow the use of City streets, the Bob Hart Square, and requested in-kind services on December 6th, 2025, for the Christmas Parade.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the street closures for the parade route: W Main St from "G" Street to "O", "O' Street from W Main Street to W 20th Street, and the staging area from "H Street from W Main Street to W 18th Street, W 18th St from "G" Street to Canal Street, "K" Street from W Main Street to W 19th Street.; and,
- B. Approving the request for in-kind services from the City of Merced including placement of the Christmas Banner across G Street, downtown street sweeping, and special event refuse service; and,
- C. Approving the use of Bob Hart Square from 10:00 A.M. to 7:00 P.M.; and,
- D. Authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

H.4.

SUBJECT: Authorization to Set a Public Hearing for December 1, 2025, for Introduction of Ordinances, and Future Adoption of the 2025 California Building and Fire Codes with Amendments, Thereto

REPORT IN BRIEF

Considers authorizing to set a Public Hearing for December 1, 2025, for the purpose of introducing Ordinances, and the future adoption of the 2025 California Building and Fire Codes with Amendments, thereto.

RECOMMENDATION

City Council - Adopt a motion setting a Public Hearing on December 1, 2025, to consider introducing Ordinances and the future adoption of the 2025 California Building and Fire Codes with Amendments, thereto.

This Consent Item was approved.

H.6.

SUBJECT: Approval of Additional Contingency in the Amount of \$179,197.59 for Additional Work Which is Reflected in Change Orders 2 and 3 with American Paving Co. for the Main Street Directional, Project No. CP230014

REPORT IN BRIEF

Considers approving an increase to the contingency in the amount of \$179,197.59 for Project No. CP230014 - Main Street Directional for the

extra work reflected in Change Orders 2 and 3.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the increase in contingency in the amount \$179,197.59, for a total contingency amount of \$324,068.30, which is approximately 33.55% of the original agreement amount for the extra work reflected in Contract Change Orders 2 and 3; and,

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

This Consent Item was approved.

H.9.

SUBJECT: Adoption of a Resolution Setting a Public Hearing on December 15, 2025, for the Annual Compliance Report for Development Impact Fees as Required by Government Code Section 66000 et. seq. and City Council Resolution 88-72

REPORT IN BRIEF

Considers adopting a Resolution to set a Public Hearing for December 15, 2025, to accept public comment and consider approving the annual report regarding the collection and spending of Development Impact Fees.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2025-68**, a Resolution of the City Council of the City of Merced, California, establishing a date when the final annual report of development fees will be available for public review, and setting a Public Hearing thereon for December 15, 2025.

This Consent Item was approved.

H.5.

SUBJECT: Adoption of Resolution Acknowledging Receipt of the Merced Fire Department's Annual State Mandated Inspection Compliance Report Regarding the Inspection of Certain Occupancies for the Reporting Period of October 1, 2024, Through September 30, 2025, Pursuant to California Health and Safety Code §13146.2 and §13146.3

REPORT IN BRIEF

Considers adopting a Resolution acknowledging receipt of the Merced

Fire Department's Annual Compliance Report regarding performance of annual inspections pursuant to California Health and Safety Code (HSC) §13146.2 and §13146.3.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2025-62**, a Resolution of the City Council of the City of Merced, California, acknowledging receipt of a report made by the Fire Chief of the Merced Fire Department regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.

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

Council Member XIONG, Council Member SMITH and Fire Chief Casey WILSON discussed the number of staff that conduct the inspections, properties that may have failed inspections, records for the public for properties that failed an inspection, types of violations the Fire Department looks for, follow up inspections, and an Anti-Slum Lord Ordinance.

A motion was made by Council Member Harris, seconded by Council Member Smith, 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 Harris, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

H.7.

SUBJECT: Ratification of Statement of Services Contract with Rolfe Construction Inc, for the Local Emergency Within the Territorial Limits of the City of Merced as Proclamation by Director of Emergency Services on January 7, 2023

REPORT IN BRIEF

Considers adopting a motion ratifying the Statement of Services Contract with Rolfe Construction, Inc. in the amount of \$1,061,822.88 for the temporary repairs of the Bear Creek Levee's for the 2023 Floods.

RECOMMENDATION

City Council - Adopt a motion:

A. Ratifying the Statement of Services Contract with Rolfe Construction, Inc. in the amount of \$1,061,822.88 for the temporary repairs of the Bear Creek Levee's for the 2023 Floods; and,

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

Mayor SERRATTO pulled this item at the request of Council Member HARRIS to recuse himself.

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: 5 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

Recused: 1 - Council Member Harris

H.8.

SUBJECT: Approval of a Memorandum of Understanding (MOU) with the County of Merced for Road Improvements of McKee Road within Merced City Limits from North Bear Creek Drive to Yosemite Avenue

REPORT IN BRIEF

Considers approving a Memorandum of Understanding (MOU) between Merced County and the City of Merced for the City to reimburse Merced County a maximum estimated amount of \$995,000 for roadway improvements to McKee Road within the city limits.

RECOMMENDATION

City Council - Adopt a motion

A. Approving the Memorandum of Understanding (MOU) with Merced County; and,

B. Approving a reimbursement to the County of Merced in an amount not to exceed \$995,000; and,

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

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

Council Member XIONG stated that he is opposed to this project and to

continue to prioritize roads that the community has brought up repeatedly.

Council Member SMITH stated his support for this item and that residents in his district have been complaining about this road for a long time.

Mayor SERRATTO spoke on this project and the opportunity for cost savings and efficiencies of this project.

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

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member Harris, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 0

I. PUBLIC HEARINGS

I.1.

SUBJECT: Public Hearing - General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development (P-D) #20, and Appeal of the Planning Commission's Denial of Site Plan Review Permit #551 and Minor Use Permit #24-13, Initiated by Eric Gonsalves, on Behalf of Yosemite 1380 LLC, Property Owner. The Approximate 8.05-Acre Subject Site is Generally Located on the Southwest Corner of East Yosemite Avenue and Parsons Avenue (1380 E. Yosemite Avenue and 3595 Parsons Avenue). The General Plan Amendment Would Change the General Plan Land Use Designation from Commercial Office (CO) to Business Park (BP) for 3.19 Acres and from Commercial Office (CO) to Low Medium Density (LMD) Residential for the Remaining 4.86 Acres. The Site Utilization Plan Revision Would Change the Land Use Designation Within Planned Development (P-D) #20 from "Commercial Office" to "Self-Storage" for 3.19 Acres, and from "Commercial Office" to "Residential" for 4.86 Acres. The Proposal Would Separate the Self-Storage from the Residential Lots and Create the 28 Residential Lots. The Site Plan Review Permit Would Allow the Development of a Self-Storage Facility (Approximately 500 Storage Units). The Minor Use Permit Would be for Interface Review to Allow Commercial Development Adjacent to or Across from a Low Density Residential (R-1-6) Zone

REPORT IN BRIEF

Request for City Council to consider approving or denying General Plan Amendment #24-02, and Site Utilization Plan Revision #3 to Planned

Development (P-D) #20, and the appeal of the Planning Commission's Denial of Site Plan Review Permit #551 and Minor Use Permit #24-13. The subject site is approximately 8.05 acres located at 1380 E. Yosemite Avenue, and 3595 Parsons Avenue. The applicant is requesting to develop a self-storage facility, and a gated residential subdivision with 28 lots. The vesting subdivision map to subdivide the land for this project (VTSM #1332) was approved by the Planning Commission on September 17, 2025.

RECOMMENDATION

For Project Approval:

City Council - Adopt a motion:

A. Adopting **Resolution 2025-**, A Resolution of the City Council of the City of Merced, California, granting an appeal #25-0004 by Eric Gonsalves on behalf of Yosemite 1380, LLC, of the Planning Commission's recommendation of denial of General Plan Amendment #24-02 and Site Utilization Plan Revision #3 to Planned Development #20; denial of Site Plan Review Permit #551 and Minor Use Permit #24-13; and approval of legislative action agreement; and,

B. Introducing **Ordinance 2585**, An Ordinance of the City Council of the City of Merced, California, changing the land use designation for 3.19 acres from "Commercial Office" to "Self Storage" at 1380 E. Yosemite Avenue and for 4.86 acres from "Commercial Office" to "Residential" at 3595 Parson Avenue, generally located at the southwest corner of E. Yosemite Avenue and Parsons Avenue; and,

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

For Project Denial:

City Council - Adopt a motion:

A. Adopting **Resolution 2025-__**, a Resolution of the City Council of the City of Merced, California denying an appeal #25-0004 by Eric Gonsalves on behalf of Yosemite 1380, LLC, of the Planning Commission's recommendation of denial of General Plan Amendment #24-02, Site Utilization Plan Revision #3 to Planned Development #20, and denial of Site Plan Review Permit #551, and Minor Use Permit #24-13; and,

B. Adopting a motion to deny **Ordinance 2585**, An Ordinance of the City Council of the City of Merced, California, changing the land use designation for 3.19 acres from "Commercial Office" to "Self Storage" at 1380 E. Yosemite Avenue and for 4.86 acres from "Commercial Office" to "Residential" at 3595 Parson Avenue, generally located at the southwest corner of E. Yosemite Avenue and Parsons Avenue; and,

C. Denying the Legislative Action Agreement authorizing the City Manager to execute the necessary documents.

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

Mayor SERRATTO and City Attorney Craig CORNWELL discussed the procedures of the continued Public Hearing by opening the Public Hearing prior to the comments of staff to allow staff's comments to be part of the Public Hearing and the public comment portion will be at the same time.

Mayor SERRATTO opened the Public Hearing at 6:47 PM.

Associate Planner Valeria RENTERIA gave a slide show presentation on the General Plan Amendment #24-02 Site Utilization Plan Revision #3 to Planned Development #20 and Appeal of Site Plan Review Permit #551 and Minor Use Permit #24-13.

Mr. CORNWELL discussed the options for Council regarding the appeal process.

Todd BENDER, Applicant - spoke on the progress of his project, holding a neighborhood meeting, project density changes, adjusted lot sizes, changed to low density residential, restricted lots 1-15 to single story homes, increased the main internal road to the City standard width, adjusted the operating hours, clarified the zero lot line, number of jobs created, and asked for Council's support.

Keaton BENDER, project builder - spoke on his support of this project and the development meeting community needs.

Robert DINUZZO, Appellant - spoke on the issues regarding the mini storage proposal, the zoning of the storage facility, the lack of landscaping, high lighting levels, job creation, timing of construction, and the number of mini storage facilities being built in the City. He also discussed the landscaping, shrubbery, and shade at the mini storage on Yosemite Ave and R St and other business facilities along Yosemite Ave and compared it to the proposed mini storage. He urged Council to think about Merced's

future and maintain Yosemite Ave as an attractive thoroughfare.

Carol DINUZZO, Merced - spoke on her concerns regarding the project, the proposal is the wrong project for the location, concerns about the storage facility being built first and leaving the subdivision stalled or unfinished, not wanting the two projects tied together, and urged Council to keep the concerns front and center.

Tom CLENDENIN, Merced - spoke on his strong support for the housing portion of the project, urged Council to remove the storage facility from the project, the storage project does not match the area, and to separate the two decisions.

Lee BOESE, Merced - spoke on a clarification on a misconception that the Council must approve or deny the project in its entirety, details of the appeal on the agenda, and encouraged Council to vote separately.

Xeva, Merced - spoke on the amendments Council is voting on for business owners and bringing in real estate development whereas the Citizens Advisory Focus Group was cancelled abruptly.

Marilyn SOBEL, Merced - spoke on the previous presentation by the applicant, does not think District 4 needs more housing, over saturation of housing in Merced, the need for affordable housing, concerned about how eager the Council is to approve the project, and the growth and investment in the community.

Michelle PORRAS, Merced - spoke in opposition of the self storage project and does not believe it helps residents.

Mayor SERRATTO closed the Public Hearing at 7:31 PM.

Clerk's Note: Mayor SERRATTO briefly re-opened the Public Hearing at 7:33PM

Mr. BENDER, Applicant - spoke on the comments that were made by residents. He clarified the shift in the self storage industry, City behind in the production of self storage, a thorough study on traffic, and the type of landscaping proposed for the project.

Mr. DINUZZO spoke on the location of storage facilities, not needing this type of business in the middle of town, landscaping, and asked the audience who is for the project.

Mayor SERRATTO closed the Public Hearing at 7:38 PM.

Clerk's Note: Council Member HARRIS, SMITH, Mayor Pro Tempore BOYLE, and Mayor SERRATTO disclosed meetings they had with the developer and community members.

Council and Mr. BENDER discussed concerns regarding the housing development not being built after the storage unit is built, the Planning Commission's original vote on the proposed project, the process of the appeal, conversations between the developer and the residents, the developers interest of this project, the public's interest regarding this project, the project as proposed, need for affordable housing, and the concerns from the residents.

Council and City Attorney Craig CORNWELL discussed their options for their vote.

Council, Mr. CORNWELL, and Acting Planning Manager Jonnie LAN and Mr. BENDER continued to discuss the project regarding the landscaping for the storage facility, conditions that Council can assign, and options for Council to vote on.

A motion was made by Council Member Smith, seconded by Council Member Harris, to grant the appeal #25-004 with respect to the Planning Commission's denial of General Plan Amendment #24-02 and grant the appeal with respect to the Planning Commission's denial of Site Utilization Plan Revision #3 to Planned Development #20 and to deny the appeal without prejudice with respect to Site Plan Review Permit #551 and Minor Use Permit #24-13 with the request to staff and the developer to reconsider some of the elements of the storage facility along the lines that Council discussed and the comments that others have made. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Harris, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 0

Recused: 1 - Council Member Dupont

Clerk's Note: Council took a recess at 8:18 PM and reconvened at 8:30 PM.

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

Harris, to approve the Introduction of Ordinance 2585. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Harris, and Council Member Smith

No: 0

Absent: 1 - Council Member Xiong

Recused: 1 - Council Member Dupont

I.2.

SUBJECT: Public Hearing - Potential Introduction of Ordinance 2584, Amending Section 10.16.010, "Speed Limits," of the Merced Municipal Code

REPORT IN BRIEF

Considers the introduction of Ordinance 2584 amending Section 10.16.010, "Speed Limits," of the Merced Municipal Code. Amendment to the Speed Limits section consists of modification to speed limits throughout the City.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2584**, an Ordinance of the City Council of the City of Merced, California, amending Section 10.16.010, "Speed Limits" of the Merced Municipal Code.

City Engineer Daryl JORDAN and Matt ART from JLB Traffic Engineering Inc gave a slide show presentation on the Speed Study update.

Council, Mr. ART, Captain Dan DABNEY, and JBL Traffic Engineering Consultant Jose Louis BENEVIDES discussed what the speed limit recommendations were, the process of the recommendation, sources of data, results of low speed limits, measured by the amount of traffic during the study, concerns regarding the speed recommendation for Bear Creek, Council's authority and discretion regarding the speed study, and concerns regarding the recommended speed increase on certain streets in District 5.

Mayor SERRATTO opened and subsequently closed the Public Hearing at 8:48 PM due to a lack of Public Comment.

Council, Mr. JORDAN, and Mr. BENEVIDES continued to discuss the recommended speed limit on East Bear Creek and the street corridors on G st, M st, R st, and Childs Ave, developing infrastructure to keep people safe, and potential reevaluation on the recommend raised speed limits.

Council Member HARRIS made a motion to follow the recommendation on the lowered speed limits then to have further analysis of any potential risen speed limits as shown in the presentation. Council Member SMITH seconded the motion.

Clerk's Note: After the motion and second was made, City Attorney Craig CORNWELL wanted to make a comment.

Mr. CORNWELL recommended to continue the Public Hearing and comeback with a first reading that includes the new research of the raised speed limits.

Clerk's Note: Council Member HARRIS amended his motion to include Mr. CONRWELL's recommendation and Council Member SMITH seconded the amended motion.

A motion was made by Council Member Harris, seconded by Council Member Smith, to follow the recommendation on the lowered speed limits then to have further analysis of any potential risen speed limits as shown in the presentation and to continue the Public Hearing and comeback with a first reading that includes the new research of the raised speed limits. 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: 0

J. ACTION ITEMS

J.1.

SUBJECT: Adoption of a Resolution Approving the 2024/2025 Local Transportation Fund (LTF) Claim Form in the Amount of \$756,873 to be Filed with the Merced County Association of Governments (MCAG)

REPORT IN BRIEF

Considers adopting a Resolution approving and accepting \$756,873 in Local Transportation Funds (LTF) from Merced County Association of Governments (MCAG) to appropriate funding for the Mission Avenue Road Rehabilitation project.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2025-69**, a Resolution of the City Council of the City of Merced, California, approving the Local Transportation Fund (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2024/2025; and,
- B. Authorizing the City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make any necessary budget adjustments.

City Engineer Daryl JORDAN gave a brief presentation on the Local Transportation Funds.

Council and Mr. JORDAN discussed project time frame, type of pavement project, and the life of the road.

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 Harris, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

J.2.

SUBJECT: Approval of a Fiscal Year 2024-25 Supplemental Appropriation from the Unencumbered, Unreserved Fund Balance of Fund 1020-Affordable Housing in the Amount of \$218,000 and Transferring to Fund 2500-Housing Administration

REPORT IN BRIEF

Staff is requesting a Fiscal Year 2024-25 supplemental appropriation from the unencumbered, unreserved fund balance of Fund 1020-Affordable Housing Fund in the amount of \$218,000 and transferring to Fund 2500-Housing Administration to cover the shortfall due to staff administration of several projects.

RECOMMENDATION

City Council - Adopt a motion approving a Fiscal Year 2024-25 supplemental appropriation from the unencumbered, unreserved fund balance of Fund 1020-Affordable Housing in the amount of \$218,000 and transferring to Fund 2500-Housing Administration.

Finance Officer Venus RODRIGUEZ gave a brief presentation on the supplemental appropriation from the unencumbered, unreserved fund

balance of fund 1020 - Affordable Housing transferring funds to fund 2500-Housing Administration.

Clerk's Note: Council continued discussion after a motion and a second was made.

Council Member XIONG discussed the use of Affordable Housing Funds utilized to cover the administrative cost. He stated that the City needs to invest more money from the general budget into the Housing Department and the projects supported by the administrative cost.

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

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member Harris, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 0

J.3.

SUBJECT: Request for General Support on Preliminary Annexation Application #25-0001 for an Annexation of and Other Entitlements for 366 Acres at the Northeast Corner of Tyler Road and Mission Avenue Submitted by Buildco

REPORT IN BRIEF

The City Council will be asked to evaluate Preliminary Annexation Application #25-0001 to consider support for the annexation and development of 366 acres of mixed-use development mostly at the northeast corner of Tyler Road and Mission Avenue.

RECOMMENDATION

City Council - Adopt a motion indicating general support for an official annexation application being processed.

Acting Planning Manager Jonnie LAN gave a slide show presentation on the Tyler and Mission Annexation Pre-Annex 25-0001.

Council and City Manager Scott MCBRIDE discussed the process of the next steps, the need for this development, housing, consolidating some of the areas together as part of the annexation, and Districts 1 and 2 benefiting from this project.

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: 5 - Mayor Serratto, Mayor Pro Tempore Boyle, Council Member Dupont, Council Member Harris, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 0

K. REPORTS

K.1. SUBJECT: Report on Grant Award from Central Valley Opportunity Fund in an Amount not to Exceed \$27,000 to the City of Merced to Fund the Replacement of the Clock in Bob Hart Square

REPORT IN BRIEF

Staff report on grant award and crowd source funding opportunity awarded by Central Valley Opportunity Fund to replace the clock in Bob Hart Square.

RECOMMENDATION

Information Only- No Action Required.

Recreation and Parks Director Chris JENSEN gave a brief presentation on a grant award from the Central Valley Opportunity Fund to fund the replacement of the clock in Bob Hart Square.

Council and Mr. JENSEN discussed donating the current clock to a historical museum, challenges to fix the current clock, where to purchase a t-shirt to support the clock replacement, overview of the funding, deadline to raise the funds, and the funding source.

Clerk's Note: This item is for information only no formal vote was taken.

L. BUSINESS

L.1. SUBJECT: Council Member Harris' Request to Discuss Revisiting the Council Code of Conduct and Ethics Resolution 2024-65

REPORT IN BRIEF

Council Member Harris requested a discussion on revisiting Council's Code of Conduct and Ethics Resolution 2024-65, specifically, as it relates to violations of the Code of Conduct.

RECOMMENDATION

Provide direction to staff on next steps.

Council Member HARRIS gave a brief presentation on his proposed revisions to the Council Code of Conduct and Ethics Resolution 2024-65.

Council discussed the current resolution, the lack of guidelines for censure hearings, balance of complaints submitted, and next steps.

Daniel, Merced - spoke on his feelings about the proposed resolution revision, the Christian flag decision, and spoke in his support of Council Member XIONG.

Marilyn SOBEL, Merced - spoke on the issue of potential problems with vindictive people making petty complaints and protecting our first amendment right.

Crissy G., Merced - spoke in opposition of the proposed revised resolution and spoke in support of Council Member XIONG.

Jazz DIAZ, Merced - spoke in support of Council Member XIONG and asked for transparency.

Xeva, Merced - spoke in opposition of the proposed revised resolution.

Robert DYLINA, Merced - spoke on free speech, establishing guidelines and finding a balance.

Ernie OCHOA, Merced - spoke on the importance of having an ethics ordinance and an ethics sub committee.

Council continued to discuss the censure process, the need to develop a censure procedure, defining what is considered a complaint or violation, code of ethics, the reason behind the proposed revisions to the resolution, and the flag policy.

Clerk's Note: There was no formal vote, Council Member HARRIS will take the Resolution back to the Ethics and Governance Subcommittee for further discussion and revision.

L.2.

SUBJECT: Discussion on the Format of the December 2, 2025, Special Meeting to Potentially Appoint and Fill the Council District 2 Vacancy and Forming Interview Questions to be Asked at the Special

Meeting and Discussion on a Potential Special Election

REPORT IN BRIEF

Council will discuss the format and the type of interview questions to ask applicants for the December 2, 2025, Special Meeting to potentially appoint a District 2 Council Member.

RECOMMENDATION

Provide Staff direction on the format of the Special Meeting and forming interview questions for applicants.

Assistant City Clerk Jennifer PARSLEY briefly discussed the type of interview questions.

Marilyn SOBEL, Merced - spoke on her concerns regarding procedure and would like to do a Special Election to allow the voters to fill the vacant seat, difficulties of getting information prior to action being taken, and citizen input.

Council, Mrs. PARSLEY, City Manager Scott MCBRIDE, Information Technology Jeff BENNYHOFF, and City Attorney Craig CORNWELL discussed the process of a Special Election, interview questions vs. a freestyle type of questioning, time spent on asking questions, format of the appointment process and Special Meeting, the number of applications received, public comment portion, possible backup Special Meeting for December 3, 2025, the number of questions asked, have a set time for public comment, formatting the questions that will be asked and using the timer during the interview portion of the meeting. They also discussed where the candidates would be during the interview process, moving locations to hold the Special Meeting to accommodate the amount of people, and public comment only on agendized items.

Clerk's Note: Council provided direction to staff, no formal vote was taken.

L.3.

SUBJECT: Selection of City of Merced Representatives to Participate in the May 2026 One Voice Program and Approval of Priority Projects

REPORT IN BRIEF

Council to decide City Representatives to participate in the One Voice Program scheduled for May 12 - 15, 2026.

RECOMMENDATION

City Council - Adopt a motion:

A. Selecting to send two City Council members and one staff member to the One Voice Conference May 12 - 15, 2026; and,

B. Setting proposed priorities to submit to Merced County Association of Governments by December 1, 2025.

Senior Management Analyst Jennifer FLACHMAN gave a brief presentation on selecting two Council Members to participate in the May One Voice Program and approving priority projects.

Council briefly discussed interest in attending the One Voice trip.

A motion was made by Council Member Harris, seconded by Council Member Smith, to appoint Mayor Pro Tempore Boyle and Council Member Dupont to participate in the One Voice trip. 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: 0

Council, Ms. FLACHMAN, Deputy City Manager Frank QUINTERO, City Manager Scott MCBRIDE, and Captain Dan DABNEY discussed priority projects, the Highway 59 widening project, Mission Road and Highway 59 improvements, Airport runway project, Public Safety capital project, Hawk Training Project, Bear Creek Project, discussions they had at the last One Voice trip, deadline to submit, the Airport fuel farm, and Public Safety Communication Infrastructure.

Clerk's Note: No formal vote was taken. Council provided direction to staff to prioritize the following projects at the One Voice trip: Highway 59 Bridge Widening Project, the Bear Creek Project, side meetings for FAA, and the Public Safety Communication Infrastructure project.

L.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.

There were no future items added.

L.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 DUPONT wished his daughter a happy birthday.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 11:14PM.

A motion was made by Council Member Dupont, seconded by Council Member Smith, to adjourn the Regular Meeting. 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: 0