



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 16, 2024

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 0

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:05 PM.

Clerk's Note: Council Member SMITH arrived to Closed Session at 5:06 PM and Council Member ORNELAS arrived to Closed Session at 5:25 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

Clerk's Note: Council adjourned from Closed Session at 5:54 PM.

C. CALL TO ORDER

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

C.1. Invocation - Monika Grasley, Lifeline Community Development Corp

The Invocation was delivered by Monika GRASLEY of the Lifeline
Community Development Corporation.

C.2. Pledge of Allegiance to the Flag

Monika GRASLEY led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, 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 \$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 - Dr. Martin Luther King, Jr. - Day of Service

REPORT IN BRIEF

Accepted by Tamera Cobb of the Martin Luther King Jr. Committee.

Mayor SERRATTO presented the Dr. Martin Luther King Jr. - Day of Service Proclamation to Tamera COBB and members of the Martin Luther King Jr. Committee.

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 and Jerry PEREZCHICA.

Agenda Item J.1.: Jeff HENENFENT, Charles PEREIRA, and Beth SMITH.

Agenda Item J.2.: Merced County Board of Education, Gisele NAGY, Yolanda CAMPOS, Randolph, Madelynn LANE, Rhonda PATTERSON, and Stephen PECK.

H. ORAL COMMUNICATIONS

Clerk's Note: Mayor SERRATTO stated that per our Code of Conduct, Council will hear speakers until 30 minutes and reserve the remaining speakers and voicemails for after Agenda Item L.2.

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

Monique GAMA, Merced - spoke on details of the Organic Food Waste Program.

Rick WENDLING, Merced - spoke on freedom of speech in America and details of the Hamas and Israel conflict.

Xerxes Z, Merced - shared details of the Hamas and Israel conflict.

Charles PEREIRA, Merced - spoke on the importance of Council Members and thanked Council Members and city staff for assisting him with issues.

Aggie FREEMAN, Merced Sunrise Rotary Club, Merced - shared a video on the Wall That Heals and spoke on details of the event.

Philip ALLEN, Merced - thanked Council for voting "No" on the cease fire agenda item.

Elizabeth, Merced - spoke on her time in Israel and details of the conflict.

Henry HICKMAN, Merced - spoke on Martin Luther King Jr. Day, the Israel and Hamas conflict, and freedom of religion.

Japjeet SINGH UPPAL, Merced - spoke on the cease fire agenda item and details of the Hamas and Israel conflict.

Linda LUCKENBOOTH, Merced - spoke on her recent trip to Israel and the American media.

Steven GRAHAM, Merced - requested that Council recognize John DERBY and his contributions to the community.

Anna FELIPE, Merced - asked Council to call for a cease fire.

Carlo MCCALICK, Merced - spoke on the international conflict and called for a cease fire.

Miles AZEVEDO, Merced - spoke in favor of a Resolution calling for a cease fire.

Jeneen BARAKET, Merced - spoke on genocide and called for a cease fire.

David SHULTZ, Merced - spoke on the attack in Gaza.

I. CONSENT CALENDAR

Agenda Items I.4. Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(055) for Use of \$470,813 in CMAQ Grant Funding for Project No. CP210044 - Construct Sidewalks on Nottingham Lane from Olive Avenue to Hansen Avenue, Tamworth Court, Buckingham Court, and an Approximately 120-Foot Section Along Alexander Avenue, Along with the Installation of ADA Ramps Where Necessary, I.5. Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(051) for Use of \$402,998 in CMAQ Grant Funding for Project No. CP200043 - Sidewalk Infill on Olive Avenue, Parsons Avenue and Alexander Avenue, I.6. Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(061) for Use of \$1,005,266 in CMAQ Grant Funding for Project No. CP220063 - Childs Multi-Use Path, I.7. Adoption of a Resolution Approving Final Map #5372 for Bellevue Ranch North, Village 23, Phase A, Subdivision for 32 Single-Family Lots, Generally Located West of G Street, North of Farmland Avenue, and the Approval of the Subdivision Agreement for the for Bellevue Ranch North, Village 23, Phase

A Subdivision, I.8. Adoption of a Resolution Approving Final Map #5373 for Bellevue Ranch North, Village 23, Phase B, Subdivision for 32 Single-Family Lots, Generally Located West of G Street, North of Farmland Avenue, and the Approval of the Subdivision Agreement for the for Bellevue Ranch North, Village 23, Phase B Subdivision, and I.9. Approval of Second Amendment to the Agreement for Professional Services with RSG Inc. for Affordable Housing Consulting Services in the Amount of \$45,000, totaling \$237,060; were pulled for separate consideration.

Approval of the Consent Agenda

Clerk's Note: Mayor Pro Tempore PEREZ stepped out.

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: Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of May 1, 2023 and December 4, 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 May 1, 2023 and December 4, 2023.

This Consent Item was approved.

I.3.

SUBJECT: Approval of Agreement for Landscape Maintenance Services with BrightView Landscape Services, Inc., for Maintenance of Various City Owned Facilities, Well Sites, Streetscapes, and Medians, in an Annual Amount of \$189,909 for a Two (2) Year, Five (5) Month Term Beginning February 1, 2024 Through June 30, 2026, with an Option to Extend the Agreement for Three (3) Additional One (1) Year Term(s)

REPORT IN BRIEF

Considers approving a Professional Services Agreement with BrightView Landscape Maintenance Services, Inc., for maintenance services in an annual amount of \$189,909 at various City owned facilities, well sites, streetscapes, and medians.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Professional Services Agreement with BrightView Landscape Services, Inc., in the annual amount of \$189,909, to provide landscape maintenance services at various City owned facilities, well sites, streetscapes, and medians for two years and five months, with an option to renew for a maximum of (3) three additional one-year periods, effective February 1, 2024; and,

B. Authorizing the City Manager or designee to sign the necessary documents; and,

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

This Consent Item was approved.

I.10.

SUBJECT: Approval of a Regulatory Agreement with UP Mercy Village, L.P. Setting Up the Terms of Affordability; Deed Restriction

and Loan Agreement for the Permanent Local Housing Allocation Funds for Mercy Village, an Affordable Housing Project on Park Avenue

REPORT IN BRIEF

Considers approving a Regulatory Agreement with UP Mercy Village, L.P. setting up the Terms of Affordability; Deed Restriction and Loan Agreement for the Permanent Local Housing Allocation funds for Mercy Village, an Affordable Housing Project on Park Avenue.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Regulatory Agreement with UP Mercy Village, L.P. setting up the Terms of Affordability; Deed Restriction and Loan Agreement for the Permanent Local Housing Allocation funds for Mercy Village, an Affordable Housing Project on Park Avenue; and,
- B. Authorizing the City Manager or designee 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,
- C. Authorizing the Finance Officer to make any necessary budget adjustments related to PLHA grant funds; and,
- D. Authorizing the City Manager or designee to execute all agreements and documents to fulfill the terms and conditions of the agreements 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.

This Consent Item was approved.

I.4.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(055) for Use of \$470,813 in CMAQ Grant Funding for Project No. CP210044 - Construct Sidewalks on Nottingham Lane from Olive Avenue to Hansen Avenue, Tamworth Court, Buckingham Court, and an Approximately 120-Foot Section Along Alexander Avenue, Along with the

Installation of ADA Ramps Where Necessary

REPORT IN BRIEF

Considers accepting \$470,813 in Federal CMAQ Grant funding for construction of sidewalks on the east and west side of Nottingham Lane from Olive Avenue to Hansen Avenue, and the construction of sidewalks on Tamworth Court, Buckingham Court and an approximately 120-foot section along Alexander Avenue, and the installation of ADA ramps where necessary.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting CMAQ grant funds and increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$470,813 and appropriating the same to Project No. CP21004-CMAQ Nottingham Sidewalk for costs associated with construction of sidewalks on the east and west side of Nottingham Lane from Olive Avenue to Hansen Avenue, and the construction of sidewalks on Tamworth Court, Buckingham Court, and an approximately 120-foot section along Alexander Avenue, and the installation of ADA ramps where necessary; and,
- B. Approving the use of pooled cash until reimbursement is received from the grant; and,
- C. Authorizing the City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make any necessary budget adjustments.

Clerk's Note: Mayor SERRATTO stated that Council will hear Agenda Items I.4., I.5., and I.6. together.

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

Council, Interim City Engineer Michael WEGLEY, and City Manager Scott MCBRIDE discussed the process after approval, timeline for projects that have been applied for, and Council's participation for projects.

Ashley SUAREZ, Merced - spoke on lack of lighting in the area, installing high visibility strips, and safety for residents walking.

Council and Mr. WEGLEY discussed the phases of all projects and safety concerns.

Clerk's Note: Council made a motion for Agenda Items I.4., I.5., and I.6. together.

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

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

No: 0

Absent: 0

I.5.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(051) for Use of \$402,998 in CMAQ Grant Funding for Project No. CP200043 - Sidewalk Infill on Olive Avenue, Parsons Avenue and Alexander Avenue

REPORT IN BRIEF

Considers accepting \$402,998 in Federal CMAQ Grant funding for construction of sidewalks and ADA ramps on Olive Avenue from East Queen Circle to Parsons Avenue, Parsons Avenue from Olive Avenue to South of Hansen Avenue, and along Alexander Avenue from Nottingham Lane to Parsons.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting CMAQ grant funds and increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$402,998 and appropriating the same to Project No. CP200043-CMAQ Sidewalk infill Olive/Parsons/Alexander for costs associated with construction of sidewalks and ADA ramps on Olive Avenue from East Queen Circle to Parsons Avenue, Parsons Avenue from Olive Avenue to South of Hansen Avenue, and along Alexander Avenue from Nottingham Lane to

Parsons; and,

B. Approving the use of pooled cash until reimbursement is received from the grant; and,

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

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

Clerk's Note: Mayor SERRATTO stated that Council will hear Agenda Items I.4., I.5., and I.6. together.

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

Clerk's Note: Council made a motion for Agenda Items I.4., I.5., and I.6. together.

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

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

No: 0

Absent: 0

I.6.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(061) for Use of \$1,005,266 in CMAQ Grant Funding for Project No. CP220063 - Childs Multi-Use Path

REPORT IN BRIEF

Considers accepting \$1,005,266 in Federal CMAQ Grant funding for construction of a multi-use path along Childs Avenue from Golden Valley High School to Weaver Middle School on Coffee Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting CMAQ grant funds and increasing revenue in Fund 5005-Street and Signal CIP in the amount \$1,005,266 and appropriating the same to Project No. CP220063 for costs associated with construction of an eight-foot-wide concrete pedestrian/bicycle multi-use pathway on Childs Avenue from Golden Valley High School to Weaver Middle School on Coffee Street; and,

B. Approving the use of pooled cash until reimbursement is received from the grant; and,

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

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

Clerk's Note: Mayor SERRATTO stated that Council will hear Agenda Items I.4., I.5., and I.6. together.

Mayor SERRATTO pulled this item at the request of Council Member ORNELAS, Council Member XIONG, and Resident Ashley SUAREZ.

Clerk's Note: Council made a motion for Agenda Items I.4., I.5., and I.6. together.

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

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

No: 0

Absent: 0

I.7.

SUBJECT: Adoption of a Resolution Approving Final Map #5372 for Bellevue Ranch North, Village 23, Phase A, Subdivision for 32 Single-Family Lots, Generally Located West of G Street, North of Farmland Avenue, and the Approval of the Subdivision Agreement for the for Bellevue Ranch North, Village 23, Phase A Subdivision

REPORT IN BRIEF

Considers approving Final Map #5372 for 32 single-family lots, located west of G Street, north of Farmland Avenue, and the subdivision agreement for Bellevue Ranch North, Village 23, Phase A Subdivision.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2024-10**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Bellevue Ranch North, Village 23, Phase A Subdivision (#5372); and,

B. Approving the Subdivision Agreement for the Bellevue North, Village 23, Phase A Subdivision; and,

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

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

Mayor SERRATTO pulled this item at the request of Council Member SMITH and resident Mike CHAVEZ.

Mike CHAVEZ, Merced - reserved his comments for Agenda Item J.1.

Council Member XIONG spoke in opposition of the gated communities.

Clerk's Note: Mayor SERRATTO stated that Council will hear Agenda Items I.7. and I.8. together.

Clerk's Note: Council made a motion for Agenda Items I.7. and I.8. together.

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

Aye: 3 - Mayor Serratto, Mayor Pro Tempore Perez, and Council Member Boyle

No: 3 - Council Member Ornelas, Council Member DeAnda, and Council Member Xiong

Absent: 0

Recused: 1 - Council Member Smith

- I.8. **SUBJECT:** Adoption of a Resolution Approving Final Map #5373 for Bellevue Ranch North, Village 23, Phase B, Subdivision for 32 Single-Family Lots, Generally Located West of G Street, North of Farmland Avenue, and the Approval of the Subdivision Agreement for the for Bellevue Ranch North, Village 23, Phase B Subdivision

REPORT IN BRIEF

Considers approving Final Map #5373 for 32 single-family lots, located west of G Street, north of Farmland Avenue, and the subdivision agreement for Bellevue Ranch North, Village 23, Phase B Subdivision.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving **Resolution 2024-11**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Bellevue Ranch North, Village 23 Phase B Subdivision (#5373); and,
- B. Approving the Subdivision Agreement for the Bellevue North, Village 23, Phase B Subdivision; and,
- C. Authorizing the City Manager to execute all necessary documents.

Clerk's Note: Mayor SERRATTO stated that Council will hear Agenda Items I.7. and I.8. together.

Clerk's Note: Council made a motion for Agenda Items I.7. and I.8. together.

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

Aye: 3 - Mayor Serratto, Mayor Pro Tempore Perez, and Council Member Boyle

No: 3 - Council Member Ornelas, Council Member DeAnda, and Council Member Xiong

Absent: 0

Recused: 1 - Council Member Smith

- I.9. **SUBJECT:** Approval of Second Amendment to the Agreement for Professional Services with RSG Inc. for Affordable Housing

Consulting Services in the Amount of \$45,000, totaling \$237,060

REPORT IN BRIEF

Considers approving the Second Amendment to the Agreement for Professional Services with RSG Inc. for Affordable Housing Consulting Services in the amount of \$45,000, totaling \$237,060.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Second Amendment to the Agreement with RSG Inc. for Affordable Housing Consulting Services by increasing the budget by \$45,000; and,
- B. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- C. Authorizing the City Manager to execute the agreements.

Mayor SERRATTO pulled this item at the request of resident Rick WENDLING.

Rick WENDLING, Merced - spoke on the Professional Services Agreement and the cost of consultants.

Council and City Manager Scott MCBRIDE discussed City staff having limited capacity and the reason for hiring consultants.

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

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

No: 0

Absent: 0

Clerk's Note: Council took a recess at 7:20 PM and returned at 7:32 PM.

Mayor SERRATTO announced that City Manager and City Attorney

needed to point out a deficiency in the vote for Agenda Items I.7. and I.8.

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

City Manager Scott MCBRIDE, Associate Planner Francisco MENDOZA, and City Attorney Craig CORNWELL briefly described the final map process, the reason to deny a final map, and the steps to reconsider the Agenda Item.

Council and Mr. CORNWELL discussed the steps taken if a motion fails and the procedures if a Council Member requests to reconsider an Agenda Item.

Council Member DEANDA stated he would like to reconsider Agenda Items I.7. and I.8.

A motion was made by Council Member DeAnda, seconded by Mayor Pro Tempore Perez, to reconsider Agenda Items I.7. and I.8. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, and Council Member DeAnda

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

Absent: 0

Recused: 1 - Council Member Smith

Clerk's Note: Council reconsidered Agenda Items I.7. and I.8 together.

Agenda Item I.7. Adoption of a Resolution Approving Final Map #5372 for Bellevue Ranch North, Village 23, Phase A, Subdivision for 32 Single-Family Lots, Generally Located West of G Street, North of Farmland Avenue, and the Approval of the Subdivision Agreement for the for Bellevue Ranch North, Village 23, Phase A Subdivision

Agenda Item I.8. Adoption of a Resolution Approving Final Map #5373 for Bellevue Ranch North, Village 23, Phase B, Subdivision for 32 Single-Family Lots, Generally Located West of G Street, North of Farmland Avenue, and the Approval of the Subdivision Agreement for the for Bellevue Ranch North, Village 23, Phase B Subdivision

Clerk's Note: There was no Council discussion.

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, to approve Agenda Items I.7. and I.8. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, and Council Member DeAnda

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

Absent: 0

Recused: 1 - Council Member Smith

J. PUBLIC HEARINGS

J.1.

SUBJECT: Continued 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 BRMDP 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 the applicant being a client at his law firm.

City Manager Scott MCBRIDE gave a slideshow presentation on the General Plan Amendment, Site Utilization Plan Revision amending the Bellevue Ranch Master Development Plan (BRMDP), and details of removing the R Street location.

Council and Mr. MCBRIDE discussed details of the proposed land use changes.

Mayor SERRATTO opened the Public Hearing at 8:03 PM.

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

Edith ROJAS, Merced - asked Council to vote no on this Agenda item.

Patricia LEWIS, Merced - asked Council to vote no due to it increasing the risk of flooding.

Concerned Citizen, Merced - asked Council to vote no due to flooding and requested the FEMA information.

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

Tony LYNCH, Merced - spoke on his concerns of the land being raised and potential flooding in the future.

Margaret RENCH, Merced - spoke on the flood of 2023.

Rick WENDLING, Merced - spoke in support of Council approving this Agenda item and other housing items.

Diana VILLA, Merced - thanked Council for making the amendments.

Janice PHENIS, Merced - thanked Council and builder for postponing the amended section, and spoke on her concerns of the land that will be raised due to future flooding.

Courtney GRAVES, Merced - thanked the developer and Council and spoke on his concerns of the raised dirt.

Charles PEREIRA, Merced - thanked the developer and Council and spoke on the FEMA regulatory flood way.

Marcos ALVIRA, Merced - thanked Council members that attended the meetings and asked the City to communicate better with the citizens.

Paul OLSON-DIEHL, Merced - thanked Council, city staff, and the developer for the land use changes and spoke on his concerns of the water flow.

Sandy ERB, Merced - thanked the developer for the informational meeting and spoke on the newspaper publications.

Xerxes ZANGEHCH, Merced - spoke on the land use and public transportation of the proposed area.

Mike CHAVEZ, Merced - spoke on the floods of 2023 and the importance of water basins.

Lucia MIRANDA, Merced - spoke on the floods of 2023 and in opposition of low-income housing.

Applicant Rick MUMMERT, Benchmark Engineering, Inc - spoke on details

of FEMA meetings held with city staff and details of the hydrology map.

Council and Mr. MUMMERT discussed the transit hub, parking lots, the clean up of the area, meeting with the hydrologist.

Tiffanie MARSHALL, Merced - spoke on details of the project.

Council, Ms. MARSHALL, Director of Public Works Ken ELWIN, and Mr. MUMMERT discussed details of the zoning of the proposed area, affordable housing, removing Table 21, public comment, the impacts of the 2023 floods, how the roads work, storm drainage, details of the infrastructure, development requirements for the Site Utilization Plan, details of the different tables, and the zoning of areas.

Mayor SERRATTO closed the Public Hearing at 9:10 PM.

Council discussed the available affordable housing for the project, details of the neighborhood meeting, the possibility of a Brown Act violation, and the removal of tables to the project.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, that this agenda item be approved, including removing Table 21 and Table 20 from consideration and amending to approve multi-family through the Site Plan process. The motion carried by the following vote:

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

No: 0

Absent: 0

Clerk's Note: Council took a recess at 9:22 PM and returned at 9:34 PM.

J.2.

SUBJECT: Approval of the Annexation and Pre-zoning Application #23-03, Adoption of a Pre-Annexation and Development Agreement, General Plan Amendment #23-04, Establishment of Planned Development #80, Adoption of VST Specific Plan and Environmental Review #23-44 all Initiated by the Virginia Smith Trust (VST), Property Owner

REPORT IN BRIEF

Considers approving the proposed annexation and pre-zoning of 654 acres of land generally located near the northeast corner of Cardella Road and Lake Road (4600 Lake Road -APNs 060-010-004 and 060-020-048), along with adoption of a Pre-Annexation and Development Agreement, changes to the text of the General Plan, creation of a Planned Development Zone and adoption of the VST Specific Plan.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2024-13**, a Resolution of the City Council of the City of Merced, California, Acting as a Responsible Agency Adopting the Final Focused Supplemental Environmental Impact Report for the VST Annexation (Environmental Review #23-44), and Adopting the Statement of Facts and Findings Required by CEQA Guidelines Section 15091, a Mitigation Monitoring Program, and a Statement of Overriding Considerations For Environmental Review #23-44; and,

B. Approving **Resolution 2024-14**, a Resolution of the City Council of the City of Merced, California, Approving General Plan Amendment #23-03 Which Amends Certain Text and Figures Within the General Plan and Adopting the VST Specific Plan Which Establishes the Standards and Guidelines for the Development of Approximately 654 Acres of Land Generally Located at the Northeast Corner of Cardella and Lake Roads (4600 Lake Road); and,

C. Approving **Resolution 2024-15**, a Resolution of the City Council of the City of Merced, California, to the Local Agency Formation Commission for the Annexation of Uninhabited Property Located at 4600 Lake Road Generally Near the Northeast Corner of Lake and Cardella Roads as Described Herein; and,

D. Introducing **Ordinance 2560**, an Ordinance of the City Council of the City of Merced, California, Amending the Official Zoning Map by Prezoning Land Generally Located at the Northeast Corner of Lake and Cardella Roads (4600 Lake Road) as Planned Development (P-D) #80; and,

E. Introducing **Ordinance 2561**, an Ordinance of the City Council of the City of Merced, California, Approving a Pre-Annexation Development Agreement by and Between the City of Merced and the Virginia Smith

Trust for the VST Annexation; and,

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

Principal Planner Jonnie LAN gave a slideshow presentation on the Virginia Smith Trust (VST) annexation and pre-zoning project.

City Manager Scott MCBRIDE recognized staff members, departments, and agencies that worked on this project.

Mayor SERRATTO opened the Public Hearing at 9:47 PM.

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

Cori LUCERO, Executive Director, Government Relations for UC Merced, Merced - spoke on details of the VST project and shared support for the project.

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

Xerxes ZANGENCH, Merced - spoke on annexing land and suggested more access to public transit.

Ashley Marie SUAREZ, Leadership Counsel, Merced - spoke on the development in North Merced and the lack of resources in South Merced.

Steve TINETTI, Merced - spoke in support of the VST project and scholarship opportunities.

Regina CHERF, Merced - spoke in support of the VST project and details of the grant opportunities for High School seniors.

Steve GOMES, Merced - spoke on the scholarship opportunities Merced County students have due to the VST project.

Priya LAKIREDDY, Merced - spoke on the VST project scholarship.

Erin HAMM, Merced - spoke on the educational opportunities and the future growth with this project.

Dominic MIANO, Merced - spoke in support of commercial opportunities to bring employment to the city.

Project Planner and Manager Stephen PECK and VST Director Steve TIETJEN gave a slideshow presentation on details of the VST Project; such as road maintenance, park maintenance, the cost, scholarships, educational opportunities to students, and updates on the project.

Mayor SERRATTO closed the Public Hearing at 10:28 PM.

Council and City Manager Scott MCBRIDE discussed affordable housing.

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

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

No: 0

Absent: 0

K. REPORTS

K.1.

SUBJECT: Approval of Density Bonus #23-02, Initiated by Devonwood Apartments, LP, on Behalf of Devonwood 64, LP, Property Owner; this Application Involves a Request to Reduce the Minimum Parking Requirements and Concessions for Relief from Certain Design Standards for Multi-Family Dwellings, the Reduction in Parking Requirements and Granting of Concessions Would Allow the Construction of a 156-Unit Affordable Apartment Complex on Approximately 5.90 Acres of Land, Generally Located on the South Side of Devonwood Drive Between Loughborough Drive and Austin Avenue; and, Approval of City Council Resolution No. 2024-12 Approving Various Financing Transactions and Documents for Affordable Housing on Behalf of Devonwood Apartments, L.P. in the Approximate Amount of \$10,171,476.06 Consisting of Loan Agreements, Regulatory Agreements, Subordination Agreements, and Related Loan Documents; and, Authorizing Certain Other Actions in Connection to the Devonwood Apartments Project

REPORT IN BRIEF

Considers approval of a Regulatory Agreement with Devonwood Apartments, LP, approving Density Bonus #23-02 and granting certain

concessions to Multi-family Development Design Standards to allow the construction of a 156-unit affordable apartment complex generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue; and, Considers approval of Resolution 2024-12, approving various financial transactions and documents for Affordable Rental Housing on behalf of Devonwood Apartments, L.P. in the approximate amount of \$10,171,476.06 consisting of Loan Agreements, Regulatory Agreements, Subordination Agreements, and Related Loan Documents; and, Authorizing certain other actions in connection therewith.

RECOMMENDATION

City Council - Adopt a motion:

A. Finding that the adoption of the Regulatory Agreement is exempt from review under the California Environmental Quality Act (CEQA) through adoption of a Categorical Exemption based on the previous environmental review (Initial Study #20-32 for GPA #20-01) remains sufficient and no further documentation is required (CEQA Section 15162 Finding); and,

B. Approving the Affordable Housing Regulatory Agreement with Devonwood Apartments, LP, for the approximate 5.90-acre property generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue, to construct a 156-unit affordable apartment complex; and,

C. Approving **Resolution 2024-12**, A Resolution of the City Council of the City of Merced, California, Approving Various Financing Transactions and Documents for Affordable Housing on Behalf of Devonwood Apartments, L.P. in the total approximate amount of \$10,171,476.06 consisting of Loan Agreements, Regulatory Agreements, Subordination Agreements, and Related Loan Documents, and authorizing certain other actions in connection therewith; and,

D. Approving all necessary agreements relating to the project and commitment of project funding; and,

E. Authorizing the Finance Officer to make the necessary budget adjustments; and,

F. Authorizing the City Manager to execute the necessary documents, with authority to make minor modifications, if needed, with City Attorney review

and approval.

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

Management Analyst Leah BROWN, Vice President Rick GOLDBERG, and City Manager Scott MCBRIDE gave a slideshow presentation on details of the Devonwood Apartments, LP. apartment complex project.

Council and Mr. GOLDBERG discussed the funding sources of the project.

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

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

No: 0

Absent: 0

Recused: 1 - Council Member Smith

L. BUSINESS

L.1. **SUBJECT:** Request to Add Item to Future Agenda

REPORT IN BRIEF

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

Clerk's Note: No future items were added.

L.2. **SUBJECT:** City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Council Member DEANDA reported on viewing the new parks and equipment being built.

Council Member ORNELAS reported on attending the Public Safety Subcommittee meeting.

Mayor Pro Tempore PEREZ reported on attending the Save the Train Dinner/Auction and the Martin Luther King Jr. March.

Council Member SMITH reported on attending the Public Safety Subcommittee meeting and the Martin Luther King Jr. March.

Council Member BOYLE reported on attending the Martin Luther King Jr. March, the community meeting with residents from the area of Item J.1., and wished Deputy City Manager Frank QUINTERO a Happy Birthday.

Mayor SERRATTO reported on attending the Public Safety Subcommittee meeting, working with CALTRANS to clean the 16th Street bridge, and a meeting with Bay Valley Tech.

Clerk's Note: Continuation of Agenda Item H. Oral Communications.

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

Rosa Maria RAMIREZ, Merced - spoke in support of Palestine and the cost of living going up.

Mai, Merced - urged Council to demand a cease fire and shared details of Palestine.

Sakara SAUDERS, Merced - spoke in support of free Palestine and urged Council to demand a cease fire.

Nayelli, Merced - spoke on Council standing with Palestine.

Beth, Merced - asked Council to look into Palestine and demand a cease fire.

Fatima MALDONADO, Merced - urged Council to demand a cease fire and spoke on Palestine.

Noor IRSHAD, Merced - spoke in support of the cease fire for Palestine.

Israel, Merced - urged Council to demand a cease fire and to stand with

Palestine.

Joshua VALENTINE, Merced - urged Council to demand a cease fire and spoke on details of Palestine.

Yasmine, Merced - urged Council to demand a cease fire and to stand with Palestine.

Merced Resident - urged Council to demand a cease fire and to stand with Palestine.

George WAYNE, Merced - spoke in support Palestine and urged Council to demand a cease fire.

LEO NIEHORSTER-COOK, Merced - spoke in support of a free Palestine and of Mayor Pro Tempore PEREZ's comments.

Mayra CEJA, Merced - urged Council to demand a cease fire and spoke on Palestine.

Meche, Merced - asked Council to reconsider their decision regarding the cease fire and shared details of Palestine.

Isechen, Merced - spoke in disappointment in the decision to reject the Resolution for a cease fire in Palestine.

Christopher BANK, Merced - spoke in support Palestine and urged Council to demand a cease fire.

Eugene VANG, Merced - spoke on the importance for the Hmong community to stand with Palestine and support a cease fire.

Ian HIPPENSTEELE, North Central Valley Democratic Socialists of America, Merced - urged Council to demand a cease fire and spoke on Palestine.

Julian, Merced - spoke in support of Palestine, for a cease fire, and providing aid to Palestine.

Nicole ESCOBAR, Merced - urged Council to demand a cease fire and spoke on Palestine.

Pangcha, Merced - spoke in support of a resolution calling for a cease fire and political leaders pretending to care for communities.

Patricia PRATT, Merced - urged Council to reconsider the decision regarding Palestine.

Carlo, Merced - spoke in disappointment in the decision to refuse the genocide of Palestine.

Joseph GONZALEZ, Merced - asked Council to pass a resolution calling for a cease fire.

Andrew PRUE, Merced - spoke in support to free Palestine, demanding a cease fire, and the disappointment of Council's previous votes.

Astrid, Merced - asked Council to demand a cease fire.

Mariel GONZALES, Merced - spoke in support Palestine and urged Council to demand a cease fire.

Zuniara IQBAL, Merced - spoke in support Palestine and for Council to demand a cease fire.

Rosie, Merced - urged Council to demand a cease fire and spoke on Palestine.

Leanne KAYLA, Merced - urged Council to demand a cease fire and spoke on Palestine.

Steve, Merced - spoke on concerns from the last City Council meeting.

Adam SHANE, Merced - commented on the resolution for a cease fire and spoke on Martin Luther King Junior's political beliefs.

Lauren ARNEST, Merced - spoke on Council passing a cease fire Resolution and details of the Israel and Gaza situation.

Jazz DIAZ, Merced - spoke in support of Council to support the cease fire and in disappointed how Council voted.

Sebastian, Merced - demanded Council to re-evaluate their decision on the Palestine genocide and spoke on details of Palestine.

Justina, Merced - urged Council to demand a cease fire and spoke on Palestine.

Isabella, Merced - urged Council to demand a cease fire and spoke on Palestine.

Merced Resident - urged Council to reconsider the decision to demand a cease fire and spoke on Palestine.

Claudia JOHNSON, Merced - spoke in support of a free Palestine and asked Council to vote to demand a cease fire.

Carlos, Merced - spoke in support of a cease fire and for Council to demand a cease fire.

Oscar TORRES, Merced - asked Council to consider for Merced to demand a cease fire.

Helia JOSEPUR, Merced - spoke in support of a free Palestine and asked Council to vote to demand a cease fire.

Julissa, Central Valley Black Indigenous People of Color Coalition, Merced - urged Council to demand a cease fire and spoke on details of tax dollars.

Tony SHAHIN, Merced - asked Council to call and support a cease fire in Gaza.

John CARLO, Merced - asked Council to reconsider the demand for a cease fire and spoke on Palestine.

Anna, Merced - asked Council to reconsider the demand for a cease fire and spoke on Palestine.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 11:37 PM.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to adjourn the Regular Meeting in honor of John Derby. The motion carried by the following vote:

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

No: 0

Absent: 0