



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, June 29, 2020

5:00 PM

A. CALL TO ORDER

Mayor MURPHY called the Special Meeting to order at 5:00 PM.

A.1. Pledge of Allegiance to the Flag

Mayor Pro Tempore SERRATTO led the Pledge of Allegiance.

B. ROLL CALL

Clerk's Note: Council Member MCLEOD arrived at 5:06 PM.

Present: 6 - Mayor Mike Murphy, Mayor Pro Tempore Matthew Serratto, Council Member Kevin Blake, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Delray Shelton

Absent: 1 - Council Member Fernando Echevarria

B.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

C. CEREMONIAL MATTERS

C.1. **SUBJECT: Proclamation - Merced Pride Weekend**

REPORT IN BRIEF

Received by a representative of the Merced LGBTQ+ Alliance.

Mayor MURPHY presented the Merced Pride Month proclamation to the LGBTQ+ Alliance.

D. CONSENT CALENDAR

Approval of the Consent Agenda

A motion was made by Council Member Blake, seconded by Council Member Shelton, to approve the Consent Agenda. The motion carried by the following

vote:

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 1 - Council Member Echevarria

D.1.

SUBJECT: Consent to the Assignment of the Development Agreement, Consent to the Lien Agreement and Estoppel Agreement with AB Merced LLC, Bellevue Merced LLC, and Bank OZK for the Property Generally Located on the North Side of Bellevue Road, West of Barclay Way

REPORT IN BRIEF

Considers adopting a Consent and Estoppel Agreement with the owners of Bellevue Ranch North and their lender, Bank OZK, to consent to the Collateral Assignment and Lien Instrument and to verify that the Development Agreement is in full force and effect and there are no defaults.

RECOMMENDATION

City Council - Adopt a motion adopting the Consent and Estoppel Agreement between the City of Merced, AB Merced LLC, Bellevue Merced LLC, and Bank OZK and authorizing the City Manager or the Assistant City Manager to execute the agreement.

This Consent Item was approved.

E. PUBLIC HEARINGS

E.1.

SUBJECT: Conduct a Public Hearing - Adoption of a Categorical Exemption Pursuant to the California Environmental Quality Act and Introduction of an Ordinance to Amend the Term of the Development Agreement from 25 Years to 40 Years for Bellevue Ranch, Initiated by Baxter Ranches LLC and Stonefield Home, Inc.

REPORT IN BRIEF

The City Council will conduct a public hearing and consider the introduction of an Ordinance which would modify the Development Agreement for Bellevue Ranch to extend the term of the Agreement for the remaining portions of Bellevue Ranch West (generally north of Cardella, west of G Street) from 25 years to 40 years.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting a Categorical Exemption (Environmental Review #20-12) per the California Environmental Quality Act (CEQA); and,

B. Introducing **Ordinance No. 2516**, An Ordinance of the City Council of the City of Merced, California, amending Ordinance No. 1906 to modify the term of the development agreement for Bellevue Ranch for the remaining portion of Bellevue Ranch West from 25 Years to 40 Years.

Planning Manager Kim ESPINOSA gave a slide show presentation on amending a Development Agreement from 25 years to 40 years initiated by Baxter Ranches LLC and Stonefield Homes, Inc.

Mayor MURPHY opened and subsequently closed the Public Hearing at 5:16 PM due to lack of public comment.

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

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 1 - Council Member Echevarria

F. BUSINESS

F.1.

SUBJECT: Discussion Regarding Potential Censure of Council Member Echevarria and Providing Direction to Staff Regarding Specific Allegations for a Written Censorship Resolution, if Any

REPORT IN BRIEF

Discussion and Direction Related to the Potential Censure of Council Member Echevarria.

RECOMMENDATION

If the City Council decides to proceed with a censure, provide direction to staff regarding specific allegations for a written censure resolution.

City Manager Steve CARRIGAN read a statement regarding censure of a Council Member and the process involved.

Council discussed the potential censure of Council Member

ECHEVARRIA, citing his actions and conduct at meetings and representing the City at community events.

City Attorney Phaedra NORTON cited the Council Code of Conduct and items that could warrant Council adopting a resolution of censure.

Council discussed Council Member ECHEVARRIA's violation of the City Council Code of Conduct document.

Gabriela SPIVA, Merced - spoke about the censure of Council Member ECHEVARRIA and the need for more stringent action.

De ZHEN ZHOU, Merced - asked that Council Member ECHEVARRIA correct his actions or resign.

Melinda GONZALES, Merced - called for the resignation of Council Member ECHEVARRIA.

Kedra AVERY, Merced - called for the resignation of Council Member ECHEVARRIA.

Jesse ORNELAS, Merced - expressed his concerns over Council Member ECHEVARRIA's recent conduct.

Council and Ms. NORTON discussed the limitations placed on the Council in regards to Council Member ECHEVARRIA's conduct.

Sam RANGEL, Merced - questioned the efficiency of Council with a member that is not aligned with the rest of Council.

Council provided direction to staff regarding language to be placed in a resolution of censure.

City Manager CARRIGAN and Council discussed the timeline to bring the resolution back to Council.

A motion was made by Council Member Shelton, seconded by Council Member Blake, to bring back a Resolution for the censure of Council Member Echevarria for potential adoption at the July 20, 2020 meeting . The motion carried by the following vote:

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 1 - Council Member Echevarria

G. CLOSED SESSION

Clerk's Note: Council adjourned to Closed Session at 6:03 PM.

G.1. **SUBJECT:** PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE;
Authority: Government Code Section 54957

G.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION Significant Exposure to Litigation pursuant to Government
Code section 54956.9(d)(2): (1) case

H. REPORT OUT OF CLOSED SESSION

Clerk's Note: Council adjourned from Closed Session at 6:26 PM.

Mayor MURPHY reported the Council voted unanimously in Closed Session to reduce the annual compensation of the City Manager by 2.5%.

I. ADJOURNMENT

Clerk's Note: The Special Meeting adjourned at 6:41 PM.

A motion was made by Council Member Blake, seconded by Council Member McLeod, to adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 1 - Council Member Echevarria