



CITY OF MERCED
Amended
Meeting Agenda

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

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

Monday, December 4, 2023

6:00 PM

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

Council Member Smith will be attending via Teleconference from the Grand Hyatt Atlanta in Buckhead Business Center, located at 3300 Peachtree Road NE Atlanta, Georgia, 30305.

Closed Session at 5:00 PM / Study Session at 5:30 PM / Regular Meeting at 6:00 PM

NOTICE TO PUBLIC/AVISO AL PÚBLICO/CEEB TOOM RAU PEJ XEEM

**WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL/BIENVENIDO A LA
REUNIÓN DEL CONCILIO DE LA CIUDAD DE MERCED/ZOO SIAB TXAIS TOS KOJ
TUAJ RAU HAUV CITY COUNCIL LUB ROOJ SAB LAJ**

At least 72 hours prior to each regular City Council meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Council will be available for public inspection at the City Clerk's Office during regular business hours. Spanish and Hmong translation is available at every regular meeting.

Al menos 72 horas antes de cada reunión regular del Concejo Municipal, un paquete de agenda complete está disponible para su revisión en el sitio web de la Ciudad en www.cityofmerced.org o en la Oficina del Secretario de la Ciudad, 678 W. 18th Street, Merced, CA 95340. Todos los registros públicos relacionados con un artículo de sesión abierta que se distribuyen a la mayoría del Concejo estarán disponibles para inspección pública en la Oficina del Secretario de la Ciudad durante el horario comercial habitual. La traducción al español y al Hmong está disponible en todas la reuniones regulares.

Sai kawg yuav tsum yog li 72 teev ua ntej rau txhua lub rooj sib tham ntawm cov Nom Tswv (City Council), yeej muaj tag nrho pob ntawv qhia txog tias rau cov neeg los nyeem hauv lub Nroog (City) qhov website www.cityofmerced.org los sis nyob rau ntawm City Clerk's lub Office, 678 W. 18th Street, Merced, CA 95340. Tas nrho cov ntaub ntawv teev tseg no yuav muab rau cov Nom Tswv ntawm kev sab laj pub rau tsoom pej xeem sawv daws los nyeem nyob rau hauv City Clerk's lub Office thaum lub caij ua hauj lwm. Muaj txhais lus Mev thiab lus Hmoob.

**PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY
CLERK/COMENTARIO DEL PÚBLICO / KEV HLOOV RAU TEJ PEJ XEEM TXOG KEV
TAWM SUAB, NCAUS LUS:**

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium in the back of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

Material may be emailed to cityclerk@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be mentioned to the City Council at the appropriate time. Any correspondence received after 1 PM will be distributed to the City Council and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-8688 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of one (1) minute. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be played during the City Council meeting at the appropriate time. For Public Hearing items, if you wish to speak live during the meeting, please leave callback information and you will be contacted with further details.

To view video (if available) or listen to the City Council meeting live, go to the City's website www.cityofmerced.org, Facebook Live, or Comcast Public Access Channel 96.

Los miembros de la audiencia que deseen dirigirse al Ayuntamiento deben completar una tarjeta de orador disponible en el podio en la parte de atrás de la Cámara del Concejo. Envíe la tarjeta completa al secretario de la ciudad antes de que se llame al artículo, preferiblemente antes de que comience la reunión.

El material puede enviarse por correo electrónico a cityclerk@cityofmerced.org y debe limitarse a 300 palabras o menos. Por favor, especifique qué parte de la agenda está comentando, por ejemplo, # Artículo de la Audiencia pública, # artículo de consentimiento, o Comunicaciones orales. Sus comentarios serán mencionados al Ayuntamiento en el momento apropiado. Cualquier correspondencia recibida después de la 1 PM se distribuirá al Ayuntamiento y se conservará para el registro oficial.

Puede proporcionar comentarios telefónicos a través del correo de voz llamando al (209) 388-8688 a más tardar a la 1 PM del día de la reunión para que se agreguen al comentario público. Los mensajes de voz estarán limitados a un límite de tiempo de un (1) minuto. Por favor especifique qué parte de la agenda está comentando, por ejemplo, número de artículo de la audiencia pública, número de artículo de consentimiento o comunicaciones orales. Sus comentarios se reproducirán durante la reunión del Ayuntamiento en el momento adecuado. Para los temas de audiencia pública, si desea hablar en vivo durante la reunión, deje la información de su llamada y lo contactaremos con más detalles.

Para ver el video (si está disponible) o escuchar la reunión del Concejo Municipal en vivo, visite el sitio web de la ciudad www.cityofmerced.org, Facebook Live o Comcast Public Access Canal 96.

Cov pej xeeem los koom lub rooj sib tham uas xav tawm suab rau lub nroog cov Nom Tswv (City Council) muaj feem los sau ntawv hauv daim ntawv tawm suab nyob ntawm lub sam thiaj hais lus sab xis ntawm Council Chamber. Thov xa daim ntawv tawm suab no rau tus City Clerk ua ntej lub sij hawm rooj sab laj pib.

Tej ntaub ntawv thov muab xa rau cityclerk@cityofmerced.org thiab tsis pub muaj tshaj 300 los lus los yog txawg dua. Thov qhia tias qhov twg hauv daim ntawv tswj koj xav tawm suab rau, piv txwv li, kev sab laj kaws, nqes # los sis kev sib tham ntawm ncauj lus. Koj cov tswv yim muab rau lub rooj sib tham thaum lub sij hawm tsim nyog. Tej ntaub ntawm txais tau tom qab 1 teev tav su mam muab rau cov Nom Tswv (City Council) thiab tso hauv cov ntaub ntawv teev tseg.

Koj muaj feem tso suab hauv xov tooj uas yog hu (209) 388-8688 ua ntej 1 teev tav su hnuv sib tham thiaj koj lub tswv yim muab tso hauv daim ntawv tswj. Tso suab hauv xov tooj tsis pub ntev tshaj (1) feeb. Thov qhia qhov twg hauv daim tswj tias koj xav tawm suab rau, piv txwv li, zej tsoom tawm suab #, khoom tso cai #, los sis kev sib tham ntawm ncauj lus. Cov suab kaws hauv xov tooj mam tso mloog thaum lub caij tsim nyog rau thaum sib tham. Yog koj xav tawm suab thaum sib tham, thov tso koj tus xov tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (thaum muaj) los sis mloog cov Nom Tswv (City Council) kev sib tham, mus saib hauv City's website www.cityofmerced.org, Facebook Live, los sis Comcast Public Access Channel 96.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

The legislative body shall provide the public with an opportunity to address the body on any item described in Closed Session [Government Code Section 54954.3(a)].

- B.1.** [23-1076](#) **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.** [23-1077](#) **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.** [23-1078](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Scott McBride; Unrepresented Management AUTHORITY: Government Code Section 54957.6
- B.4.** [23-1079](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): City Manager Scott McBride; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57 and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6
- B.5.** [23-1084](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4): one (1) Potential Case
- Item added late.**

C. STUDY SESSION ROLL CALL

D. STUDY SESSION

- D.1.** [23-748](#) **SUBJECT:** Study Session to Discuss Advance Life Support (ALS) Transport for the City of Merced and Merced County Emergency Medical Services Agency (MCEMSA) Request for Proposal (RFP)

REPORT IN BRIEF

Study Session to Discuss Advance Life Support (ALS) Transport for the City of Merced and Merced County Emergency Medical Services Agency (MCEMSA) Request for Proposal (RFP).

RECOMMENDATION

Provide staff direction.

E. CALL TO ORDER

E.1. Invocation - Pastor Al Schaap, Gateway Church

E.2. Pledge of Allegiance to the Flag

F. ROLL CALL

F.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.

G. REPORT OUT OF CLOSED SESSION

H. CEREMONIAL MATTERS

H.1. [23-1015](#) **SUBJECT: Proclamation - Homeless Memorial Day**

REPORT IN BRIEF

Accepted by Yamilet Valladolid - Director of Governmental and Community Affairs, Golden Valley Health Centers.

H.2. [23-1082](#) **SUBJECT: Recognition of Mi Gente Motorcycle Club for the Community Service Work They Have Done in Merced for Years**

REPORT IN BRIEF

Accepted by Mi Gente Motorcycle Club.

I. WRITTEN PETITIONS AND COMMUNICATIONS

J. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Mayor may, at his discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

K. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Council member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

K.1. [23-1013](#) **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.

K.2. [23-1035](#) **SUBJECT:** Information Only Contracts for the Month of November 2023

REPORT IN BRIEF

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

K.3. [23-1027](#) **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of October 2, 2023 and October 13, 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 October 2, 2023 and October 13, 2023.

K.4. [23-1002](#)

SUBJECT: Approval to Transfer \$1,000,000 from the Public Facilities Financing Plan (PFFP) to the Fire Department's Fire Station # 56 Capital Improvement Project

REPORT IN BRIEF

Considers approving to transfer \$1,000,000 from the Public Facilities Financing Plan (PFFP) to the Fire Department's Capital Improvement Project CP090007 for the design of a new Fire Station # 56 in the general vicinity of Bellevue Rd. / Barclay Ave. Project consists of designing a new fire station capable of housing one fire engine, one fire truck, one ambulance, and one command officer as well as an Emergency Operations Center.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a \$1,000,000 supplemental appropriation from the unencumbered, unreserved fund balance of Fund 3502-Facilities-Fire City, and transferring to Fund 5004-Public Safety CIP, and appropriating to project CP090007 Fire Station #56; and,

B. Authorizing the Finance Officer to make the necessary budget transfers.

K.5. [23-1017](#)

SUBJECT: Approval of a Second Amendment with SDI Presence LLC. for Project Management Professional Services of the Enterprise Resource Planning Software Replacement Project, and Authorization to Increase the not to Exceed Spending Authority from \$467,950 to \$940,845

REPORT IN BRIEF

Considers approving the second amendment with SDI Presence LLC. for project management services and increasing the not to exceed spending authority from \$467,950 to \$940,845.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Second Amendment with SDI Presence LLC.; and,
- B. Authorizing the not to exceed spending authority to SDI Presence LLC for \$940,845; and,
- C. Authorizing the City Manager or the Deputy City Manager to execute the necessary Documents; and,
- D. Authorizing the Finance Officer to make the necessary budget adjustments.

K.6. [23-1041](#)

SUBJECT: Approval of an Early Site Access Agreement with the Merced County Regional Waste Management Authority (MCRWMA) for Early Morning Operations at the Highway 59 Landfill in the Amount of \$51,000

REPORT IN BRIEF

Considers approving an Early Site Access Agreement with the MCRWMA for conducting early morning operations at the Highway 59 Landfill in the amount of \$51,000.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving an Early Site Access Agreement with the Merced County Regional Waste Management Authority in the Amount not to Exceed \$51,000; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make the necessary budget transfers.

K.7. [23-1044](#)

SUBJECT: Adoption of a Resolution Setting a Public Hearing on January 2, 2024, 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 approving to set a Public Hearing for January 2, 2024, 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 2023-90**, 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 January 2, 2024.

K.8. [23-1053](#)

SUBJECT: Introduction of an Ordinance Amending Sections 10.28.230 “No Parking Zones,” 10.28.231, “No Truck Parking Zones,” 10.28.275, “Disabled Persons - On-Street Parking,” And 10.28.295, “Limited Time Parking Zones - Three Hours” of the Merced Municipal Code

REPORT IN BRIEF

Introducing an Ordinance and considers approving recommendations from the Traffic Committee approving the following: “Additional no parking zone on both the north and south sides of 15th Street, from G Street to approximately 1030 feet east of G Street”, “Additional no truck parking zone on the west side of West Avenue from Eagle Street to Riggs Avenue”, “Additional disabled persons - on-street parking on the east side of B Street, approximately 460 feet north of Childs Avenue”, and “Additional limited time parking zones - three hours on the east side of B Street From Childs Avenue to the curve at 15th Street”.

RECOMMENDATION

City Council - Adopt a motion:

A. Introducing **Ordinance 2558**, an Ordinance of the City Council of the City of Merced, California, Amending Sections 10.28.230 “No Parking Zones,” 10.28.231, “No Truck Parking Zones,” 10.28.275, “Disabled Persons - On-Street Parking,” And 10.28.295, “Limited Time Parking Zones - Three Hours” of the Merced Municipal Code; and,

B. Approving recommendations from the Traffic Committee listed above.

L. PUBLIC HEARINGS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council for discussion and action. Further comment will not be received unless requested by the Council.

- L.1. [23-1048](#) **SUBJECT:** Public Hearing - Vacation #23-03 - Initiated by Devonwood Apartments, Limited Partnership, for Devonwood 64, Limited Partnership, Property Owner, to Vacate a 64-Foot-Wide Public Utilities Easement (PUE) Located on the South Side of Devonwood Drive, Approximately 450 Feet West of Bannon Lane

REPORT IN BRIEF

Considers adopting a Resolution to order the vacation of a 64-foot-wide Public Utility Easement located on the south side of Devonwood Drive, approximately 450 feet west of Bannon Lane.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-91**, a Resolution of the City Council of the City of Merced, California, Ordering the Vacation of a 64-foot wide Public Utilities Easement on the South Side of Devonwood Drive Approximately 450 Feet West of Bannon Lane (Vacation #23-03).

- L.2. [23-1049](#) **SUBJECT:** Public Hearing - Vacation #23-04 - Initiated by Merced City School District, Property Owner, to Vacate a 15-Foot-Wide Public Utilities Easement (PUE) Located at 2111 Wardrobe Avenue, Generally Located on the North Side of Wardrobe Avenue, Approximately 1,360 Feet East of Thornton Road

REPORT IN BRIEF

Considers adopting a Resolution to order the vacation of a 15-foot-wide Public Utility Easement located at 2111 Wardrobe Avenue, generally located on the north side of Wardrobe Avenue, approximately 1,360 feet east of Thornton Road.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-92**, a Resolution of the City Council of the City of Merced, California, Ordering the Vacation of a 15-foot wide Public Utilities Easement Located at 2111 Wardrobe Avenue, Generally Located on the North Side of Wardrobe

Avenue, Approximately 1,360 Feet East of Thornton Road (Vacation #23-04).

M. REPORTS

- M.1. [23-1057](#) **SUBJECT:** Report on the Merced Applegate Zoo and Adoption of a New Zoo Logo

REPORT IN BRIEF

Report on the Merced Applegate Zoo and the considers adopting a new zoo logo.

RECOMMENDATION

City Council - Adopt a motion adopting the new Merced Applegate Zoo logo.

N. BUSINESS

- N.1. [23-1062](#) **SUBJECT:** Direction on the Format and Dates for the 2024 Community Town Halls and Strategic Planning Session to Provide Input on the Development of the Fiscal Year 2024/25 Budget

REPORT IN BRIEF

Seeks direction on the format and dates for the 2024 Community Town Halls and Council Strategic Planning Session to provide input on the development of the fiscal year 2024/25 Annual Budget.

RECOMMENDATION

Provide staff with dates for three Community Town Hall meetings and direction on the format and preferred dates for the Strategic Planning Session.

- N.2. [23-1083](#) **SUBJECT:** Council Member Ornelas' Request for an Update from the South Merced Subcommittee

REPORT IN BRIEF

Council Member Ornelas' request for an update from the South Merced subcommittee.

RECOMMENDATION

Provide direction to staff on the next steps.

- N.3. [23-1009](#) **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.

- N.4. [23-1011](#) **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.

O. ADJOURNMENT