



# CITY OF MERCED

## 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

Monday, August 16, 2021

6:00 PM

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

**Closed Session at 5:00 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 HAU 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](http://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](http://www.cityofmerced.org) o en la Oficina del Secretario de la Ciudad, 678 W. 18th Street, Merced, CA 95340. Todos los registros publicos 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 los yog li 72 teev ua ntej kev sab laj ntawm City Council, muaj pob ntawv kom tswj pub rau tib neeg los nyeem hauv City qhov website [www.cityofmerced.org](http://www.cityofmerced.org) los sis tom City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. Tas nrho cov ntaub ntawv teev tseg ntawm zej tsoom ntawm kev sab laj pub rau pej xeem sawv daws los nyeem tom City Clerk's Office thaum lub caij ua hauj lwm. Muaj txhais lus Mev thiab lus Hmoob.

#### **MODIFIED PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK/COMENTARIO DEL PÚBLICO MODIFICADO/ 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 against the right hand side of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

For at risk individuals or those not wanting to attend an in-person meeting during the current Covid-19 pandemic, please submit your public comment to the City Council electronically no later than 1PM on the day of the meeting. Comments received before the deadline will be sent to the City Council and will be part of the record and mentioned as part of the Written Petitions and Communications portion of the agenda.

Material may be emailed to [cityclerk@cityofmerced.org](mailto: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, Closed Session, item # or Oral Communications. Your comments will be presented 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 three (3) minutes. 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](http://www.cityofmerced.org), Facebook Live, or Comcast Public Access Channel 96.

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

Para las personas en riesgo de aquellos que no quieran asistir a una reunión en persona durante la pandemia actual de Covid-19, envíe su comentario público al Ayuntamiento de forma electrónica a más tardar a la 1:00 p.m. del día de la reunión. Los comentarios recibidos antes de la fecha límite se enviarán al Concejo Municipal y formarán parte del registro y se mencionarán como parte de la sección de Peticiones y comunicaciones escritas de la agenda.

El material puede enviarse por correo electrónico a [cityclerk@cityofmerced.org](mailto:cityclerk@cityofmerced.org) y debe limitarse a 300 palabras o menos. Por favor, especifique qué parte de la agenda está comentando, por ejemplo, Sesión cerrada, artículo # o Comunicaciones orales. Sus comentarios serán presentados 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 tres (3) minutos. 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 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](http://www.cityofmerced.org), Facebook Live o Comcast Public Access Channel 96.

Cov pej xeeem los koom lub rooj sab laj kws xav tawm suab rau 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 rau tus City Clerk ua ntej lub sij hawm lub rooj sab laj pib.

Rau cov tib neeg kws tuaj koom tsis tau lub rooj sab laj vim muaj kab mob COVID-19, thov xa koj cov lus tawm suab rau City Council hauv computer los sis hauv xov tooj ua ntej 1 teev tav su hnuv muaj lub rooj sab laj. Cov lus tawm suab txais tau ua ntej lub sij hawm sab laj muab xa rau City Council thiaj muab tso hauv daim ntawv kom tswj.

Tej ntaub ntawv thov muab xa rau [cityclerk@cityofmerced.org](mailto:cityclerk@cityofmerced.org) thiab tsis pub muaj tshaj 300 los lus. Thov qhia qhov twg hauv daim kom 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 sab laj thaum lub sij hawm tsim nyog. Tej ntaub ntawm txais tau tom qab 1 teev tav su mam muab rau City Council thiab tso hauv cov ntaub ntawv teev tseg.

Koj muaj feem tso suab hauv xov toom thaum hu (209) 388-8688 ua ntej 1 teev tav su hnuv sab laj thiaj koj lub tswv yim muab tso hauv daim kom tswj. Tso suab hauv xov tooj tsis pub ntev tshaj (3) feeb. Thov qhia qhov twg hauv daim kom tswj 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 mam tso mloog thaum lub caij tsim nyog thaum sab laj. Yog koj xav tawm suab thaum sab laj, thov tso koj tus zauv xov tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (thaum muaj) los sis mloog City Council kev sab laj, ces mus hauv City's website [www.cityofmerced.org](http://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)]. See MODIFIED PUBLIC COMMENT.

**B.1.**     [21-635](#)                      SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency  
Designated Representative: City Manager Stephanie Dietz;  
Unrepresented Management AUTHORITY: Government Code Section  
54957.6

**B.2.**     [21-636](#)                      SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency  
Designated Representative(s): Travis Lindsey and Janell Van  
Bindsbergen, Lozano Smith, Attorneys at Law; Employee Organizations:  
American Federation of State, County, and Municipal Employees  
(AFSCME) Council 57; Local 2703, International Association of Fire  
Fighters, Local 1479; Merced Police Officers' Association (MPOA);  
Merced Association of Police Sergeants and Merced Association of City  
Employees (MACE). AUTHORITY: Government Code Section 54957.6

**B.3.**     [21-683](#)                      SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS -  
Properties: APN #'s 049-200-005, 049-200-020, 049-200-022,  
049-200-019, 049-200-023, 049-200-017, 049-200-021, 049-200-024,  
049-200-025, 049-220-018, 049-220-019, 049-220-016, 049-220-020,  
049-220-015, 065-030-004, 049-240-016, 049-240-017; Agency  
Negotiator: Stephanie Dietz, City Manager; Negotiating Parties: Robert  
C. Rice, Sandton Capital Partners and City of Merced; Under  
Negotiation: Price and Terms of Payment

## C. CALL TO ORDER

C.1. Invocation - Maggie Fuentes, Chaplain for Merced PD

C.2. Pledge of Allegiance to the Flag

## D. ROLL CALL

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 and the Public Financing and Economic Development Authority. 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 and the Public Financing and Economic Development Authority receive no compensation.

## **E. REPORT OUT OF CLOSED SESSION**

## **F. CEREMONIAL MATTERS**

- F.1. [21-675](#)      **SUBJECT:** Certificates of Recognition for Local Amateur Boxers From the Haro Brothers Boxing Team

### **REPORT IN BRIEF**

Presented by Council Member Jesse Ornelas.

- F.2. [21-676](#)      **SUBJECT:** Proclamation - Madilyn "Bubba" Nickles Day

### **REPORT IN BRIEF**

Mayor Serratto will present a proclamation to Team USA silver medalist Madilyn "Bubba" Nickles.

- F.3. [21-684](#)      **SUBJECT:** Proclamation - Play Music on the Porch Day

### **REPORT IN BRIEF**

Mayor Serratto will present a proclamation to John Russell-Curry.

## **G. WRITTEN PETITIONS AND COMMUNICATIONS**

## **H. 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. See MODIFIED PUBLIC COMMENT.

## **I. 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.

I.1.     [21-604](#)           **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.

I.2.     [21-605](#)           **SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of August 2, 2021**

**REPORT IN BRIEF**

Official adoption of previously held meeting minutes.

**RECOMMENDATION**

**City Council/Public Financing and Economic Development/Parking Authority** - Adopt a motion approving the meeting minutes of August 2, 2021.

I.3.     [21-608](#)           **SUBJECT: Approval to Waive the Competitive Bidding Requirements, Approving a Supplies and Service Agreement with Ward Office Furniture in the Amount of \$65,920.87 Plus 10% Contingency, and Approving a Professional Service Agreement with Kelly Timmins Corporate Services for Delivery and Installation in the Amount of \$23,120 Plus 15% Contingency**

**REPORT IN BRIEF**

Considers waiving of competitive bidding requirements, approving a Supplies and Service agreement with Ward Office Furniture and approving a Professional Service agreement with Kelly Timmins Corporate Services

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Authorizing to waive competitive bidding requirements due to single sourcing as permitted by Merced Municipal Code Section 3.04.210 for the purchase of office furniture; and,

B. Approving the Supplies and Services agreement with Ward Office Furniture in the amount of \$65,920.87 plus 10% contingency for the purchase of office furniture; and,

C. Approving the Professional Services agreement with Kelly Timmins Corporate Services in the amount of \$23,120 plus 10% contingency for delivery and installation of office furniture; and,

D. Authorizing the City Manager or Deputy City Manager to execute any necessary contracts or documents and the Finance Officer to make any necessary budget adjustments.

**I.4. [21-518](#)**

**SUBJECT:** Approval of a Professional Service Agreement Between the City of Merced and RSG Inc. for Affordable Housing Consulting Services for Fiscal Years 2021-22 and 2022-23 in an Amount not to Exceed \$192,060

**REPORT IN BRIEF**

Considers approving a professional services agreement with RSG Inc. to provide affordable housing consulting services to the City of Merced and the City's Housing Successor Agency for Fiscal Years 2021-22 and 2022-23, authorizing the City Manager to make minor modifications if necessary and execute on behalf of the City.

**RECOMMENDATION**

**City Council** - Adopt a motion approving a professional services agreement between the City of Merced and RSG Inc. for affordable housing consulting services for Fiscal Years 2021-22 and 2022-23 in an amount not to exceed \$192,060, and authorizing the City Manager to make minor modifications if necessary and execute all the necessary documents on behalf of the City.

**I.5. [21-450](#)**

**SUBJECT:** Adoption of a Resolution Approving Final Map #5389 for the Bellevue Ranch West, Village 18-A, Phase 2 Subdivision for 65 Single-Family Lots, Generally Located at the Southwest Corner of Freemark Avenue and the Future Catherine A. Hostetler Boulevard, and the Approval of the Subdivision Agreement for the Bellevue Ranch West, Village 18-A, Phase 2 Subdivision

**REPORT IN BRIEF**

Considers the approval of Final Map #5389 for 65 single-family lots, generally located at the southwest corner of Freemark Avenue and the future Catherine A. Hostetler Boulevard, and the subdivision agreement for the Bellevue Ranch West, Village 18A, Phase 2 Subdivision.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving **Resolution 2021-75**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Bellevue Ranch West, Village 18A, Phase 2 Subdivision (#5389); and,
- B. Approving the Subdivision Agreement for Bellevue Ranch West, Village 18A, Phase 2 Subdivision; and,
- C. Authorizing the City Manager or the Deputy City Manager to execute all necessary documents.

**I.6.**     [21-612](#)

**SUBJECT:** Approval of a Finding of Public Convenience or Necessity for Vinhos, Wine Lounge and Tapas Bar, Located at 427 W. Main Street (Land Use Determination #21-04)

**REPORT IN BRIEF**

This report provides options for the City Council to consider making a Finding of Public Convenience or Necessity (PCN), as required by the Department of Alcoholic Beverage Control (ABC) to issue a Type 42 alcohol license (on-sale allowing the sale of beer, and wine) for Vinhos, Wine Lounge and Tapas Bar, located at 427 W. Main Street.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the Finding of Public Convenience or Necessity to allow Vinhos, Wine Lounge and Tapas Bar, located at 427 W. Main Street, to obtain a Type 42 license for on-sale allowing the sale of beer, and wine (Option #1 as shown in the "Council Action" section of this Administrative Report).

**I.7.**     [21-521](#)

**SUBJECT:** Approval to Waive the Competitive Bidding Requirements and Approve Agreements for Supplies and Services for the Purchase of Various Vehicle Parts and Repair/Installation Services with Merced Truck & Trailer, Inc., in the Amount not to Exceed \$100,000, with Next Level Parts, Inc., dba Carquest of Merced in the Amount not to Exceed \$60,000, and with Ron Smith Buick GMC, LP, in the Amount not to



Exceed \$70,000, with the Contracts' Terms Ending June 30, 2022

**REPORT IN BRIEF**

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving three (3) separate Supply and Service Agreements for the purchase of various vehicle parts, as well as vehicle repair and parts installation services for Fiscal Year 2021/2022.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for annual service and supply agreements; and,
- B. Approving an Agreement for Supplies and Services with Merced Truck & Trailer, Inc., in the Amount not to Exceed \$100,000; and,
- C. Approving an Agreement for Supplies and Services with Next Level Parts, Inc., dba Carquest of Merced in the Amount no to Exceed \$60,000; and,
- D. Approving an Agreement for Supplies and Services with Ron Smith Buick GMC, LP, in the Amount not to Exceed \$70,000; and,
- E. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents.

**I.8.**     [21-613](#)

**SUBJECT:** Approval to Waive the Competitive Bidding Requirements and Approve Agreements for Supplies and Services for the Purchase of Traffic Signal and Streetlight Parts with Tesco Controls, Inc., in the Amount not to Exceed \$60,000, Purchase of Asphalt and Related Materials with SYAR Industries, Inc., in the Amount not to Exceed \$40,000, and Purchase of Traffic Paint, Stencils, and Related Supplies with International Coatings Company, Inc., in the Amount not to Exceed \$40,000, with the Contracts' Terms Ending June 30, 2022

**REPORT IN BRIEF**

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving three (3) separate Supply and Service Agreements for the purchase of various traffic signal and streetlight parts, asphalt and related materials, as well as

traffic paint and related supplies for Fiscal Year 2021/2022.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for annual service and supply agreements; and,
- B. Approving an Agreement for Supplies and Services with Tesco Controls, Inc., in the Amount not to Exceed \$60,000; and,
- C. Approving an Agreement for Supplies and Services with SYAR Industries, Inc., in the Amount not to Exceed \$40,000; and,
- D. Approving the Agreement for Supplies and Services with International Coatings Company, Inc., in the Amount not to Exceed \$40,000; and,
- E. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents.

**I.9.**     [21-603](#)

**SUBJECT:** Approval of the Purchase of ESO Solutions, Inc. Records Management System Software Via an Addendum to the Master Subscription and License Agreement for the "Electronic Patient Care Records" System, Approval to Waive the Competitive Bidding Requirement in Conjunction with the Previously Approved for Information Only Agreement Titled "Electronic Patient Care Records", Authorization for Three Additional One-Year Renewals, and Approval to Terminate the Existing Agreement for the FireHouse Records Management System

**REPORT IN BRIEF**

Considers authorizing the purchase of ESO Solutions, Inc. records management system software via an Addendum to the Master Subscription and License Agreement for the "electronic Patient Care Records" system with an initial cost of \$12,705, waiving the competitive bidding requirement in conjunction with the previously approved for information only agreement titled "electronic Patient Care Records" at a cost of \$18,970 (cost borne by the County of Merced), authorizing three additional one-year renewals, and terminating the existing agreement for the FireHouse records management system.

**RECOMMENDATION**

**City Council - Adopt a motion:**

- A. Authorizing the City Manager to terminate the existing software subscription with ESO Solutions, Inc.'s agreement for the FireHouse records management system, City Contract No. 300980;
- B. Authorizing the City Manager to negotiate and execute an addendum to the Master Subscription and License agreement with ESO Solutions, Inc. at an initial cost of \$12,705 for the purchase of ESO's records management system (Fire incidents CAD Integration, fire incidents, inspections, properties, activities and permits), with three additional one-year renewals, for a total amount not to exceed \$64,792.87 (including a 10% contingency) over a three year period, with future funding contingent upon City Council's budget approval;
- C. Authorizing the City Manager to negotiate and execute the software subscription agreement with ESO Solutions, Inc. for the 2nd year's cost of \$19,539.10 for the records management system (electronic Patient Care Reporting), with three additional one-year renewal options, for a total amount not to exceed \$89,918.73 (including a 10% contingency) over a three year period, with future funding contingent upon City Council's budget approval; and,
- D. Authorizing the waiving of the competitive bidding requirement in order to maintain standardization of software and the sole source provider of the Fire Department's current records management software, pursuant to Merced Municipal Code, Article 3.04.210 - Exemptions from Competitive Bidding;
- E. Authorizing the Finance Officer to make the necessary budget adjustments.

**I.10. [21-591](#)**

**SUBJECT: Approval of Parking Enforcement Agreement with the County of Merced to Allow Merced City Parking Enforcement Officers to Enforce Vehicle / Parking Code Violations in Merced County Parking Lots**

**REPORT IN BRIEF**

Considers the approval of an agreement to provide parking enforcement in County parking lots.

**RECOMMENDATION**

**City Council - Adopt a motion approving an agreement between the City**

of Merced and the County of Merced for the Police Department to conduct parking enforcement in the County parking lots and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

I.11. [21-602](#)

**SUBJECT:** Approval of a Delegated Maintenance Agreement with Caltrans to Allow for Litter Removal on State Property Within the City of Merced for a Reimbursement Amount not to Exceed \$75,000

**REPORT IN BRIEF**

Considers the approval of a Delegated Maintenance Agreement with Caltrans to allow for litter removal on state property within the City of Merced for a reimbursement amount not to exceed \$75,000.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the Delegated Maintenance Agreement with Caltrans for litter removal on State property within the City of Merced for a reimbursement amount not to exceed \$75,000; and,

B. Approving an increase to revenue in the amount of \$75,000 in Fund 558-Refuse and authorizing the Finance Officer to make the necessary budget adjustments; and,

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

I.12. [21-668](#)

**SUBJECT:** Approval of the Compensation Plan for Management Employees with a Term of July 1, 2021 through June 30, 2024

**REPORT IN BRIEF**

Considers approving Compensation Plan for Management Employees with a term of July 1, 2021 through June 30, 2024.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving **Resolution 2021-78**, a Resolution of the City Council of the City of Merced, California, adopting a compensation plan for the executive management, middle management, supervisory management, and confidential management employees; and,

B. Approving a Supplemental Appropriation from Fund 087-American Rescue Plan Act in the amount of \$105,000 for Premium Pay in Fiscal

Year 2021-22 and authorizing the Finance Officer to make necessary budget adjustments; and,

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

**I.13.**     [21-653](#)

**SUBJECT:** Second Reading and Final Adoption of an Ordinance to Amend Merced Municipal Code Section 5.54 Regarding Street and Sidewalk Vendors, Including Definitions, Application Requirements, Designated Locations, Hours of Operation, Products Sold, and Revocation of Permits

**REPORT IN BRIEF**

Second reading and final adoption of an Ordinance to amend the City's regulations for Street and Sidewalk Vendors as directed by City Council on July 6, 2021, including modifications to definitions, application requirements, designated locations, hours of operation, products sold, and revocation of permits.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance 2529**, An Ordinance of the City Council of the City of Merced, California, Amending Section 5.54 (Street and Sidewalk Vendors) of the Merced Municipal Code.

**I.14.**     [21-652](#)

**SUBJECT:** Second Reading and Final Adoption of an Ordinance Amending Chapter 2.20, "Planning Commission" of the Merced Municipal Code and the Second Reading and Final Adoption of an Ordinance Adding Chapter 2.36, "Recreation and Parks Commission" to the Merced Municipal Code Regarding Appointments by Council District

**REPORT IN BRIEF**

Second reading and final adoption of two ordinances to include appointing six (6) members to Council districts and one (1) member at-large for the Planning Commission and the Recreation and Parks Commission.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Ordinance 2527**, an Ordinance of the City Council of the City of Merced, California, amending Chapter 2.20, "Planning Commission," of the Merced Municipal Code, and;

B. Adopting **Ordinance 2528**, an Ordinance of the City Council of the

City of Merced, California, adding Chapter 2.36, "Recreation and Parks Commission," to the Merced Municipal Code

## J. 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. See MODIFIED PUBLIC COMMENT.

- J.1. [21-574](#) **SUBJECT:** Public Hearing to Consider a Resolution Approving General Plan Amendment #20-01 and Environmental Review #20-32 (Mitigated Negative Declaration), and the Introduction of an Ordinance to Approve Site Utilization Plan Revision #23 to Planned Development (P-D) #16, and Environmental #20-32 (Mitigated Negative Declaration) for Approximately 6.3 Acres Located on the South Side of Devonwood Drive Between Loughborough Drive and Austin Avenue; and Consider Approval of a Legislative Action Agreement for the Project

### REPORT IN BRIEF

Request for City Council approval to change the General Plan Land Use Designation from Low-Medium Density (LMD) Residential to High Density (HD) Residential and change the Site Utilization Plan designations from "single-family" to "multi-family" for approximately 6.3 acres generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue, including the adoption of a Mitigated Negative Declaration and approval of a Legislative Action Agreement.

### RECOMMENDATION

**City Council** - Adopt a motion:

A. Adopting **Resolution 2021-77**, A Resolution of the City Council of the City of Merced, California, approving a Mitigated Negative Declaration (Environmental Review #20-32) for General Plan Amendment #20-01 and Site Utilization Plan Revision #23 to Planned Development (P-D) #16 for approximately 6.3 acres of land generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue and approving General Plan Amendment #20-01 for the same property changing the General Plan Designation from Low-Medium Density (LMD) Residential to High Density (HD) Residential; and,

B. Introducing **Ordinance 2531**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #23 to

Planned Development (P-D) #16 changing the land use designation from “Single-Family Residential” to “Multi-Family Residential” for approximately 6.3 acres of land generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue; and,

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

**J.2.**     [21-595](#)

**SUBJECT:** Public Hearing to Consider Adoption of a Resolution Granting a Certificate of Public Convenience and Necessity for American Custom Private Security, Inc to Engage in Private Patrol Services

**REPORT IN BRIEF**

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to American Custom Private Security, Inc.

**RECOMMENDATION**

**City Council** - Adopt a motion approving **Resolution 2021-76**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to American Custom Private Security, Inc.

**J.3.**     [21-651](#)

**SUBJECT:** Public Hearing to Consider the Adoption of the Draft 2020 Urban Water Management Plan and the Draft Water Shortage Contingency Plan and to Review and Set the Level of Water Conservation

**REPORT IN BRIEF**

Request City Council introduce resolutions approving the 2020 Urban Water Management Plan and Water Shortage Contingency Plan following a Public Hearing and setting the level of water conservation.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Resolution 2021-73**, a Resolution of the City Council of the City of Merced, California, approving and adopting the 2020 Urban Water Management Plan for the City of Merced; and,

B. Adopting **Resolution 2021-74**, a Resolution of the City Council of the City of Merced, California, approving and adopting the 2020 Water

Shortage Contingency Plan for the City of Merced; and,

C. Authorizing submittal of the Final Plans to the Department of Water Resources.

## K. BUSINESS

### K.1. [21-647](#)

**SUBJECT:** City Council Position on League of California Cities Resolutions

#### REPORT IN BRIEF

Provides direction to the City's official League of California Cities voting delegate on two proposed League Resolutions.

#### RECOMMENDATION

**City Council** - Adopt a motion stating the City's position on each of the two proposed League Resolutions and directing the City's official League voting delegate to cast votes as such at the League's Annual Business Meeting on Friday, September 24, 2021.

### K.2. [21-634](#)

**SUBJECT:** Approval of Reappointments (District 4 and District 6) and Appointment of a New Applicant (District 1) to the Planning Commission

#### REPORT IN BRIEF

Considers reappointing currently seated individuals to an additional term and appointing a new applicant to a currently vacant seat on the Planning Commission.

#### RECOMMENDATION

**City Council** - Adopt a motion:

A. Reappointing two qualified individuals who are eligible for, and interested in, an additional term on the Planning Commission for District 4 and District 6; and,

B. Appointing a qualified elector of District 1 to fill the current vacancy on the Planning Commission for said district.

### K.3. [21-606](#)

**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.

K.4. [21-607](#)

**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.

**L. ADJOURNMENT**