



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, December 20, 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

Pursuant to Assembly Bill No. 361, there may be Council Members participating virtually for this meeting. Members of the public may participate in-person. Should any Council Member attend virtually, all votes for this meeting will be taken via rollcall.

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 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 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 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, 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 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, 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 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 toom 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 (tham muaj) los sis mloog City Council kev sab laj, ces mus 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)]. See MODIFIED PUBLIC COMMENT.

B.1. [21-1004](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code section 54956.9: (1) Potential Case Regarding the Northern Portion of the Arbor Walkway

B.2. [22-001](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Eugene Drummond v. City of Merced; Workers Compensation Case Number ADJ15080750; AUTHORITY: Government Code Section 54956.9(d)(1)

C. CALL TO ORDER

C.1. Invocation - Pastor Juan Ochoa, Calvary Assembly of God Merced

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. [21-969](#) **SUBJECT:** Proclamation - Native American Heritage Month

REPORT IN BRIEF

Accepted by United Tribes of California.

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. See MODIFIED PUBLIC COMMENT.

- I.1. [21-994](#) **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. [21-995](#) **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of November 15, 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 November 15, 2021.

- I.3. [21-961](#) **SUBJECT:** Approval of an Agreement for Professional Services with Galvin Preservation Associates, Inc., a California Corporation, to Provide Environmental and Permitting Consulting Services for the Bear

Creek Bike Path Embankment Repair Project for a Total Amount not to Exceed \$64,705.00

REPORT IN BRIEF

Considers approving a professional services agreement with Galvin Preservation Associates, Inc., a California Corporation, to provide Environmental and Permitting Consulting Services for the Bear Creek Bike Path Embankment Repair Project.

RECOMMENDATION

City Council - Adopt a motion approving an agreement for professional services (environmental and permitting) with Galvin Preservation Associates, Inc., a California Corporation, in the amount of \$64,705.00, and authorizing the City Manager or Deputy City Manager to sign the necessary documents.

I.4. [21-901](#)

SUBJECT: Adoption of a Resolution Authorizing the Submittal of a Joint Application and Participation in the State of California Housing and Community Development (HCD) Homekey Program: Authorizing the Finance Officer to Make Necessary Budget Amendments to Implement the Homekey Program; and Authorizing the Finance Officer to use Pooled Cash if Necessary Pending Reimbursements from the Homekey Program

REPORT IN BRIEF

Authorizes the submittal of a Joint Application and Participation in the State of California Department of Housing and Community Development Department (HCD) Homekey; authorizing the City Manager or Deputy City Manager to execute the Standard Agreement if selected for such funding any amendments thereto, and any related documents to participate in the Homekey Program; authorizing the Finance Officer to make any Budget Amendments necessary for the implementation of the use of the Homekey Program Funds; and authorizing the Finance Officer to use Pooled Cash if necessary, pending reimbursements from the Homekey Program.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting Resolution **2021-109**, a Resolution of the City Council of the City of Merced, California, authorizing a joint application and participation in the Homekey Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the Homekey Program; and,

B. Authorizing the City Manager or Deputy City Manager to execute the Standard Agreement if selected for such funding and any amendments thereto, and any related documents necessary to participate in the Homekey Program; and,

C. Authorizing the Finance Officer to make any Budget Amendments necessary for the implementation of the use of the Homekey Program; and,

D. Authorizing the use of pooled cash until reimbursement if grant is awarded from the Homekey Program.

I.5. [21-921](#)

SUBJECT: Approval to Waive the Competitive Bidding Process and Allow the City to Piggyback onto Existing City of Tucson Contract # 171725-01 for Mobile Computing Solutions Through Vendors Adwar Video; ARC; BAYCOM, Inc.; CDW-G; Code 3 Technology; GovDirect; Insight, Island Tech Services, LLC; LEHR; MCT; One Diversified, LLC; PCS Mobile; Rugged Solutions America, LLC dba Rugged Depot; and Turn-Key Mobile in a not to Exceed Amount of \$120,000

REPORT IN BRIEF

Considers waiving the competitive bid process and approving procurement through OMMNIA Partners' multiyear competitively bid contract #171725-01 from the City of Tucson for mobile computing solutions with Adwar Video; ARC; BAYCOM, Inc.; CDW-G; Code 3 Technology; GovDirect; Insight, Island Tech Services, LLC; LEHR; MCT; One Diversified, LLC; PCS Mobile; Rugged Solutions America, LLC dba Rugged Depot; and Turn-Key Mobile in a not to exceed amount of \$120,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the competitive bidding requirements; and,

B. Approving piggybacking onto the City of Tucson contract 171725-01 expiring October 9, 2022 for a not to exceed amount of \$120,000 per fiscal year, and,

C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents, including renewals; and,

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

I.6. [21-957](#)

SUBJECT: Adoption of Resolution Approving the Administering Agency State Program Supplement No. F035 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(055), (Project No. 121044), CMAQ-Nottingham Sidewalk Project for the use of \$46,920 in CMAQ Grant Funding for Preliminary Engineering for the Nottingham Sidewalk Project

REPORT IN BRIEF

Considers a resolution approving a California Department of Transportation Program Supplement for the use of \$46,920 in CMAQ Grant funding for Preliminary Engineering for the Nottingham Sidewalk Project.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2021-112**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. F035; and,
- B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321-32-00 by \$46,920 and appropriating the same to account 450-1104-637-65-00 (Project No. 121044) for preliminary engineering costs associated with design of Nottingham Sidewalk Project,
- C. Approving the use of pooled cash until reimbursement is received from the grant; and,
- D. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

I.7. [21-482](#)

SUBJECT: Adoption of Resolution Approving Final Map #5394 for the Bellevue Ranch West, Village 18-A, Phase 3 Subdivision for 78 Single-Family Lots, Generally Located Northwest of Freemark Avenue, West of the Future Catherine A. Hostetler Boulevard, and the Approval of the Subdivision Agreement for the Bellevue Ranch West, Village 18-A, Phase 3 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5394 for 78 single-family lots, generally located Northwest of Freemark Avenue, west of the future Catherine A. Hostetler Boulevard, and the Subdivision Agreement for the

Bellevue Ranch West, Village 18A, Phase 3 subdivision.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2021-115**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Bellevue Ranch West, Village 18-A, Phase 3 Subdivision (#5394); and,

B. Approving the Subdivision Agreement for Bellevue Ranch West, Village 18A, Phase 3 Subdivision; and,

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

I.8. [21-974](#)

SUBJECT: Approval of a Supplemental Appropriation from the Economic Development Opportunity Fund (074) for \$43,825.00, and Approval of a First Amendment to the Professional Service Agreement with Kristin Lowell, Inc in the Amount of \$43,825.00 to Initiate the Process of Forming a Tourism Business Improvement District in the City of Merced

REPORT IN BRIEF

Considers appropriating \$43,825.00 from the Economic Development Opportunity Fund for a proposed first amendment to the professional service agreement with Kristin Lowell, Inc. to start the process of establishing a Tourism Business Improvement District.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a supplemental appropriation in the amount of \$43,825.00 from the unreserved, unencumbered fund balance of the Economic Development Opportunity Fund (074) to account 074-2002-572-1700 (professional Services - Economic Development Opportunity Fund); and,

B. Approving the first amendment to the professional services agreement with Kristin Lowell, Inc., in the amount of \$43,825.00; and,

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

I.9. [21-979](#)

SUBJECT: Award of Bid and Approval of Contract with Miracle

Playsystems for the Fahrens Park Playground Equipment
Replacement, Project No. 122012, in the Amount of \$274,999.15

REPORT IN BRIEF

Considers awarding a contract in the amount of \$274,999.15 to Miracle Playsystems to remove and replace the Playground Equipment located at Fahrens Park.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding bid and approving the Professional Services Agreement with Miracle Playsystems for the Fahrens Park Playground Equipment Replacement, Project No. 122012, in the amount of \$274,999.15; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total contract.

I.10. [21-998](#)

SUBJECT: Award of Bid and Approval of a Construction Contract with Rolfe Construction, Inc., for the G Street Improvements, Childs Avenue to 13th Street & Alleys 11th to 13th Street in the Amount of \$2,531,371.00; Project No. 117039

REPORT IN BRIEF

Consider awarding a construction contract to Rolfe Construction, Inc., in the amount of \$2,531,371.00 for the G Street Improvements, Childs Avenue to 13th Street & Alleys 11th to 13th Street Project.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding the G Street Improvements, Childs Avenue to 13th Street & Alleys 11th to 13th Street Project 117039 to Rolfe Construction, Inc., in the amount of \$2,531,371.00; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total contract; and,
- C. Authorizing the Finance Officer to make necessary budget adjustments.

I.11. [21-1001](#)

SUBJECT: Second Reading and Final Adoption of an Ordinance

Amending Section 20.44.160 of the Merced Municipal Code Regarding
Tobacco Sales Near Schools

REPORT IN BRIEF

Second reading and final adoption of an ordinance amending Section 20.44.160 of the Merced Municipal Code Regarding Tobacco Sales Near Schools, which would more closely match the regulations for Commercial Cannabis Permits and allow for exceptions to be made under certain circumstances for tobacco retailers near youth-oriented facilities.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2535**, an Ordinance of the City Council of the City of Merced, CA, amending section 20.44.160 "Tobacco Sales Prohibited Near Schools" of the Merced Municipal Code regarding tobacco sales near schools and other sensitive uses.

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. [21-489](#)

SUBJECT: Public Hearing to Consider the Annexation of Certain Property into Community Facilities District (CFD) No. 2003-2 (Services), Calling and Holding a Special Election for Annexation No. 19 into CFD No. 2003-2 (Services) for Approximately 2.8 Acres Located at the Northwest Corner of Highway 59 and Santa Fe Drive; Canvassing the Results of the Election Held within Annexation No. 19 of Said District, and Annexing Annexation No. 19 to Said District and Authorizing the Levy of a Special Tax Within Said Annexation No. 19

REPORT IN BRIEF

Hold a public hearing and election for annexation into Community Facilities District No. 2003-2 (Services) for the approximately 2.8-acre commercial project located at the northwest corner of Highway 59 and Santa Fe Drive.

RECOMMENDATION

City Council - Adopt a motion:

A. Holding a Public Hearing on the annexation of certain property into the

CFD and the levy of special taxes; and,

B. Adopting **Resolution 2021-116**, a Resolution of the City Council of the City of Merced, acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced determining the validity of prior proceedings, calling a special election related to Annexation No. 19; and,

C. Holding an election; and,

D. Adopting **Resolution 2021-117**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced canvassing the results of the election held within Annexation No. 19 of said District; and,

E. Adopting **Resolution 2021-118**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced, annexing Annexation No. 19 to said district and authorizing the levy of a special tax within said Annexation No. 19.

J.2. [21-904](#)

SUBJECT: Public Hearing to Consider Adoption of a Resolution Authorizing and Adopting the Permanent Local Housing Allocation Plan and Adoption of Resolution Authorizing the Submittal of an Application to the Permanent Local Housing Allocation Program of the State of California Housing and Community Development

REPORT IN BRIEF

Authorizing and adopting the Permanent Local Housing Allocation Plan (PLHA), certifying that the public had adequate opportunity to review and comment on the plan, authorizing the submittal of the Five Year Permanent Local Housing Plan to the State of California Department of Housing and Community Development Department (HCD); authorizing the submittal of an application to the Permanent Local Housing Plan Program to HCD.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting Resolution **2021-113**, a Resolution of the City Council of the City of Merced, California, authorizing and adopting the Permanent Local Housing Allocation Plan and certifying that the public had adequate opportunity to review and comment on the plan; authorizing the submittal of the Five Year Permanent Local Housing Plan to the State of California Department of Housing and Community Development; and,

B. Adopting Resolution **2021-114**, a Resolution of the City Council of the City of Merced, California, hereby authorizes the submittal of an application to the Permanent Local Housing Plan Program (PLHA) to State of California Department of Housing and Community Development Department (HCD), and the execution of a Standard Agreement if selected for funding and any amendments thereto; and any related documents to participate in the Permanent Local Housing Allocation Program; and,

C. Authorizing the Finance Officer to make any Budget Amendments necessary for the implementation of the use of the Permanent Local Housing Allocation; and,

D. Authorizing the Finance Officer to use Pooled Cash if necessary, pending reimbursements from the Permanent Local Housing Allocation Program.

J.3. [21-982](#)

SUBJECT: Public Hearing to Consider Adoption of Resolution Accepting the Annual Report on Development Impact Fees for Fiscal Year 2020/2021 as Required by Government Code Section 66006(b)

REPORT IN BRIEF

Considers adopting a Resolution of the City Council of the City of Merced accepting the City's Annual Compliance Report for Development Impact Fees (AB 1600) as required by Government Code section 66006(b).

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the Annual Compliance Report for Development Impact Fees for Fiscal Year 2020/2021 which contains the information required by California Government Code Section 66006(b); and,

B. Adopting **Resolution 2021-119**, a Resolution of the City Council of the City of Merced, California, accepting the Development Impact Fees Fiscal Year 2020/2021 Annual Report and making findings related to unexpended developer deposits for public improvements as required by California Government Code Section 66001.

K. REPORTS

K.1. [21-857](#)

SUBJECT: City of Merced Financial Forecast, CalPERS, Fiscal Year 2020-21 Quarterly and Sewer Rate Update

REPORT IN BRIEF

Presentation of the Financial Forecast, CalPERS, Fiscal Year 2020-21 Quarterly and Sewer Rate Update.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-121, A** Resolution of the City Council of the City of Merced, California continuing the base sewer service rates and charges unchanged for the next calendar year.

K.2. [21-985](#)

SUBJECT: Report on Encampment Services as Previously Directed by the City Council

REPORT IN BRIEF

Staff to provide a report updating the City Council on the current level of services being provided to encampments throughout the community.

RECOMMENDATION

City Council - Information only.

K.3. [21-984](#)

SUBJECT: Report and Request for Direction on Partial Cancellation of Development Agreement Including Reservation and Dedication of Future Fire Station Within the Weaver Annexation Area

REPORT IN BRIEF

Provide Direction to Staff to initiate the partial cancellation of the Development Agreement (DA) including the reservation and dedication of a future fire station location within the Weaver Annexation Area near Coffee Street and Gerard Avenue.

RECOMMENDATION

City Council - Provide staff direction to initiate a partial cancellation of the Development Agreement (DA) including the reservation and dedication of a future fire station to be located within the Weaver Annexation Area near Coffee Street and Gerard Avenue.

L. BUSINESS

L.1. [21-999](#)

SUBJECT: Direction on the Format and Dates for the 2022 Community Town Halls and Strategic Planning Session to Provide Input on the Development of the Fiscal Year 2022/23 Budget

REPORT IN BRIEF

Seeks direction on the format and dates for the 2022 Community Town Halls and Council Strategic Planning Session to provide input on the development of the fiscal year 2022/23 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.

L.2. [21-967](#)

SUBJECT: Adoption of a Resolution Making Findings to Hold City Council, Commission, and Committee Meetings Using a Combination of In-Person/Virtual (Hybrid) Meetings Under Assembly Bill (AB) 361

REPORT IN BRIEF

That the City Council finds that during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing, the City Council and all commission and committee meetings will be held as hybrid meetings, allowing for direction on format elements.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-120**, a Resolution of the City Council of the City of Merced, California, making findings consistent with the requirements of AB 361 to allow for in-person/virtual (hybrid) public meetings.

L.3. [21-1000](#)

SUBJECT: Council Member Echevarria's Request to Discuss a Potential Trap and Release Program for Feral Cats

REPORT IN BRIEF

Council Member Echevarria's Request to discuss a potential trap and release program for feral cats pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff regarding a trap and release program for feral cats.

L.4. [21-996](#)

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.

L.5. [21-997](#)

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.

M. ADJOURNMENT