



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, October 18, 2021

6:00 PM

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

Study 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 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 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 xeem los koom lub rooj sab laj kws xav tawm suab rau City Council muaj feem los sau ntauv hauv daim ntauv tawm suab nyob ntauv lub sam thiaj hais lus sab xis ntauv Council Chamber. Thov xa daim ntauv 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 toj 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 ntauv kom tswj.

Tej ntaub ntauv 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 ntauv ncauj lus. Koj cov tswv yim muab rau lub rooj sab laj thaum lub sij hawm tsim nyog. Tej ntaub ntauv txais tau tom qab 1 teev tav su mam muab rau City Council thiab tso hauv cov ntaub ntauv 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 toj 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 ntauv 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 toj, 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. STUDY SESSION ROLL CALL

B. STUDY SESSION

- B.1. [21-843](#) **SUBJECT:** Study the Results of the American Rescue Plan Act (ARPA) Survey and Discussion on Developing a Strategic Investment Plan

REPORT IN BRIEF

Council and Staff will study the results of the ARPA survey and discuss developing a strategic investment plan.

RECOMMENDATION

Provide Staff direction.

C. CALL TO ORDER

- C.1. Invocation - Imam Sabahat Ali, Ahmadiyya Muslim Community, Merced Chapter
- 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. CEREMONIAL MATTERS

- E.1. [21-842](#) **SUBJECT:** Proclamation - Breast Cancer Awareness Month

REPORT IN BRIEF

Accepted by a representative from the Merced Fire IAFF Local 1479.

F. WRITTEN PETITIONS AND COMMUNICATIONS

G. 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.

H. 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.

H.1. [21-801](#) **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.

H.2. [21-800](#) **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 4, 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 October 4, 2021.

H.3. [21-700](#) **SUBJECT:** Approval to Waive the Competitive Bidding Requirements and Approval of a Contract for Purchases of Personal Protective Equipment, Parts, Equipment, Supplies, and Services Necessary for Fire Suppression and Prevention from L.N. Curtis & Sons in an Amount not to Exceed \$200,000 Through 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 the contract for purchases of various personal protective equipment, parts, equipment, supplies, and services from L.N. Curtis & Sons through June 30, 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; and,
- B. Approving the purchases of personal protective equipment, parts, equipment, and supplies from L.N. Curtis & Sons in an amount not to exceed \$200,000 in Fiscal Year 2021/2022; and,
- C. Authorizing the City Manager or the Deputy City Manager, to execute the Agreement for Supplies and Services attached hereto.

H.4. [21-750](#)

SUBJECT: Administering Agency Amendment Modification Summary (E-76) - State Agreement for Federal Aid Projects No. 10-5085 and Approval to Accept Congestion Mitigation and Air Quality Improvement (CMAQ) Grant Funds, CML-5085(052) 119070 CMAQ in the Amount of \$403,472 for Construction of the Sidewalks on 7th and 8th Streets Between Linda Lane and West Avenue and Linda Lane Between 7th Street and Lopes Avenue

REPORT IN BRIEF

Considers accepting \$403,472 in Federal Congestion Mitigation and Air Quality (CMAQ) Grant funding for Construction of the sidewalks on 7th and 8th Streets between Linda Lane and West Avenue and Linda Lane between 7th Street and Lopes Avenue.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321.32-00 by \$403,472 and appropriating the same to account 450-1104-637-65-00 (Project No. 119070) for construction costs associated with construction of sidewalks on 7th and 8th Streets between Linda Lane and West Avenue and Linda Lane between 7th Street and Lopes Avenue; and,

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

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

H.5. [21-757](#)

SUBJECT: Approval of a Professional Services Agreement with J.B. Anderson Land Use Planning and Deposit and Reimbursement Agreement with Bellevue Merced, LLC, Baxter Ranches, LLC, and Hostetler Investments, LLC for Preparation of an Environmental Document for General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42

REPORT IN BRIEF

Considers approving a Professional Services Agreement with J.B. Anderson Land Use Planning in the amount of \$96,004 for preparation of an environmental document for General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42 to change land use designations in portions of Bellevue Ranch. Also considers approving a Deposit and Reimbursement Agreement with Bellevue Merced, LLC, Baxter Ranches, LLC, and Hostetler Investments, LLC, in the amount of \$105,604.40 to cover the costs of the preparation of the environmental document and related administrative costs.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Professional Services Agreement with J.B. Anderson Land Use Planning in the amount of \$96,004 for preparation of an environmental document for General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42; and,

B. Approving the Deposit and Reimbursement Agreement with Bellevue Merced, LLC, Baxter Ranches, LLC, and Hostetler Investments, LLC, in the amount of \$105,604.40 to cover the cost of the consultant contract and staff time for the administration of the environmental review process; and,

C. Approving an increase of revenue in the amount of \$96,004 to account 017-0804-360-01-02 - Other Revenue Developers and appropriating \$96,004 to account 017-0804-512-17-00-Professional Services for payment to J.B. Anderson Land Use Planning; and,

D. Approving an increase of revenue in the amount of \$9,601 to account 017-0804-331-01-11 - Cost Recovery; and,

E. Authorizing the City Manager or Deputy City Manager to execute the documents.

H.6. [21-799](#)

SUBJECT: Approval of a First Amendment to Professional Services Agreement with Economic Planning Systems (EPS) for the Public Facilities Financing Plan and Impact Fee Program Update, Status Report on the Update, and Adoption of a Resolution Amending the Administrative Policy (A-32) for the Impact Fee Program

REPORT IN BRIEF

Considers approving an amendment to the Professional Services Agreement with Economic Planning Systems (EPS) in the amount of \$10,000 to complete the Public Facilities Financing Plan and Impact Fee Program Update as well as receiving a status report on the update and considering the adoption of a resolution amending Administrative Policy A-32 for the Impact Fee Program in the areas of exemptions, fee deferrals, and required security.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the First Amendment to the Professional Services Agreement with Economic Planning Systems (EPS) to complete the Public Facilities Financing Plan and Impact Fee Program Update in the amount of \$10,000; and,
- B. Approving a supplemental appropriation from Fund 017-Development Services unencumbered, unreserved Fund Balance in the amount of \$10,000 to the Planning Division's Professional Services account (017-0804-512-17-00); and,
- C. Approving **Resolution 2021-93**, A Resolution of the City Council of the City of Merced, California, amending Administrative Policy and Procedure A-32 regarding Public Facilities Impact Fees; and,
- D. Authorizing the City Manager or Deputy City Manager to execute the agreement.

H.7. [21-812](#)

SUBJECT: Approval to Accept and Appropriate Grant Funds from the State of California Department of Housing and Community Development (HCD) from the SB2 Planning Grants Program in the Amount of \$310,000, Approval to Accept and Appropriate Grant Funds from the State of California HCD Local Early Action Planning Grant

Program (LEAP) in the Amount of \$300,000, and Approval to use Pooled Cash to Cover the Appropriation until Grant Funds are Reimbursed

REPORT IN BRIEF

Considers accepting and appropriating grant funds from the State of California Department of Housing and Community Development (HCD) from the SB2 Planning Grants Program in the amount of \$310,000, accepting and appropriating grant funds from the State of California HCD Local Early Action Planning Grant Program (LEAP) in the amount of \$300,000, using pooled cash to cover the appropriation until grant funds are reimbursed, authorizing the Finance Officer to make necessary budget adjustments, and authorizing the City Manager or Deputy City Manager to execute all documents including any amendments.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting SB2 Grant Funds in the amount of \$310,000; and,
- B. Increasing revenue account 090-0804-324-02-00 in the amount of \$310,000 and appropriating the same to 090-0804-512-17-00 for expenditures; and,
- C. Accepting LEAP Grant Funds in the amount of \$300,000; and,
- D. Increasing revenue account 091-0804-324-02-00 in the amount of \$300,000 and appropriating the same to 091-0804-512-17-00 for expenditures; and,
- E. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,
- F. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- G. Authorizing the City Manager or Deputy City Manager to execute all documents, including any amendments.

H.8. [21-755](#)

SUBJECT: Award Bid to Merced Chevrolet for the Purchase of Two (2) New Crew Cab Pickups for the Fire Department and Three (3) New Four-Door Sedans for the Police Department, for a Total Cost of \$145,001.37

REPORT IN BRIEF

Considers awarding the Bid to Merced Chevrolet for the purchase of two new crew cab pickups for the Fire Department and three four-door sedans for the Police Department to replace vehicles at end-of-life cycle.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding the bid to Merced Chevrolet for the supply of two new crew cab pickups and three four-door sedans, for a total amount of \$145,001.37; and,
- B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents and the City Buyer to issue the Purchase Order.

H.9. [21-767](#)

SUBJECT: Approval of a Professional Services Agreement with Ascent Environmental, Inc., for Environmental Services Relating to the Annexation of the UC Merced Campus to the City of Merced

REPORT IN BRIEF

Considers entering into a professional services agreement with Ascent Environmental, Inc., in the amount of \$52,540 to perform environmental services for the annexation of the UC Merced Campus to the City of Merced.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Professional Services Agreement with Ascent Environmental, Inc., to perform environmental services for the Annexation of the UC Merced Campus to the City of Merced in the amount of \$52,540; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the agreement.

H.10. [21-790](#)

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approval of a Professional Services with PrivITation Consulting Corp. in the not to Exceed Amount of \$142,200 (Phases 1 & 2) for Replacement of the Siemens HVAC Automation System at the Civic Center and Central Police Department for the Term Ending June 30, 2023; and Approval of a HVAC Automation Preventative Maintenance Agreement with PrivITation Consulting Corp. in the Amount of \$17,250

for the Term Ending July 31, 2022

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements and approving two separate agreements with PrivITation Consulting Corp. for Phases 1, 2, & 3 of the HVAC automation system replacement project, as well as maintenance of the HVAC automation system at the Civic Center and Central Police Department.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210; and,
- B. Approving the agreement for professional services with PrivITation Consulting Corp., in the not to exceed amount of \$142,200 for Phases (1 & 2) for replacement of the Siemens HVAC Automation System at the Civic Center and Central Police Station for a term ending June 30, 2023; and,
- C. Approving for future Phase (3), contingent on budget, not to exceed \$69,900, for replacement of the Siemens HVAC Automation System at the Civic Center and Central Police Station; and,
- D. Approving the Automation Preventative Maintenance Agreement with PrivITation Consulting Corp., in the not to exceed amount of \$17,250 for HVAC automation system maintenance at the Civic Center and Central Police Station for a term ending July 31, 2022; and,
- E. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents, future amendments to add Phase 3 that are approved as to form by the City Attorney, and to approve change orders not to exceed 10% of the total contract for Phase 2 and Phase 3.

H.11. [21-820](#)

SUBJECT: Approval of Memorandum of Understanding Between Merced County and the City of Merced for Administration of the Proposition 64 Public Health & Safety Grant Program Cohort 2 for the Three-Year Pilot Program, up to a Maximum of \$355,094, to Provide Prevention and Early Intervention Services to the Youth Identified through Middle and High Schools

REPORT IN BRIEF

Considers approving the Memorandum of Understanding between Merced

County and the City of Merced for Administration of the Proposition 64 Public Health & Safety Grant Program Cohort 2 for the three-year pilot program, up to a maximum of \$355,094, to provide prevention and early intervention services to the youth identified through middle schools and high schools.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Memorandum of Understanding between Merced County and the City of Merced, up to a maximum of \$355,094, for the Proposition 64 Public Health & Safety Grant Program Cohort 2; and,

B. Authorizing the City Manager or Deputy City Manager to execute the contract/standard agreement, including any amendments, and other necessary documents pertaining to the life of the grant.

H.12. [21-816](#)

SUBJECT: Adoption of a Resolution Approving Contract Number S2180027 with the State of California Department of Fish and Wildlife for the Shared Habitat Alliance for Recreational Enhancement (SHARE) Program in Order to Provide Hunting and Bird Watching Opportunities at the City's Waste Water Treatment Plant and Approval to Accept \$8,105.50 into Account 024-1216-360.01-01 to Administer the Program, Increase the Revenue Account in the Amount of \$1,052, and Appropriate the Same to the Contingency Account 024-1201-542.34-00

REPORT IN BRIEF

Considers adopting a Resolution and agreement with the Department of Fish and Wildlife to provide hunting and bird watching opportunities at the City's Waste Water Treatment Plant property through the SHARE program, increases the revenue account 024-1216-360.01-01 by the amount of \$1,052, and appropriates the increased amount to the contingency account 024-1201-542.34-00.

RECOMMENDATION

City Council- Adopt a motion:

A. Approving **Resolution 2021-91**, a Resolution of the City Council of the City of Merced, California, approving contract number S2180027 with the State of California Department of Fish and Wildlife for the Shared Habitat Alliance for Recreational Enhancement (SHARE) Program; and,

B. Increasing the revenue account 024-1216-360.01-01 in the amount of \$1,052, appropriating the same amount to the contingency account 024-1201-542.34-00; and,

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

H.13. [21-830](#)

SUBJECT: Approval of First Amendment to the Professional Agreement with LPA, Inc., to Conduct a Structural Analysis of the Central Police Station and Assess Programming and Facility Layout for an Additional Cost of \$17,500

REPORT IN BRIEF

Consider the approval of the First Amendment to the LPA, Inc. Professional Services Agreement, to conduct a structural analysis of the Central Police Station and assess programming and facility layout for an additional not-to-exceed amount of \$17,500.

RECOMMENDATION

City Council - Adopt a motion approving the first amendment to the agreement with LPA, Inc., and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

H.14. [21-834](#)

SUBJECT: Approval of a Memorandum of Understanding with the Merced Police Officers Association (MPOA) with a Term of July 1, 2021 Through June 30, 2024 and Approval of Supplemental Appropriation in Fund 087 American Rescue Plan Act in the Amount of \$121,508 and Fund 157 CFD-Police in the Amount of \$1,445

REPORT IN BRIEF

Considers approval of Memorandum of Understanding with Merced Police Officers Association (MPOA) with a term of July 1, 2021 through June 30, 2024 and approval of Supplemental Appropriation in Fund 087 American Rescue Plan Act in the amount of \$121,508 and Fund 157 CFD-Police in the amount of \$1,445.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2021-96**, a Resolution of the City Council of the City of Merced, California, approving Memorandum of Understanding with Merced Police Officers Association (MPOA); and authorizing the City Manager or Deputy City Manager to make non-substantive modifications

subject to City Attorney approval and to execute the necessary documents;
and,

B. Approving a supplemental appropriation in the amount of \$121,508 from Fund 087 American Rescue Plan Act for 1% premium pay and transferring to various funds in which MPOA employees are funded; and,

C. Approving a supplemental appropriation in the amount of \$1,445 from Fund 157 CFD-Police to cover unbudgeted costs for the signing bonus; and,

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

H.15. [21-832](#)

SUBJECT: Adoption of a Resolution Opposing the Pacific Gas and Electric (PG&E) Company's June 2021 General Rate Case Filing to the California Public Utilities Commission (CPUC) Requesting Substantial Rate Increases

REPORT IN BRIEF

Adopting a Resolution calling upon the CPUC and PG&E to cease from authorizing further electricity rate increases until equitable rate reforms and spending control measures offset measures are implemented to offset rate increases.

RECOMMENDATION

City Council - Adopt a motion - Adopting **Resolution 2021-94**, a Resolution of the City Council of the City of Merced, California, in opposition to Pacific Gas & Electric (PG&E) company's June 2021 general rate care (GRC) filing to the California Public Utilities Commission (CPUC) requesting substantial rate increases.

H.16. [21-831](#)

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Section 8.04.640 "Commercial Recycling Rates and Charges", Section 8.04.800 "Commercial Green or Organic Waste Rates and Charges", and Adding Article V of Chapter 8.04 "Commercial Waste Generators" to the Merced Municipal Code

REPORT IN BRIEF

Second reading and final adoption an ordinance to amend Section 8.04.640 "Commercial Recycling Rates and Charges", Section 8.04.800 "Commercial Green or Organic Waste Rates and Charges" and adding Article V of Chapter 8.04 "Commercial Waste Generators" to the Merced

Municipal Code to aid in compliance with California State regulations for mandatory recycling and green or organic waste diversion.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2533**, an Ordinance of the City Council of the City of Merced, California, amending sections 8.04.640 "Commercial Recycling Rates and Charges", and 8.04.800, "Commercial Green or Organic Waste Rates and Charges" and adding Article V, "Commercial Waste Generators," to Chapter 8.04, "Garbage and Rubbish" of the Merced Municipal Code.

I. 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.

I.1. [21-829](#)

SUBJECT: Continued Public Hearing to Consider the Introduction of an Ordinance Approving Site Utilization Plan (SUP) Revision #4 to Planned Development (P-D) #72 Initiated by Yosemite & G, LLC., Property Owner, and Approval of an Amendment to the Legislative Action Agreement for the Yosemite Crossing Development to Include a Car Wash, Additional Retail Buildings, and 52 Additional Multi-Family Units, as Well as Reconfiguring the Location of Various Buildings on the Site

REPORT IN BRIEF

This application is to modify the Site Utilization Plan (SUP) for the Yosemite Crossing Development at the northeast corner of Yosemite Avenue and G Street to allow inclusion of a car wash, additional retail buildings, realignment of the uses on-site, and an increase of 52 multi-family units from 44 (approved) to 96 (proposed).

RECOMMENDATION

City Council- Adopt a motion:

A. Approving Environmental Review #21-18 (CEQA Section 15162 Findings); and,

B. Introducing **Ordinance 2534**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #4 to Planned Development (P-D) #72 to include a car wash, additional retail

buildings and 52 additional multi-family units, as well as reconfiguring the location of various buildings on the site; and,

C. Approving the amendment to the Legislative Action Agreement; and,

D. Authorizing the City Manager or the Deputy City Manager to execute all related documents.

I.2. [21-768](#)

SUBJECT: Public Hearing to Consider Introduction of an Ordinance Amending Section 20.44.160 of the Merced Municipal Code Regarding Tobacco Sales Near Schools and Adoption of a Categorical Exemption (Zoning Ordinance Amendment #21-03), as Requested by Ashley Investments

REPORT IN BRIEF

Considers introducing 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:

A. Adopting a Categorical Exemption (Environmental Review #21-24); and,

B. Introducing **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. REPORTS

J.1. [21-837](#)

SUBJECT: Requests for Approval of Additions and Deletions to Positions and a Supplemental Appropriation in the Amount of \$122,957 in Fund 558-Refuse Operations

REPORT IN BRIEF

Staff seeks approval of additions and deletions to positions and a Supplemental Appropriation in the amount of \$122,957 in Fund 558-Refuse Operations.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the addition of an Economic Development Manager, an Economic Development Associate, and the deletion of an Economic Development Director in the Economic Development Department; and,
- B. Approving the addition of a Human Resources Manager, a Human Resources Technician I, and the deletion of a Human Resources Director in the Human Resources Department; and,
- C. Approving the addition of a Management Analyst and the deletion of a Senior Management Analyst in the Development Services Department; and,
- D. Approving the addition of two Refuse Equipment Operator I and one Container Maintenance Worker in the Public Works - Refuse Division; and,
- E. Approving a Supplemental Appropriate from the unreserved, unencumbered fund balance of Fund 558 - Refuse Operations in the amount of \$122,957 due to the costs associated with recommendation D above; and,
- F. Provide Staff direction to proceed with the Civilian Fire Marshall recruitment; and,
- G. Approving **Resolution 2021-97**, A Resolution of the City Council of the City of Merced, California, amending the classification plan by updating the personnel allocation in the Economic Development Department by deleting one Economic Development Director position and adding one Economic Development Manager position and one Economic Development Associate position; the Human Resources Department by deleting one Human Resources Manager Position and one Human Resources Technician I position; and the Development Services Department by deleting one Senior Management Analyst Position and adding one Management Analyst position; and the Public Works Department by adding two Refuse Equipment Operator I positions and adding one Container Maintenance Worker position; and,
- H. Authorizing the Finance Officer to make the necessary budget adjustments.

J.2. [21-828](#)

SUBJECT: Report to Council Regarding the Expiration of Governor's Executive Order N-42-20 (Water Shut-Off Moratorium)

REPORT IN BRIEF

Provide direction to staff regarding the expiration of Governor's Executive Orders N-42-20 (Water Shut-Off Moratorium).

RECOMMENDATION

City Council - Adopt a motion providing direction to staff regarding the expiration of Governor's Executive Order N-42-20 and when to reinstate the utility billing delinquency and water shut-off process.

J.3. [21-811](#)

SUBJECT: Report to Council to Consider Selection of Affordable Housing Development Partners for Housing Successor Agency In-Fill Properties Including Authorization for the Execution of Exclusive Negotiation Agreements with the Selected Development Partners Subject to Approval by the City Attorney, and the Execution of all Documents by the City Manager or Deputy City Manager

REPORT IN BRIEF

Selection of Affordable Housing Development Partners for Housing Successor Agency (HSA) In-Fill Properties, authorizing the execution of Exclusive Negotiation Agreements (ENA) with the selected Development Partners subject to approval by the City Attorney, and authorizing the execution of all documents necessary to implement direction by the City Manager or Deputy City Manager.

RECOMMENDATION

City Council - Adopt a motion:

A. Selecting Affordable Housing Development Partners for the Housing Successor Agency In-Fill Properties including:

- Linc Housing - Sites 1 through 5
- Habitat for Humanity Merced County - Sites 6 and 8
- Housing Development Corporation Monterey County - Sites 7 and 9
- Custom Containers 915 - Merced Rescue Mission - Site 10

B. Authorizing the execution of Exclusive Negotiation Agreements (ENA) with the selected Development Partners subject to approval by the City Attorney; and,

C. Authorizing the execution of all documents necessary to implement direction by the City Manager or Deputy City Manager.

- J.4. [21-826](#) **SUBJECT: Approval of an Affordable Housing Funding Plan and Authorization of Conditional Letters of Commitment Subject to Review by the City Attorney**

REPORT IN BRIEF

Approval of an Affordable Housing Funding Plan, authorizing Conditional Letters of Commitment consistent with the Council Direction in a form subject to review by the City Attorney, and authorizing the City Manager or Deputy City Manager to execute all related documents to implement the Affordable Housing Funding Plan and Conditional Letters of Commitment.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving of an Affordable Housing Funding Plan; and,
- B. Authorizing Conditional Letters of Commitment consistent with the approved Affordable Housing Funding Plan in a form subject to review by the City Attorney; and,
- C. Authorizing the City Manager or Deputy City Manager to execute all related documents to implement the Affordable Funding Plan and Conditional Letters of Commitment.

K. BUSINESS

- K.1. [21-833](#) **SUBJECT: Adoption of a Resolution in Support of the BIPOC LGBTQIA+ Community**

REPORT IN BRIEF

Considers the adoption of a Resolution in support of the BIPOC LGBTQIA+ Community.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-95**, a Resolution of the City Council of the City of Merced, California, to support the black, indigenous, people of color (BIPOC) lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) Merced Community.

- K.2. [21-841](#) **SUBJECT: 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.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-98**, 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.

K.3. [21-817](#)

SUBJECT: Appointment to the Vacant Redistricting Advisory Committee District 1 Seat

REPORT IN BRIEF

The City Council will appoint an individual to the vacant Redistricting Advisory Committee District 1 seat.

RECOMMENDATION

City Council - Adopt a motion appointing a qualified applicant to the vacant Redistricting Advisory Committee District 1 seat

K.4. [21-818](#)

SUBJECT: Appointments to the Tax Transparency Commission by District, Appointment to the At-Large Seat and Appointment of a Liaison to a Vacant District Seat

REPORT IN BRIEF

Considers appointing sitting commission members to Council District seats as required by Ordinance 2525.

RECOMMENDATION

City Council - Adopt a motion appointing sitting commission members to District 1, District 3, District 4, District 6, the At-Large Seat, and appoint the remaining member as a liaison to either District 2 or District 5.

K.5. [21-822](#)

SUBJECT: Council Member Echevarria's Request to Discuss Potential Changes to the Merced Municipal Code Chapter 8.30 "Regulation of Shopping Carts"

REPORT IN BRIEF

Council Member Echevarria's Request to Discuss potential changes to the City's current shopping cart ordinance pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff on any potential changes to the City's current shopping cart ordinance.

K.6. [21-802](#)

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.7. [21-803](#)

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