



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 2, 2024

6:00 PM

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

Closed Session at 5:30 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. Assisted hearing devices are available for meetings held in the Council Chamber.

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

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

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

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

Material may be emailed to cityclerk@cityofmerced.org no later than 1 PM on the day of the meeting. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Public Comments. Material received before the deadline will be sent to the City Council and will be part of the record and will be mentioned as part of the Written Petitions and Communications portion of the agenda. Any emails received by the 1PM deadline will be posted on the City's website at www.cityofmerced.org/departments/city-clerk/council-meetings. Any correspondence received after the 1PM deadline will be distributed to the City Council and retained for the official record.

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

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

El material puede enviarse por correo electrónico a cityclerk@cityofmerced.org a más tardar a la 1 p.m. del día de la reunión. Especifique qué parte de la agenda está comentando, por ejemplo, el punto # de la audiencia pública, el punto # de consentimiento o los comentarios públicos. El material recibido antes de la fecha límite se enviará al Concejo Municipal y formará parte del registro y se mencionará como parte de la parte de Peticiones y Comunicaciones Escritas de la agenda. Todos los correos electrónicos recibidos antes de la fecha límite de la 1 p.m. se publicarán en el sitio web de la Ciudad en www.cityofmerced.org/departments/city-clerk/council-meetings. Cualquier correspondencia recibida después de la 1 p.m. se distribuirá al Concejo Municipal y se conservará para el registro oficial.

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

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

Cov ntaub ntawv tuaj yeem xa email tau rau ntawm cityclerk@cityofmerced.org tsis pub dhau li 1 PM rau hnuv lub rooj yuav sib tham. Thov qhia kom meej tias nqe twg ntawd cov txheej txheem koj xav tawm tswv yim rau, piv txwv li, Cov Lus Hais hais rau pej xeem ntawd yog nqe twg #, Cov Lus Pom Zoo ntawd yog nqe twg #. los yog cov lus tso rau Pej Xeem tawm tswv yim rau. Cov

ntaub ntawv tau txais ua ntej hnuv kawg yuav xa mus rau cov Nom Tswv City Council thiab yuav yog ib feem ntawm cov ntaub ntawv khaws tseg thiab yuav raug hais raws li ib feem ntawm kev sau ntawv thov tuaj thiab kev sib hais ntawm cov txheej txheem. Txhua qhov email tau txais 1 PM ntawd yuav muab tso rau hauv Lub Nroog qhov website ntawm www.cityofmerced.org/departments/city-clerk/council-meetings. Txhua tsab ntawv uas tau txais tom qab 1 PM lawm yuav muab xa rau cov Nom Tswv City Council thiab yuav khaws tseg rau hauv cov ntaub ntawv cai.

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

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

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

- B.1. [24-1190](#) SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION *City of Merced v. Merced-Mariposa District Council of St. Vincent De Paul Society, et al.*, Case Number 18CV-03052 Pursuant to California Government Code Section 54956.9(d)(1)

C. CALL TO ORDER

- C.1. Invocation - Debbie Croft, Alpha Pregnancy Center
- 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, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency. City Council members receive a monthly stipend of \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency receive no compensation.

E. REPORT OUT OF CLOSED SESSION

F. WRITTEN PETITIONS AND COMMUNICATIONS

G. PUBLIC COMMENT

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 3 minutes. The Mayor may propose a further limit to the time available for all speakers at the discretion of the City Council, 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.

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. [24-1121](#) **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. [24-1132](#) **SUBJECT: Information Only Contracts for the Month of November 2024**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$38,000 and of Public Works contracts under \$85,161.

H.3. [24-1122](#) **SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of May 20, 2024, and June 3, 2024**

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the

Redevelopment Agency - Adopt a motion approving the meeting minutes of May 20, 2024, and June 3, 2024.

H.4. [24-1134](#)

SUBJECT: Approval of a Three-Year Contract for RecTrac Management Software, Support, Hosting, and Migration Services with Vermont Systems in the Amount of \$54,154 and a 5% Contingency of \$2,708 for a Total Contracted Amount of \$56,862

REPORT IN BRIEF

Considers approving to waive the competitive bid process and approving procurement through Vermont Systems' multiyear contract in a not to exceed amount of \$56,862.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code for standardization; and,
- B. Approving the Services Agreement with Vermont Systems; and,
- C. Approving the Hosting Services Agreement (HSA) with Vermont Systems; and,
- D. Approving the PayTrac Payment Services Addendum (PTPSA) with Vermont Systems; and,
- E. Approving the Sub-Merchant Application and Agreement (SMAA) with Vermont Systems; and,
- F. Approving the Terms of Service (TOS) with Vermont Systems; and,
- G. Approving the Annual Services Quote with Vermont Systems; and,
- H. Approving the Hardware Quote with Vermont Systems; and,
- I. Authorizing the City Manager or designee to execute the necessary documents.

H.5. [24-1165](#)

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(049) for Use of \$114,842 in Post-Programming CMAQ Carryover Apportionment to Supplement the

Construction Phase Funding for Project No. CP190043 - Motel Drive
Multi-Use Path

REPORT IN BRIEF

Considers accepting \$114,842 in Post-Programming CMAQ Carryover Apportionment for construction of an eight-foot-wide concrete pedestrian/bicycle multi-use pathway along Motel Drive from Merced Avenue to Carol Avenue.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting Post-Programming CMAQ Carryover Apportionment funds; increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$114,842 in Fiscal Year 2023-24 and appropriating the same to Project No. CP190043 for costs associated with the construction of the Motel Drive Multi-Use Path; and,
- B. Approving the use of pooled cash until reimbursement is received from the grant; and,
- C. Authorizing the City Manager to execute the necessary documents.

H.6. [24-1166](#)

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(050) for Use of \$30,117 in Post-Programming CMAQ Carryover Apportionment to Supplement the Construction Phase Funding for Project No. CP190069 - Sidewalks R Street, S Street, T Street, and Stuart Drive

REPORT IN BRIEF

Considers accepting \$30,117 in Post-Programming CMAQ Carryover Apportionment for construction of sidewalks located on R Street, S Street, T Street, and Stuart Drive.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting Post-Programming CMAQ Carryover Apportionment funds; increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$30,117 in Fiscal Year 2023-24 and appropriating the same to Project No. CP190069 for costs associated with the construction of sidewalks located

on R Street, S Street, T Street, and Stuart Drive; and,

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

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

H.7. [24-1012](#)

SUBJECT: Approval of Allocation of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program Resources and Approval of Associated Subrecipient Agreements with Sierra Saving Grace (\$60,000), and Harvest Time (\$40,000) the Respective Programs Approved with the Adopted 2024 Annual Action Plan

REPORT IN BRIEF

Considers approving and authorizing Program Year 2024-25 Community Development Block Grant (CDBG) Subrecipient Agreements with Sierra Saving Grace for \$60,000 and Harvest Time for \$40,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Subrecipient Agreement for the program identified in the 2024 Annual Action Plan using Fiscal Year 2024-25 CDBG funds with Sierra Saving Grace in the amount of \$60,000 for the “Emergency Assistance” Program; and,

B. Approving a Subrecipient Agreement for the program identified in the 2024 Annual Action Plan using Fiscal Year 2024-25 CDBG funds with Harvest Time for the “Food 4 You” program in the amount of \$40,000; and,

C. Authorizing the City Manager to execute, and if necessary, direct staff to make non-material modifications to the agreements and exhibits.

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.

I.1. [24-1173](#)

SUBJECT: Public Hearing and Adoption of a Resolution to Consider Public Input Regarding the Establishment and Levying of an

Assessment for the Formation of a Tourism Based Improvement District (TBID) as Authorized in Merced City Council Resolution 2024-92

REPORT IN BRIEF

The Council is being asked to hold a public hearing for public input regarding the establishment and levying of an assessment to create a Tourism Businesses Improvement District (TBID) as contained in Merced City Council Resolution 2024-92.

RECOMMENDATION:

City Council - Adopt a motion:

- A. Adopting **Resolution 2024-112**, a Resolution of the City Council of the City of Merced, California, Declaring Results of the Majority Protest Proceedings and Establishing the Tourism Business Improvement District; and,
- B. Adopting and approving the Merced Tourism Business Improvement District Management Plan; and,
- C. Approving the Assessment for the Merced Tourism Business Improvement District; and,
- D. Authorizing the City Manager to execute necessary documents; and,
- E. Approving the creation of Fund 4951-TBID and allowing the Finance Officer to make the necessary increases to revenue and expense budget for Fiscal Year 2024-25 TBID Assessments.

J. ACTION ITEMS

J.1. [24-964](#)

SUBJECT: Approval of a Supplemental Appropriation in the General Fund of Unspent Funding Received Through the National Opioid Settlement Program Plus Interest in the Amount of \$199,452.04 for Opioid Abatement Program Expenditures

REPORT IN BRIEF

Consider approving a Supplemental Appropriation in the General Fund of Unspent Funding Received Through the National Opioid Settlement Program plus interest in the amount of \$199,452.04 for Opioid Abatement Program Expenditures.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Supplemental Appropriation of \$199,453 from National Opioid Settlement plus interest in the General Fund-Police Department; and,
- B. Authorizing the acceptance of any future Opioid Settlement revenues and appropriating those amounts for Opioid Abatement program expenditures; and,
- C. Authorizing the Finance Officer to make necessary budget adjustments; and,
- D. Authorizing the City Manager to execute the necessary documents.

J.2. [24-942](#)

SUBJECT: Approving a Design & Build Professional Services Agreement with All About Building, Inc. for the Design & Construction of Work Outlined at Merced Applegate Zoo in a not to Exceed Amount of \$1,800,000

REPORT IN BRIEF

Considers approving the agreement for site design and construction of work outlined in the Design & Build Services Agreement for an amount not to exceed \$1,800,000 with All About Building, Inc.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Design Build Professional Services agreement with All About Building, Inc., in a not to exceed amount of \$1,800,000 for design and construction services; and,
- B. Authorizing the City Manager to execute the necessary documents.

K. BUSINESS

K.1. [24-1119](#)

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.2. [24-1120](#)

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