



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

Tuesday, February 21, 2023

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 HAUV CITY COUNCIL LUB ROOJ SAB LAJ

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

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

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

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

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

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

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

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

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

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

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

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

Cov pej 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.

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

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

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

INDIVIDUALS WITH DISABILITIES

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

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

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

- B.1.** [23-189](#) **SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager; Authority: Government Code Section 54957**
- B.2.** [23-188](#) **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**
- B.3.** [23-187](#) **SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED**

LITIGATION Initiation of Litigation Pursuant to Paragraph (4) of
Subdivision (d) of Section 54956.9: One (1) Potential Case

- B.4.** [23-161](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING
LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of
Government Code section 54956.9, Name of Case: City of Merced, City
of Los Banos, and City of Atwater, Petitioners, vs. Merced County
Association of Governments, Respondents
- B.5.** [23-165](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING
LITIGATION; Eugene Drummond v. City of Merced; Workers
Compensation Case Number 211021274; AUTHORITY: Government
Code Section 54956.9(d)(1)
- B.6.** [23-167](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING
LITIGATION; Paul Thompson v. City of Merced; Workers
Compensation Case Number 17687346; AUTHORITY: Government
Code Section 54956.9(d)(1)
- B.7.** [23-166](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING
LITIGATION; Rodney Court v. City of Merced; Workers
Compensation Case Number 19774107, 19782964, and 19785618
AUTHORITY: Government Code Section 54956.9(d)(1)

C. CALL TO ORDER

- C.1. Monika Grasley, Lifeline Community Development Corporation
- 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.** [23-170](#) **SUBJECT:** Proclamation - Teen Dating Violence Awareness and
Prevention Month

REPORT IN BRIEF

Received by a representative from the Valley Crisis Center.

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.

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. [23-072](#) **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. [23-146](#) **SUBJECT:** Information Only - Site Plan Review Minutes of December 15, 2022

RECOMMENDATION

For information only.

- I.3. [23-145](#) **SUBJECT:** Information Only - Planning Commission Minutes of December 7, 2022

RECOMMENDATION

For information only.

- I.4. [23-163](#) **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 3, 2022

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 3, 2022.

- I.5. [23-097](#) **SUBJECT:** Approval of a Second Amendment to Agreement for Legal Services with Lozano Smith, LLP, in an Amount not to Exceed \$300,000

REPORT IN BRIEF

Considers approving a second amendment to agreement for legal services with Lozano Smith, LLP, in an amount not to exceed \$300,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a second amendment to agreement for legal services with Lozano Smith, LLP in an amount not to exceed \$300,000 and,

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

- I.6. [23-151](#) **SUBJECT:** Approval of Second Amendment to Agreement for Consultant Services with Chandler Asset Management to Provide Investment Portfolio Management Services for an Additional Two Years

REPORT IN BRIEF

Considers approval of the Second Amendment to Agreement with Chandler Asset Management to provide investment portfolio management services for an additional two years.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Second Amendment to Agreement with Chandler Asset Management for Investment Advisory Services; and,

B. Authorizing the City Manager to execute all necessary documents.

I.7. [23-065](#)

SUBJECT: Approval of an Instructional Services Agreement with the Merced Community College District to Provide Credit Fire Classes for Students Aspiring a Future or Advancement in the Fire Professions

REPORT IN BRIEF

Considers approving an Instructional Services Agreement with the Merced Community College District to provide credit fire classes for students aspiring a future or advancement in the fire professions.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an Instructional Services Agreement with the Merced Community College District to provide credit fire classes for students aspiring a future or advancement in the fire professions; and,

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

I.8. [23-091](#)

SUBJECT: Approval to Accept the Department of Justice 2022 Bulletproof Vest Partnership Grant in the Amount of \$21,912.88 to Cover 50% of the Purchase Cost of New Vests and Authorization to Utilize the Use of Pooled Cash to Cover the Purchase Cost Which will be Reimbursed from the Grant Proceeds

REPORT IN BRIEF

Accept grant award for reimbursement of bulletproof vest expenses.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the grant; and,

B. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,

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

I.9. [23-056](#)

SUBJECT: Accept and Appropriate Additional \$3,253.82 in Grant Funding from the San Joaquin Valley Air Pollution Control District Incentive Program

REPORT IN BRIEF

Considers accepting and appropriating additional grant funding in the amount of \$3,253.82 from the San Joaquin Valley Air Pollution Control District (SJVAPCD) to reimburse the City for the purchase of electric vehicles.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting and Increasing the revenue budget in account 001-1002-324.02-00-Project 243027 by \$3,254; and,
- B. Appropriating the same to 001-1002-523.43-00-Project 243027; and,
- C. Authorizing the City Manager to execute the necessary documents.

I.10. [23-027](#)

SUBJECT: Approval of a Professional Services Agreement with Goodwin Consulting Group for Special Tax Services Related to Annexations to the Community Facilities District (CFD) in an Amount not to Exceed \$100,000

REPORT IN BRIEF

Considers approving a Professional Services Agreement with Goodwin Consulting Group for special tax services related to annexations to the Community Facilities Districts (CFD) in an amount not to exceed \$100,000 for a contract period ending June 30, 2024.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Professional Services Agreement with Goodwin Consulting Group, Inc. to prepare the Rate and Method of Apportionment for Community Facilities Annexations in an amount not to exceed \$100,000; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

I.11. [23-152](#)

SUBJECT: Adoption of a Resolution Setting a Public Hearing for Monday, March 20, 2023, to Vacate the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, Generally Located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04)

REPORT IN BRIEF

Considers adopting a Resolution to set a public hearing for March 20, 2023, to vacate the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, generally located at the northwest corner of G Street and Bellevue Road.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-11**, A Resolution of The City Council of The City of Merced, California, declaring its Intention to Vacate the 60-Foot-Wide Right-Of-Way Dedicated for Streets within Portico Drive, Montage Drive, Promenade Avenue, Countryside Avenue, Mosaic Avenue, and Savannah Avenue within the Paseo Subdivision generally located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04) and setting a time and place for a Public Hearing.

J. REPORTS

J.1. [23-125](#)

SUBJECT: Adopt a Resolution to Adhere to the Merced County Regional Waste Management Authority (MCRWMA) Flow Control Policy Regarding Organic Waste Disposal

REPORT IN BRIEF

Considers adopting a Resolution authorizing agreement to the Merced County Regional Waste Management Authority's Flow Control Policy regarding organic waste disposal to aid in the Senate Bill (SB) 1383 compliance.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-13**, Resolution of the City Council of the City of Merced, California, to Adhere to the Merced County Regional Waste Management Authority (MCRWMA) Flow Control Policy.

J.2. [23-069](#)

SUBJECT: Mid-Year Budget Review for Fiscal Year 2022-2023, General Fund Supplemental Appropriations and Budget Amendments in Various Funds Totaling \$3,230,337; and Requesting Direction on American Rescue Plan Act Allocation

REPORT IN BRIEF

Presents the Fiscal Year 2022-2023 Mid-Year Financial Report, seeks approval of General Fund Supplemental Appropriations and Budget Amendments in Various Funds totaling \$3,230,337, and requesting Direction on American Rescue Plan Act Allocation.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the addition of a full time Deputy Finance Officer for a two-month period; and,
- B. Approving a transfer from Fund 674 Fleet Replacement to the General Fund in the amount of \$338,000 and appropriating the same to 001-0901-523.43-00; and,
- C. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$152,000 and appropriating the same to 001-0901-523.43-00; and,
- D. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$55,000, transferring to Fund 063-Bell Station and appropriating the same; and,
- E. Approving the addition of one Assistant Engineer and deleting one Engineering Technician IV; and,
- F. Approving a Supplemental Appropriation in Fund 061-Measure C from the unreserved, unencumbered Fund Balance in the amount of \$222,687 to repay HUD ineligible project costs; and,
- G. Approving increase to revenue in Fund 018-CDBG in the amount of \$222,687 to accept repayment of HUD ineligible project costs; and,
- H. Approving the reduction of transfers from Gas Tax Funds (009, 010, 011, and 065) to Fund 022- Streets Maintenance totaling \$500,000; and,
- I. Approving transferring \$500,000 from Fund 076-2030 Gas Tax (SB1) to Fund 022- Streets Maintenance in the amount of \$500,000; and,
- J. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$53,432 and appropriating to Vehicle O&M; and,
- K. Approving an increase to revenue in Fund 670-Fleet Management in the amount of \$500,000 from various funds to cover fuel shortage (expense allocation provided in the discussion); and,
- L. Approving **Resolution 2023-12**, A Resolution of the City Council of the City of Merced, California, Declaring the Infeasibility of using Public

Bidding to Purchase Certain Vehicles and Authorizing Limited Direct Purchases; and,

M. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund Balance in the amount of \$254,407 due to the flood emergency; and,

N. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 061-Measure C in the amount of \$11,753 due to the flood emergency; and,

O. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 017-Development Services in the amount of \$10,000 due to the flood emergency; and,

P. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 553-Wastewater Operations in the amount of \$1,072,394 due to the flood emergency; and,

Q. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 558-Refuse Operations in the amount of \$106,528 due to the flood emergency; and,

R. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 670-Fleet Operations in the amount of \$7,568 due to the flood emergency; and,

S. Providing Direction on the American Rescue Plan Act funding allocation; and,

T. Authorizing the Finance Officer to make any necessary budget adjustments.

J.3. [23-157](#)

SUBJECT: Aviation and Tourism Marketing Information, Airport Logo and Taglines for the Merced Yosemite Regional Airport

REPORT IN BRIEF

Staff to provide a presentation of Vela Marketing Firm's proposed aviation and tourism marketing information, airport logo and taglines for the Merced Yosemite Regional Airport.

RECOMMENDATION

City Council - Adopt a motion approving the aviation and tourism marketing information and airport logo for the Merced Yosemite Regional Airport as recommended by the Merced Regional Airport

Authority.

K. BUSINESS

K.1. [23-173](#)

SUBJECT: Request to Display the Italian Flag in Bob Hart Square in Honor Italian Americans as Submitted by the Italo-American Lodge Beginning on October 1, 2023 Through October 31, 2023 and to Include this Request on the Annual Flag Calendar Adopted by the City Council

REPORT IN BRIEF

Request from the Italo-American Lodge to Display the Italian Flag in Bob Hart Square on October 1, 2023 through October 31, 2023 in honor of Italian Americans and to include this request on the annual Flag Calendar adopted by the City Council.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the request to be added to the Flag Calendar for the 2023 year in accordance with Council Policy C-7 regarding the display of commemorative flags; and,

B. Bringing a Resolution back for adoption.

K.2. [23-115](#)

SUBJECT: Approval of the City Council FY 2023/24 Goals and Priorities to Include Downtown & Economic Development, Housing & the Unhoused, Merced Unity Project, Natural Disaster/Flood Response, Parks & Recreation, Public Safety, Public Works & City Beautification, South Merced Study, and Quality of Life

REPORT IN BRIEF

Adoption of the FY 2023/24 Goals and Priorities to include Downtown & Economic Development, Housing & Homelessness, Merced Unity Project, Natural Disaster/Flood Response, Parks & Recreation, Public Safety, Public Works & City Beautification, South Merced Study, and Quality of Life.

RECOMMENDATION

City Council - Adopt a motion approving FY 2023/24 Goals and Priorities.

K.3. [23-180](#)

SUBJECT: Council Member De Anda's Request to Reconsider Sending the Letter to the Attorney General

REPORT IN BRIEF

Council Member De Anda's request to reconsider sending a letter to the Attorney General.

RECOMMENDATION

Provide direction to staff on next steps.

K.4. [23-082](#)

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.5. [23-112](#)

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