



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, November 1, 2021

6:00 PM

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

Closed Session at 5:00 PM / Regular Meeting at 6:00 PM

NOTICE TO PUBLIC/AVISO AL PÚBLICO/CEEB TOOM RAU PEJ XEEM

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL/BIENVENIDO A LA REUNIÓN DEL CONCILIO DE LA CIUDAD DE MERCED/ZOO SIAB TXAIS TOS KOJ TUAJ RAU HAU CITY COUNCIL LUB ROOJ SAB LAJ

At least 72 hours prior to each regular City Council meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org 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 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 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 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 tooj tsis pub ntev tshaj (3) feeb. Thov qhia qhov twg hauv daim kom tswj koj xav tawm suab rau, piv txwv li, zej tsoom tawm suab #, khoom tso cai #, los sis kev sib tham 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 tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (thaum muaj) los sis mloog City Council kev sab laj, ces mus hauv City's website www.cityofmerced.org, 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. [21-264](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Reginald Matthews v. City of Merced; Workers Compensation Appeals Board Case No. FRE-ADJ 11117758; AUTHORITY: Government Code Section 54956.9(d)(1)

B.2. [21-892](#) **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

C. CALL TO ORDER

C.1. Invocation - Maggie Fuentes, Chaplain, Merced Police Department

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. 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. See MODIFIED PUBLIC COMMENT.

H.1. [21-861](#) **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. [21-865](#) **SUBJECT: Information-Only Contracts for the Month of October 2021**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$34,000 and of Public Works contracts under \$76,875.

H.3. [21-860](#) **SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 18, 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 18, 2021.

H.4. [21-827](#) **SUBJECT:** Information Only - Planning Commission Meeting Minutes of July 21, August 4 and 18, 2021

RECOMMENDATION

For information only.

H.5. [21-836](#) **SUBJECT:** Information Only - Traffic Committee Minutes of July 13, 2021

RECOMMENDATION

For information only.

H.6. [21-722](#) **SUBJECT:** Approval to Waive the Competitive Bidding Requirements, Approve Agreements for Supplies and Services for the Purchase of Aggregate Base, Fill Sand, and Related Materials with Central Valley Concrete dba Central Valley Trucking, in the Amount not to Exceed \$40,000, Supply and Delivery of Electrical/Mechanical Parts and Repair/Installation Services with Modesto Industrial Electrical Company, Inc., in the Amount not to Exceed \$60,000, Supply and Delivery of Various Vehicle Parts and Vehicle Repair/Parts Installation Services with Ruckstell California Sales, Inc., in the Amount not to Exceed \$85,000, with the Contracts' Terms Ending June 30, 2022, and Allow the City to Piggyback onto an Existing Contract for Automotive Parts and Supplies Through the National Cooperative Purchasing Alliance (NCPA) Awarded Contract with O'Reilly Auto Enterprises, LLC dba O'Reilly Auto Parts in an Amount not to Exceed \$60,000 Annually

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving three (3) separate Supply and Service Agreements for the purchase of aggregate base and related materials, electrical/mechanical parts and services, and vehicle parts and repair services, as well as allows for piggybacking onto a NCPA awarded contract for automotive parts and supplies.

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 an Agreement for Supplies and Services with Central Valley

Concrete dba Central Valley Trucking, in the amount not to exceed \$40,000; and,

C. Approving the Agreement for Supplies and Services with Modesto Industrial Electrical Company, Inc., in the amount not to exceed \$60,000; and,

D. Approving the Agreement for Supplies and Services with Ruckstell California Sales, Inc., in the amount not to exceed \$85,000; and,

E. Approving piggybacking onto the National Cooperative Purchasing Alliance contract with O'Reilly Auto Enterprises, LLC dba O'Reilly Auto Parts expiring on November 30, 2022 with the option to renew through November 30, 2024 in the amount not to exceed \$60,000 per fiscal year; and,

F. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents.

H.7. [21-824](#)

SUBJECT: Approval of a First Amendment to Professional Services Agreement with Stantec Consulting Services, Inc., for Engineering Design Services for the Wastewater Treatment Facility Phase VI Improvement Upgrades for a Total Additional Amount not to Exceed \$1,673,800

REPORT IN BRIEF

Considers authorizing a first amendment to professional services agreement with Stantec Consulting Services, Inc., for engineering design of wastewater treatment facility improvement upgrades in a total additional amount of \$1,673,800.

RECOMMENDATION

City Council - Adopt a motion approving a first amendment to agreement for professional services with Stantec Consulting Services, Inc., in the not to exceed additional amount of \$1,673,800 and, authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

H.8. [21-825](#)

SUBJECT: Approval of a Sixth Amendment to the Professional Services Agreement with Stantec Consulting Services, Inc., to Update the Sewer Collection Hydraulic Model, Perform a Flow Monitoring Analysis, and Prepare an Updated Draft Wastewater Collection System Master Plan (WCSMP) for a not to Exceed Additional Amount of \$118,300

REPORT IN BRIEF

Considers approving a sixth amendment to an agreement with Stantec Consulting Services, Inc., to include updates to the Sewer Collection Hydraulic Model, perform a flow monitoring analysis, and preparation of an updated Draft Wastewater Collection System (Sewer) Master Plan.

RECOMMENDATION

City Council - Adopt a motion approving a sixth amendment to professional services agreement with Stantec Consulting Services, Inc., in the additional amount of \$118,300 for the City of Merced Wastewater Collection System Master Plan Update; and, authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

H.9. [21-844](#)

SUBJECT: Approval of a First Amendment to Agreement for Legal Services with Lozano Smith, LLP, in an Amount not to Exceed \$200,000

REPORT IN BRIEF

Considers approving a first amendment to agreement for legal services with Lozano Smith, LLP, in an amount not to exceed \$200,000.

RECOMMENDATION

City Council - Adopt a motion approving a first amendment to agreement for legal services with Lozano Smith, LLP in an amount not to exceed \$200,000 and, authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

H.10. [21-845](#)

SUBJECT: Approval to Waive of the Competitive Bidding Requirement and Award a Five-Year Contract to Locality Media, Inc. dba First Due, Based Upon the Unique Aspects of the All-Inclusive Pre-Incident Planning Software and Services for a Total Five-Year Cost of \$79,017

REPORT IN BRIEF

Considers waiving of the competitive bidding requirement and awarding a five-year contract to Locality Media, Inc. dba First Due, based upon the unique aspects of the all-inclusive pre-incident planning software and services for a total five-year cost of \$79,017.

RECOMMENDATION

City Council - Adopt a motion:

- A. Authorizing the waiving of the competitive bidding requirement due to sole source; and,
- B. Approving the purchase of pre-incident planning software from Locality Media, Inc. dba First Due for a total five-year cost of \$79,017; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make the necessary budget adjustments.

H.11. [21-849](#)

SUBJECT: Approval of a Professional Service Agreement with Financial Credit Network (FCN) for Collections Services for a Term of Five Years with the Option to Extend for up to Two Additional One-Year Terms

REPORT IN BRIEF

Considers approving a Professional Service Agreement with Financial Credit Network for collection services for a term of five years with the option to extend for up to two additional one-year terms.

RECOMMENDATION

City Council - Adopt a motion approving a Professional Service agreement with Financial Credit Network and authorizing the City Manager or the Deputy City Manager to execute all necessary documents.

H.12. [21-851](#)

SUBJECT: Acceptance of Reimbursement from McLaren's Insurance for a Destroyed Street Sweeper, Approval of an Appropriation in the Amount of \$311,301 to Fund 674 - Vehicle Replacement, Approval to Waive Competitive Bidding Requirements, and Approval to Purchase a Replacement Street Sweeper Through a Cooperative Purchasing Agreement with Sourcewell from Municipal Maintenance Equipment (M.M.E.)

REPORT IN BRIEF

Requests approval to accept an insurance reimbursement and appropriate funds to replace a destroyed street sweeper, as well as waiving the City's competitive bidding requirements to purchase the street sweeper utilizing a cooperative purchasing agreement with Sourcewell.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting insurance reimbursement and increasing revenue in an amount up to \$311,301 (estimate) from McLaren's Insurance in Fund 674 - Fleet Capital Replacement; and,

B. Approving a supplemental appropriation in the amount of \$311,301 to Fund 674 - Fleet Capital Replacement to purchase the replacement of the destroyed street sweeper; and,

C. Authorizing the use of pooled cash until a reimbursement is received from McLaren's Insurance; and,

D. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 and authorizing the purchase of the street sweeper to be made through a cooperative purchasing agreement with Sourcewell, a government procurement program; and,

E. Approving the purchase of one street sweeper model A9, in the amount of \$311,300.70, from Municipal Maintenance Equipment (M.M.E.) through Sourcewell contract # 122017-SZW; and,

F. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents and to approve change orders not to exceed 10% of the total purchase amount, the Finance Officer to make the appropriate budget adjustments, and City Buyer to issue the Purchase Order.

H.13. [21-856](#)

SUBJECT: Approval of Street Closure Request Submitted by Merced County for the 2021 Annual Veterans Day Reverse Parade on November 11, 2021 From 8:00 A.M. Until 5:00 P.M.

REPORT IN BRIEF

Considers Merced County's request for approval of the use of City streets and Bob Hart Square on Thursday November 11, 2021 for the Veterans Day Reverse Parade. The request seeks approval to close W. Main Street, between G Street to M Street, including Bob Hart Square, on Thursday, November 11, 2021 from 8:00 A.M. through 5:00 P.M.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of east bound traffic on West Main Street, from M Street to G Street, including Bob

Hart Square, from 8:00 A.M. to 5:00 P.M. on Thursday, November 11, 2021, subject to the details and conditions outlined in the administrative report.

H.14. [21-855](#)

SUBJECT: Approval of Street Closure Request Submitted by Sam Yniguez for the 2021 Central California Band Review on November 13, 2021 from 5:00 A.M. Until 2:30 P.M.

REPORT IN BRIEF

Considers allowing the use of City streets on November 13, 2021 for the Central California Band Review.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of Parsons Avenue, from Merced Avenue to Dinkey Creek; Dinkey Creek, from Parsons Avenue to Watertown Drive; Watertown Drive, from Dinkey Creek to East Childs Avenue; and East Childs Avenue, from Coffee Street to Carol Avenue, as requested by Golden Valley High School Band Boosters Coordinator Sam Yniguez for the 2021 Central California Band Review scheduled Saturday, November 13, 2021. The street closures will be between 5:00 a.m. and 2:30 p.m., subject to the conditions of the administrative staff report.

H.15. [21-859](#)

SUBJECT: Second Reading and Final Adoption of an Ordinance Approving Site Utilization Plan (SUP) 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

REPORT IN BRIEF

Adoption of this Ordinance will revise 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 adopting **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.

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. [21-891](#) **SUBJECT:** Public Hearing Regarding the Development of a Strategic Investment Plan for the American Rescue Plan Act (ARPA) Funding

REPORT IN BRIEF

Public Hearing to allow for additional input on the development of a Strategic Investment Plan by the City Council and Staff. This is the first of two Public Hearings to allow for input.

RECOMMENDATION

Provide staff direction on elements to include in the Strategic Investment Plan

- I.2. [21-889](#) **SUBJECT:** Public Hearing and Consideration of Options Related to the Potential Vacation of the Northern Portion of the Arbor Walkway Easement Including: Adoption of Resolutions 2021-55 Approving the Mutual Termination of the Easement Between the City of Merced and Creative Development Concepts, INC. and 2021-56 Approving the Full Vacation of the Northern Portion of the Arbor Walkway Easement, Approximately 2,800 Square Feet and Reverting Development Rights Back to the Adjacent Property Owner of 531 W. Main Street, Merced, Generally Located on the North Side of Main Street, Approximately 150 Feet East of M Street; Denying the Request to Vacate the Full Easement; or Alternative Options with a Partial Vacation of the Easement that Preserves a Minimum of Walkway for Public Use

REPORT IN BRIEF

Public Hearing and consideration of various options related to the potential vacation of the northern portion of the Arbor Walkway easement including adoption of Resolutions 2021-55 Approving the Mutual Termination of the easement agreement between the City of Merced and Creative Development Concepts, INC. and 2021-56 approving the full vacation of approximately 2,800 square feet which would revert development rights back to the adjacent property owner of 531 W. Main Street; denying the full vacation, or Directing Staff to return with a partial vacation of the easement that preserves a walkway for public use.

RECOMMENDATION

City Council - Adopt a motion:

Option 1: Adopting **Resolution 2021-55** a Resolution of the City Council of the City of Merced, approving the mutual termination of the easement agreement between the City of Merced and Creative Development Concepts, INC., and **Resolution 2021-56**, a Resolution of the City Council of the City of Merced, California, ordering the vacation of the Arbor Walkway North easement (approximately 2,800 square feet) which would revert development rights back to adjacent property owner of 531 W. Main Street (Vacation #21-03).

Option 2: Adopt a motion denying full easement vacation request.

Option 3: Direct Staff to return to the City Council of the City of Merced with a partial vacation of the easement that preserves a minimum of fifty-one inches (51") for Public Use; or

Option 4: A potential 4th option to be presented by Mr. Larks as part of the Public Hearing.

J. REPORTS

J.1. [21-710](#)

SUBJECT: Adoption of Resolutions Declaring City-Owned Property as Surplus Land and Exempt Surplus Land Including the Former Merced Sun Star Facility (Assessor Parcel Number 007-350-009) and Properties Located in the Airport Industrial Park Including (Assessor Parcel Numbers (059-300-026, 059-420-012, 059-420-013, 059-420-046, and 059-420-073)

REPORT IN BRIEF

The Surplus Lands Act requires the City to declare City-owned properties as surplus land or exempt surplus land before they are sold to be developed with something other than a qualified public agency use. If surplus land, the City must issue a 60-day Notice of Availability to give housing sponsors registered with the State and certain public agencies priority to make an offer to purchase the sites.

The City Council will consider a Resolution declaring a City-Owned property known as the former Merced Sun Star site as surplus land. The City Council will also consider a Resolution declaring City-owned properties in the vicinity of the Merced Regional Airport as exempt surplus

land.

RECOMMENDATION

City Council - Adopt a Motion:

A. Approving **Resolution 2021-101** of the City Council of the City of Merced Declaring Certain Property as Surplus Land and Directing the City Manager to Follow the Procedures Set Forth in the Surplus Lands Act for its Disposition; and,

B. Approving **Resolution 2021-102** of the City Council of the City of Merced Declaring Certain Properties as Exempt Surplus Land and Directing the City Manager to Follow the Procedures Set Forth in the Surplus Lands Act for their Disposition.

K. BUSINESS

K.1. [21-798](#)

SUBJECT: Discussion Regarding Two Complaints Lodged by Tim Razzari and Terry Ruscoe Against Council Member Perez and Providing Further Direction to Staff

REPORT IN BRIEF

Discussion and direction related to the two complaints lodged by Tim Razzari and Jared Ruscoe on behalf of Terry Ruscoe against Council Member Perez.

RECOMMENDATION

None.

K.2. [21-862](#)

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.3. [21-863](#)

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