



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, September 15, 2025

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.gov 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.gov 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.gov 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 cajj 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.gov 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.gov/government/city-council/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.gov, 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.gov 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.gov/government/city-council/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.gov, 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.gov 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.gov/government/city-council/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.gov, 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. [25-838](#) **SUBJECT: CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION Significant exposure to litigation. Two (2) potential cases. Pursuant to California Government Code Section Gov. Code § 54956.9(d)(2)**

B.2. [25-840](#) **SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Saelee vs. City of Merced; WCAB Case Number FRE- ADJ 10233181 and ADJ17651457; Pursuant to California Government Code Section 54956.9(d)(1)**

C. CALL TO ORDER

C.1. Invocation - Interim Minister Zachary Pitcher, Central Presbyterian Church

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 \$500.00 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 2024-78. 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. CEREMONIAL MATTERS

- F.1. [25-837](#) **SUBJECT:** Certificate of Recognition to Lillyana Hawkins for Being a Recipient of the Sue and Harmon Burns Scholarship Through the Junior Giants Program- Requested By Mayor Serratto

REPORT IN BRIEF

Received by Lillyana Hawkins.

G. WRITTEN PETITIONS AND COMMUNICATIONS

H. 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.

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. [25-768](#) **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. [25-817](#) **SUBJECT:** Approval to Purchase Inclusive Playground Equipment from Park Planet for General Vang Pao Park, for a Total Cost not to Exceed \$244,627.93, Using Safe Play Initiative Grant Funding from First 5

Merced County

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the purchase of Accessible Playground Equipment to be installed at a later date at General Vang Pao Park, Aletha June Playground.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for single source purchases; and,

B. Approving the purchase of playground equipment for the not to exceed amount of \$244,627.93 from Park Planet; and,

C. Authorizing the City Manager to execute the necessary documents and the City Buyer to issue the Purchase Order.

I.3. [25-833](#)

SUBJECT: Approval of a Two (2) Year Lease Agreement with James G. Moulton, Trustee, and Lynda S. Moulton, Trustee, for a 9,000 Square Foot Facility with Initial Base Rent of \$8,643.00 Per Month and an Option to Extend for an Additional Three (3) Years

REPORT IN BRIEF

Considers approving a two-year lease agreement with James G. Moulton and Lynda S. Moulton for property to be utilized by criminal justice agencies in Merced County.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the lease agreement between the City of Merced and James G. Moulton, Trustee, and Lynda S. Moulton, Trustee; and,

B. Authorizing the City Manager to execute the necessary document.

I.4. [25-839](#)

SUBJECT: Authorization for Payment of Litigation Costs in Connection with the Retainer Agreement with Marderosian and Cohen for 2023 Flood Litigation

REPORT IN BRIEF

On July 3, 2023, the City Council approved a Retainer Agreement with Marderosian and Cohen to represent the City in litigation seeking recovery of damages against California Department of Fish and Wildlife (23CV-03845) related to the January 2023 flooding events emanating from Bear Creek and other related creeks, rivers, channels, and flood control and irrigation facilities located in Merced County, California.

The case is now scheduled for trial on January 27, 2026. After further review of the original approvals, staff identified that while the Retainer Agreement was authorized, litigation costs were not included in that authorization. Staff is therefore requesting Council approval to pay litigation costs associated with the representation.

To date, the City has incurred approximately \$175,000 in litigation costs, primarily related to deposition expenses and expert witness retainer agreements. Staff anticipates an additional \$175,000 in costs through trial.

RECOMMENDATION

City Council - Adopt a motion:

- A. Authorizing the City to pay litigation costs incurred to date, estimated at approximately \$175,000, related to the representation by Marderosian & Cohen; and,
- B. Authorizing the City to pay additional litigation costs anticipated to be incurred through trial, estimated at approximately \$175,000; and,
- C. Authorizing the City Manager to execute any necessary documents related to the payment of these litigation costs.

J. ACTION ITEMS

J.1. [25-725](#)

SUBJECT: Approval of a Proposed Ground License Agreement Between the City of Merced and New Cingular Wireless PCS, LLC, Use and Lease of Portion of City-Owned Property Located at 3400 Parsons Avenue, aka Rahilly Park, for Wireless Telecommunications Facility Purposes

REPORT IN BRIEF

Considers approving a proposed Ground License Agreement between the

City of Merced and New Cingular Wireless PCS, LLC, in connection with Use and Lease of Portion of City-Owned Property Located 3400 Parsons Avenue, aka Rahilly Park, for Wireless Telecommunications Facility Purposes.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Ground License Agreement between the City of Merced and New Cingular Wireless PCS, LLC for use of portion of city-owned property located at 3400 Parsons Avenue, aka Rahilly Park, for Wireless Telecommunications Facility Purposes; and,
- B. Authorizing the City Manager to execute the agreement, in such form as approved by the City Attorney and as the City Manager shall deem appropriate, including amendments to the lease agreements, and all related documents required or appropriate in connection with completion of this lease transaction; and,
- C. Approving an increase in revenue in the amount of \$30,000 and appropriating the same in Fund 5000-Parks and Community Services Capital Fund; and,
- D. Approving an increase in revenue in the amount of \$27,000 (October-June) and appropriating the same based on Option for Use of Revenue as determined by Council.

J.2. [25-823](#)

SUBJECT: Approval of the 2026 Cafeteria Plan Renewal Regarding Employees' and Retirees' Health and Welfare Benefits Including Medical, Dental, Vision, Disability, Life and Flexible Spending

REPORT IN BRIEF

Considers approving the renewal of the 2026 Cafeteria Plan regarding employees' and retirees' health and welfare benefits.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the employees' health and welfare benefits cafeteria plan renewal for calendar year 2026; and,
- B. Authorizing the City Manager to execute the necessary documents.

J.3. [25-727](#)

SUBJECT: Report and Adoption of a Resolution Approving the U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2024-25 and Authorizing Submittal of the CAPER to HUD

REPORT IN BRIEF

Review and approve Housing Division activities as reported in the Draft 2024 Consolidated Annual Performance and Evaluation Report (CAPER) and authorize its submission to HUD.

RECOMMENDATION

City Council- Adopt a motion:

A. Adopting **Resolution 2025-57**, a Resolution of the City Council of the City of Merced, California, approving the 2024 Program Year Consolidated Annual Performance and Evaluation Report (CAPER); and,

B. Authorizing the City Manager to execute and, if necessary, direct staff to make minor modifications to, the above referenced items and all associated documents as attached to this report; and,

C. Authorizing the Finance Officer to make necessary budget adjustments, if any.

K. REPORTS

K.1. [25-765](#)

SUBJECT: Report on the County Islands within City Limits

REPORT IN BRIEF

Discussion on the County Islands within City Limits and the State Laws that Regulate the Annexation of Those Islands.

RECOMMENDATION

Provide direction to staff on next steps.

L. BUSINESS

L.1. [25-836](#)

SUBJECT: Consideration of the Merced Regional Airport Authority Recommendation for the Skywest Charter - Option 1, Contour Airlines - Option 2, and Advanced Air - Option 3 as the Airline Carrier to Serve the Merced Yosemite Regional Airport Under the Essential Air Service and Make a Recommendation to the U.S. Department of Transportation

REPORT IN BRIEF

Considers the Merced Regional Airport Authority's recommendation to the U.S. Department of Transportation regarding a selection of an Essential Air Service carrier provider for the Merced Yosemite Regional Airport.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Regional Airport Authority's recommendation for air carrier service to the U.S. Department of Transportation concerning the selection of an Essential Air Service provider by priority as follows:

Option 1. Recommend to the US Department of Transportation that SkyWest Charter with service to Los Angeles International Airport and Harry Reid International Airport (Las Vegas) serve the City of Merced as the Essential Air Service provider (subject to US DOT waiver approval); and,

Option 2. Recommend to the US Department of Transportation that Contour Airlines with Service to Los Angeles International Airport and Harry Reid International Airport (Las Vegas) serve the City of Merced as the Essential Air Service provider (subject to US DOT waiver approval); and,

Option 3. Recommend to the US Department of Transportation that Advanced Airlines with service to Hawthorne Airport and Harry Reid International Airport (Las Vegas) serve the City of Merced as the Essential Air Service provider.

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

L.2. [25-825](#)

SUBJECT: Discuss Proposed Goals, Priorities, Town Halls, Budget and Financial Fiscal Year Timeline

REPORT IN BRIEF

Council Member Smith's request to discuss how Goals and Priorities and Town Halls should be organized with the budget process and exploring options for a biennial budget cycle.

RECOMMENDATION

Discuss and provide direction to staff on proposed goals, priorities, town halls, and financial timeline.

L.3. [25-776](#) **SUBJECT:** Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

L.4. [25-780](#) **SUBJECT:** City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

M. ADJOURNMENT