



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, May 16, 2022

6:00 PM

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

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 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 caij 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 (tham 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. CALL TO ORDER

A.1. Invocation - Pastor Al Schaap, Gateway Church Merced

A.2. Pledge of Allegiance to the Flag

B. ROLL CALL

B.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.

C. CEREMONIAL MATTERS

- C.1. [22-381](#) **SUBJECT:** Proclamation - National Public Works Week

REPORT IN BRIEF

Received by a representative of the Public Works Department.

- C.2. [22-411](#) **SUBJECT:** Proclamation - Foster Care Awareness Month

REPORT IN BRIEF

The Foster Care Awareness Month Proclamation will be presented to a representative of Merced College NextUp.

D. WRITTEN PETITIONS AND COMMUNICATIONS

E. 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.

F. 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.

- F.1. [22-356](#) **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.

F.2. [22-353](#) **SUBJECT:** Information Only - Traffic Committee Minutes of November 9, 2021

RECOMMENDATION

For information only.

F.3. [22-367](#) **SUBJECT:** Award Bid to Merced Chevrolet for the Purchase of Three New Tahoe Police Vehicles (PV) for the Police Department and One New Traverse Sports Utility Vehicle (SUV) for the Fire Department, for a Total Cost Not to Exceed \$190,608.06

REPORT IN BRIEF

Considers awarding the bid to Merced Chevrolet for the purchase of three Tahoes as scheduled replacements for the Police Department and one new Traverse SUV as an acquisition for the Fire Department.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to Merced Chevrolet for the supply of three new Tahoes and one new Traverse SUV, for a total amount not to exceed \$190,608.06; and,

B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents, the City Buyer to issue the Purchase Order, and approval of change orders not to exceed 10% of the total purchase price.

F.4. [22-124](#) **SUBJECT:** Approval of a First Amendment to Master Agreement with Badger Meter, Inc., for the Cloud-Based Automatic Meter Reading System and Approval of Purchase of Goods Agreement for Replacement Water Meter Endpoints Due to Cellular Changes from 3G to 4G in the Amount of \$528,660, Plus Taxes and Freight

REPORT IN BRIEF

Considers approving a First Amendment to the Master Agreement with Badger Meter, Inc., to reduce the monthly service fee and approval of replacement water meter endpoints due to wireless cellular service changes from 3G to 4G in the amount of \$528,660 plus taxes and freight.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the First Amendment to Master Agreement with Badger Meter, Inc., for the cloud-based automatic meter reading system; and,
- B. Approving the Purchase of Goods Agreement with Badger Meter, Inc., for the purchase of replacement water meter endpoints in the amount of \$528,660, plus taxes and freight; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

F.5. [22-334](#)

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 the County of Merced, on Behalf of its Human Services Agency, for the Respective Programs Approved in Support of the Continuum of Care With the Adopted 2020 and 2021 Annual Action Plans

REPORT IN BRIEF

Considers authorizing the execution of two Community Development Block Grant (CDBG) Subrecipient Agreements with the County of Merced, on behalf of its Human Services Agency, for the 2020 (\$38,000) and 2021 (\$38,000) Continuum of Care Collaborative Applicant administrative support programs.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving an agreement for the program identified in the 2020 HUD Annual Action Plan using Fiscal Year 2020-21 CDBG funds with the County of Merced, on behalf of its Human Services Agency, in the amount of \$38,000 for the “City and County Continuum of Care 2020-21 Collaborative Applicant” Program (Account 018-1301-552-17.00/Professional Services); and,
- B. Approving an agreement for the program identified in the 2021 HUD Annual Action Plan using Fiscal Year 2021-22 (Current Year) CDBG funds with the County of Merced, on behalf of its Human Services Agency, in the amount of \$38,000 for the “City and County Continuum of Care 2021-22 Collaborative Applicant” Program (Account 018-1301-552-17.00/Professional Services); and,
- C. Authorizing the City Manager or the Deputy City Manager to execute, and if necessary, direct staff to make minor modifications to the

agreements described above and as attached, and all associated documents and exhibits; and,

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

F.6. [21-771](#)

SUBJECT: Adoption of a Resolution Approving Final Map #5396 for Sage Creek, Phase 1 Subdivision for 26 Single-Family Lots, Generally Located South of Cardella Road (Extended) Between El Redondo Drive (Extended) and Horizons Avenue (Extended) and the Approval of the Subdivision Agreement for the Sage Creek, Phase 1 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5396 for 26 single-family lots, located south of Cardella Road (extended) between El Redondo Drive (extended) and Horizons Avenue (extended), and the subdivision agreement for the Sage Creek, Phase 1 Subdivision.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2022-26**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Sage Creek, Phase 1 Subdivision (#5396); and,

B. Approving the Subdivision Agreement for the Sage Creek, Phase 1 Subdivision; and,

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

F.7. [22-352](#)

SUBJECT: Adoption of a Resolution Establishing and Approving the 2022-2023 Master Tow Service Agreement

REPORT IN BRIEF

Considers the adoption of the 2022-2023 Merced Police Department Tow Service Agreement that will go into effect July 1, 2022 and expire June 30, 2023.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2022-27** a resolution of the City Council of the City of Merced, California, establishing and approving the 2022-2023 Master Tow Service Agreement and

authorizing the City Manager or Deputy City Manager to execute the necessary documents.

F.8. [22-395](#)

SUBJECT: Approval and Ratification of an Agreement with Lozano Smith to Allow for City Attorney Legal Services

REPORT IN BRIEF

Considers the ratification of the agreement with Lozano Smith, LLP to allow for City Attorney legal services.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving and ratifying the agreement for City Attorney legal services with Lozano Smith, LLP, and;

B. Approving a Supplemental Appropriation in the General Fund in the amount of \$161,000 to cover the cost of the City Attorney agreement for the remainder of the Fiscal Year.

F.9. [22-409](#)

SUBJECT: Adoption of a Resolution to Display the Pride Flag at Bob Hart Square for the Month of June per City Council Policy C-7

REPORT IN BRIEF

Considers adopting a Resolution to display the Pride Flag in Bob Hart for the month of June per the City Council Policy C-7.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2022-29**, a Resolution of the City Council of the City of Merced, California, authorizing the display of the Pride Flag on the City flagpole in Bob Hart Square for the month of June 2022.

F.10. [22-404](#)

SUBJECT: Second Reading and Final Adoption of an Ordinance for Zone Change #430 for Approximately 4.59 Acres Located on the East Side of Parsons Avenue, Approximately 300 Feet South of Yosemite Parkway (Hwy 140)

REPORT IN BRIEF

Second reading and final adoption of an ordinance to change the General Plan Land Use Designation from Thoroughfare Commercial (CT) to High-Medium Density (HMD) Residential and change the Zoning designation from Thoroughfare Commercial (C-T) to Medium Density

Residential (R-3-1.5) for approximately 4.59 acres generally located on the east side of Parsons Avenue, approximately 300 feet south of Yosemite Parkway (Hwy 140).

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2540**, an Ordinance of the City Council of the City of Merced, California, amending the Official Zoning Map by rezoning approximately 4.59 acres of land generally located on the east side of Parsons Avenue, south of Yosemite Parkway (Hwy 140) (1808 Parsons Avenue) from thoroughfare Commercial (C-T) to Medium Density Residential (R-3-1.5).

G. 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.

G.1. [22-378](#)

SUBJECT: Second Public Hearing for Receipt of Public Comment Regarding the U.S. Department of Housing and Urban Development (HUD) 2022 Annual Action Plan; Review Changes to Proposed Expenditures of Community Development Block Grant and Home Investment Partnership Program Funds for Fiscal Year 2022-2023; Update on 2022 HUD Allocation; and Continue the Public Hearing to June 21, 2022

REPORT IN BRIEF

Provides an update on the delayed announcement by HUD of 2022 Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) grant allocation amounts, as well as review of changes to anticipated project funding categories and amounts since the First Public Hearing on April 4, 2022; conduct a Public Hearing to receive any new public comments; and, continue this Public Hearing to June 21, 2022, after receiving all comments.

RECOMMENDATION

City Council -

A. Open the Public Hearing to receive any new public comment regarding the Draft 2022 Annual Action Plan; and,

B. Discuss and provide any additional direction and/or comment regarding the Draft 2022 Annual Action Plan, including changes to project funding; and,

C. Adopt a motion continuing the Public Hearing to the June 21, 2022, Council meeting.

H. REPORTS

H.1. [22-319](#)

SUBJECT: Review, Discussion and Direction Regarding Community Funding Requests, Water Rates, and of the City of Merced Fiscal Year 2022/23 Budget

REPORT IN BRIEF

Review of the Community Funding Requests, Discussion and Direction on Water Rates, and the City Manager's proposed FY 2022/23 Budget.

RECOMMENDATION

For information and discussion only.

I. BUSINESS

I.1. [22-370](#)

SUBJECT: Personnel Board Appointments

REPORT IN BRIEF

Consider appointing two employee nominated individuals and one Council nominated individual to the Personnel Board.

RECOMMENDATION

City Council - Adopt a motion:

A. Appointing Andrew Guzman and Jessica Fernandez to serve as employee nominated replacement members of the Personnel Board with terms expiring on July 1, 2024 and July 1, 2023 respectively; and,

B. Appointing one individual from the remaining applicants to serve as a Council nominated replacement member of the Personnel Board to a term expiring on July 1, 2022 and to the subsequent term expiring on July 1, 2026.

I.2. [22-358](#)

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.

I.3. [22-359](#)

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.

J. ADJOURNMENT