



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, March 21, 2022

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 XEEMNOTICE TO PUBLIC

Pursuant to Assembly Bill No. 361, there may be Council Members participating virtually for this meeting. Members of the public may participate in-person. Should any Council Member attend virtually, all votes for this meeting will be taken via rollcall.

De conformidad con el Proyecto de Ley de la Asamblea numero 361, puede haber Miembros del Consejo participando virtualmente en esta reunión. Los miembros del público pueden participar en persona. Si algún miembro del Consejo asiste virtualmente, todos los votos para esta reunión se realizarán mediante votación nominal.

Raws li tsab cai Assembly No. 361, tej zaum yuav muaj cov Nom Tswv nyob rau tom tsev siv xov tooj tuaj koom tham pom ntsej muag rau lub rooj sib tham no. Cov pej xeem tej zaum nej tuaj koom tus kheej los yeej tau. Yog tias ib tus Nom tswv twg siv xov tooj koom tom tsev tuaj, Tag nrho kev xaiv nyob rau hauv lub rooj sib tham no yuav tau muab los hu npe ib tug zuj zus.

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 TUJAU 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 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 xeem los koom lub rooj sab laj kws xav tawm suab rau 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 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 ntawv kom tswj.

Tej ntaub ntawv 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 ntawm ncauj lus. Koj cov tswv yim muab rau lub rooj sab laj thaum lub sij hawm tsim nyog. Tej ntaub ntawm txais tau tom qab 1 teev tav su mam muab rau City Council thiab tso hauv cov ntaub ntawv 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 ntawm 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 (tham 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. [22-185](#) SUBJECT: PUBLIC EMPLOYMENT - TITLE: City Attorney;
AUTHORITY: Government Code 54957

B.2. [22-186](#) SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING
LITIGATION; James Lodwick v. City of Merced; Workers
Compensation Case Number ADJ12352285 and ADJ12352286;
AUTHORITY: Government Code Section 54956.9(d)(1)

C. CALL TO ORDER

C.1. Invocation - Pastor Ella-Luna Garza, United Methodist 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 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. [22-227](#) **SUBJECT:** City of Merced Fire Department Swearing in Ceremony for Newly Promoted Fire Engineer Tom Sletto and Newly Promoted Fire Marshall Manuel Abeyta

REPORT IN BRIEF

Fire Chief Derek Parker will swear in a newly promoted Fire Engineer and a newly promoted Fire Marshall.

- F.2. [22-226](#) **SUBJECT:** Recognition of Local Amateur Boxer Rene "Hulk" Martinez for his National Silver Gloves Championship

REPORT IN BRIEF

Accepted by Rene Martinez.

- F.3. [22-225](#) **SUBJECT:** Recognition of The American Legion for Their Continued Support of Youth Baseball and Youth Softball Programs in the City of Merced

REPORT IN BRIEF

Accepted by Members of the American Legion Post 83.

- F.4. [22-240](#) **SUBJECT:** Proclamation to Honor Golden Valley Health Centers' 50th Anniversary

REPORT IN BRIEF

Received by a representative from Golden Valley Health Centers.

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. See MODIFIED PUBLIC COMMENT.

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. See MODIFIED PUBLIC COMMENT.

- I.1. [22-205](#) **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. [22-140](#) **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of February 7, 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 February 7, 2022.

- I.3. [22-151](#) **SUBJECT:** Information Only - Planning Commission Minutes of August 18, September 8, October 6 and 20, 2021

RECOMMENDATION

For information only.

- I.4. [22-125](#) **SUBJECT:** Acceptance of the Housing Successor Agency Annual Compliance Report for Fiscal Year 2020-21 Pursuant to Health and Safety Code Section 34176.1(f) Including, but not Limited to, Housing Asset Fund Activities, Compliance with Expenditure and Surplus Limits, Real Property Assets and Loans Receivable

REPORT IN BRIEF

Annual Report summarizing Housing Successor activity for the City of Merced in Fiscal Year 2020-21 per California Senate Bill (SB) 341, which requires the City to prepare an annual report on the City's compliance with Housing Successor requirements imposed by Health and Safety Code Section 34176.1(f).

RECOMMENDATION

City Council - Receive and file the Housing Successor Agency Annual Report for Fiscal Year 2020-21.

I.5. [22-201](#)

SUBJECT: Adoption of Amended Resolution for the Public Facilities Impact Fee Administrative Policy A-32

REPORT IN BRIEF

Amend Resolution 2022-07, adopted by City Council on February 7, 2022, to correct omissions in Exhibit A (Administrative Policy A-32) that did not reflect changes adopted previously by City Council on October 18, 2021.

RECOMMENDATION

City Council - Adopt a motion approving **Amended Resolution 2022-07**, An Amended Resolution of the City Council of the City of Merced, California, Amending Administrative Policy and Procedure A-32 Regarding Public Facilities Impact Fees.

I.6. [22-187](#)

SUBJECT: Authorization to Waive the Competitive Bidding Requirements and Approval of the Purchase of Parts, Equipment, Supplies, and Services Necessary for Public Works Maintenance and Operations from Horizon Distributors, Inc., in the Amount not to Exceed \$80,000; and J A Momaney Services, Inc., in the Amount not to Exceed \$150,000 through June 30, 2022

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 various parts, equipment, supplies, and services for Public Works maintenance and operations.

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 an annual supplies and services agreement; and,

B. Approving the agreement with Horizon Distributors, Inc. for purchase of irrigation parts, equipment, and supplies in the amount not to exceed \$80,000 in Fiscal Year 2021/2022; and,

C. Approving the agreement with J A Momaney Services, Inc., for purchase of traffic signal and streetlight parts, equipment, and materials in the amount not to exceed \$150,000 in Fiscal Year 2021/2022; and,

D. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents or contracts that are approved as to form by the City Attorney, and/or purchase orders.

I.7. [22-129](#)

SUBJECT: Approval of a First Amendment to Professional Services Agreement for Sports Officiating, Scorekeeping, and Scheduling with Merced Area Sports Officials (MASO) in an Additional Amount of \$8,640, for a Total Contract Amount of \$35,390

REPORT IN BRIEF

Considers approving a first amendment to professional services agreement for sports officiating, scorekeeping, and scheduling with Merced Area Sports Officials (MASO) with an additional amount of \$8,640.

RECOMMENDATION

City Council - Adopt a motion approving a first amendment to Professional Services agreement for sports officiating, scorekeeping, and scheduling with Merced Area Sports Officials (MASO) with an additional amount of \$8,640, and, authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

I.8. [22-193](#)

SUBJECT: Authorization to Waive the Competitive Bidding Requirement to Allow Piggybacking onto County of Riverside Agreement #8084445 and #7754679 for Microsoft Licensing of Software and Subscriptions to Crayon Software and Microsoft for a Period of April 1, 2022, to March 31, 2025 in a not to Exceed Amount of \$215,202.00 and Approving Contract Documents

REPORT IN BRIEF

Authorization to Waive the Competitive Bidding due to piggybacking onto County of Riverside Agreement #8084445 and #7754679 for Microsoft Licensing of Software and Subscriptions to Crayon Software and Microsoft

for a Period of April 1, 2022, to March 31,2025 in a not-to-exceed amount of \$215,202.00 and approving Contract Documents.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bid requirements as stated in Section 3.04.210 due to piggybacking and approving contract documents; and,
- B. Authorizing the City Manager or Deputy City Manager to execute all necessary documents; and,
- C. Authorizing the Finance Officer to make necessary interfund transfers; and,
- D. Authorizing the City Manager or the Deputy City Manager to execute future contract amendments that do not exceed 125% of the total agreement value for the three-year duration of the agreement; and,
- E. Authorizing the Finance Officer to make necessity budget adjustments for future contract amendments; and,
- F. Authorizing the Finance Officer to transfer any required funds to the PC Replacement Fund and appropriate to be used explicitly for encumbrances and expenditures of new software licenses or subscriptions during the agreement; and,
- G. Approving the Agreements with Microsoft for software Licenses and Subscriptions.

J. 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.

- J.1.** [22-213](#) **SUBJECT:** Public Hearing to Consider the Introduction of an Ordinance Amending Chapter 1.17 Entitled "City Council Districts" of the Merced Municipal Code

REPORT IN BRIEF

Public Hearing to consider the introduction of an Ordinance amending chapter 1.17 entitled "City Council Districts" of the Merced Municipal Code.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2538**, An Ordinance of the City Council of the City of Merced, California, amending chapter 1.17 entitled "City Council Districts" of the Merced Municipal Code.

K. REPORTS

K.1. [22-202](#)

SUBJECT: Report and Presentation on Ada Givens Pool Rehabilitation

REPORT IN BRIEF

Provide a report to seek direction from City Council on the Ada Givens Pool Rehabilitation.

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 a statement of services agreement; and,
- B. Approving a supplemental appropriation of \$170,000 from the unreserved and unencumbered balance in the General Fund and/or Fund 085-Measure Y Parks and Recreation for project 122011 Ada Givens Pool Restoration; and,
- C. Approving a Statement of Services Agreement with Dale Butterworth Pools, for the rehabilitation of the Ada Givens Pool; and,
- D. Authorizing the City Manager or Deputy City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total contract.

K.2. [22-120](#)

SUBJECT: Acceptance of the 2021 General Plan Annual Report Summarizing the Status of the Merced Vision 2030 General Plan and the Steps Taken to Implement the General Plan Policies and Implementation Actions and Acceptance of the 2021 Housing Element Annual Progress Report Summarizing the City's Progress in Meeting the City's Share of Regional Housing Needs and the Goals and Policies of the Housing Element Including Number of Entitlements, Permits, and Certificates of Occupancy for All Housing Types

REPORT IN BRIEF

Accepts for information only the 2021 General Plan Annual Progress Report and the 2021 Housing Element Annual Progress Report and allows the public an opportunity to provide oral testimony and written comments regarding the 2021 Housing Element Annual Progress Report.

RECOMMENDATION

City Council - Adopt a motion accepting the 2021 General Plan Annual Report and the 2021 Housing Element Annual Progress Report for information only.

K.3. [22-183](#)

SUBJECT: Report for Discussion on Preliminary Annexation Application #21-03 for Robert and Kimber Lee Rogina

REPORT IN BRIEF

The City Council will be asked to evaluate Preliminary Annexation Application #21-03 for Robert and Kimber Lee Rogina, 151 acres of mixed-use development on the west side of G Street at Old Lake Road.

RECOMMENDATION

City Council - Adopt a motion indicating general support for an official annexation application being processed by Robert and Kimber Lee Rogina.

L. BUSINESS

L.1. [22-223](#)

SUBJECT: Discussion and Direction on the Appointment and Reappointment Process for Board and Commissions

REPORT IN BRIEF

Discuss and provide staff direction on the appointment and reappointment process for Board and Commissions.

RECOMMENDATION

Provide staff direction on the appointment and reappointment process for Board and Commissions.

L.2. [22-203](#)

SUBJECT: Seeks City Council Direction to Continue the Adoption of Resolution Making Findings to Hold City Council, Commission, and Committee Meetings Using a Combination of In-Person/Virtual (Hybrid) Meetings Under Assembly Bill (AB) 361, if not, to Continue the Hybrid Changes Currently in Place and to Allow for Dais Seat Assignment

Direction

REPORT IN BRIEF

Seeks City Council direction on the continuation of In-Person/Virtual City Council, Commission and Committee meetings by making the necessary findings that during a proclaimed state of emergency or that state or local officials have imposed or recommended measures to promote social distancing as outlined in AB 361. Should the City Council choose not to adopt the necessary findings, staff are seeking direction on retaining any of the hybrid changes currently in place. In addition, with the City Council returning to regular assigned seating, this item allows for the discussion of future seat assignments.

RECOMMENDATION

City Council - Considers a motion:

- A. Adopting **Resolution 2022-13**, a Resolution of the City Council of the City of Merced, California, making findings consistent with the requirements of AB 361 to allow for in-person/virtual (hybrid) public meetings; and,
- B. Providing staff direction on the format of future City Council meetings including voicemails and posting of written comments; and
- C. Provide staff direction on the future seat assignment of City Council Members for the remainder of 2022.

L.3. [22-206](#)

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. [22-207](#)

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

