



CITY OF MERCED

Meeting Agenda

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

City Council/Public Finance and Economic Development Authority/Parking Authority

Tuesday, January 3, 2023

6:00 PM

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

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

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

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL/BIENVENIDO A LA REUNIÓN DEL CONCILIO DE LA CIUDAD DE MERCED/ZOO SIAB TXAIS TOS KOJ TUAJ RAU 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 ntwam 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. CLOSED SESSION ROLL CALL

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. CLOSED SESSION

- B.1.** [23-013](#) **SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION -**
Title: City Manager; Authority: Government Code Section 54957
- B.2.** [23-024](#) **SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS -**
Property: 636, 638, and 640 West Main Street, APN: 031-134-003;
Agency Negotiator: Stephanie Dietz, City Manager; Negotiating
Parties: Caleb Medifind and City of Merced; Under Negotiation: Price
and Terms of Payment

- B.3.** [23-025](#) **SUBJECT: PUBLIC EMPLOYEE**
DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT; Authority:
Government Code Section 54957

C. CALL TO ORDER

C.1. Invocation - Monika Grasley, Lifeline Community Development Corporation

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

F. CEREMONIAL MATTERS

- F.1.** [23-020](#) **SUBJECT: Proclamation - Dr. Martin Luther King, Jr. - Day of Service**

REPORT IN BRIEF

Mayor Serratto will present the proclamation.

G. WRITTEN PETITIONS AND COMMUNICATIONS

H. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Mayor may, at his discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

I. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Council member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

- I.1. [23-014](#) **SUBJECT: Reading by Title of All Ordinances and Resolutions**

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

- I.2. [23-015](#) **SUBJECT: Information Only Contracts for the Month of December 2022**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$36,000 and of Public Works contracts under \$82,718.

- I.3. [23-017](#) **SUBJECT: Information Only - Bicycle and Pedestrian Advisory Minutes of October 25, 2022**

RECOMMENDATION

For information only.

- I.4. [23-028](#) **SUBJECT: Information Only - Planning Commission Minutes of November 9, 2022**

RECOMMENDATION

For information only.

- I.5. [23-016](#) **SUBJECT: Information Only - Site Plan Review Minutes of November 10, 2022**

RECOMMENDATION

For information only.

- I.6. [23-008](#) **SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of August 1, 2022,**

August 8, 2022, and August 15, 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 August 1, 2022, August 8, 2022, and August 15, 2022.

I.7. [23-003](#)

SUBJECT: Adoption of a Resolution of Intent Regarding Annexation No. 22 into Community Facilities District (CFD) No. 2003-2 (Services), Approving a Deposit and Reimbursement Agreement for Annexation No. 22, and Setting a Public Hearing for January 17, 2023, Annexation No. 22 Consists of Approximately 39.35 Acres of Land Generally Located on the East Side of G Street, Approximately 1,100 Feet North of Cardella Road

REPORT IN BRIEF

Requests the City Council to adopt a Resolution of Intent to annex 39.35 acres of land generally located on the east side of G Street, approximately 1,100 feet north of Cardella Road (CFD Annexation No. 22) into the City's CFD for Services (CFD 2003-2), including the approval of a Deposit and Reimbursement Agreement for the annexation; accept the petition, consent, and waiver for Annexation No. 22; and set a public hearing and election for January 17, 2023.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2023-01**, a Resolution of Intention of the City Council of the City of Merced, acting as the Legislative Body of the City of Merced Community Facilities District No. 2003-2 (Services), declaring its intention to annex area to said district and authorize the levy of a special tax within said annexation and approving a certain agreement related thereto; and,

B. Setting the Public Hearing for January 17, 2023; and,

C. Accepting the Petition, Consent and Waiver from CEB Holdings, LLC for Annexation No. 22; and,

D. Accepting the deposit amount of \$25,000 in Fund 150, increasing the

revenue and appropriating the same to cover the cost of Community Facilities District formation and related expenditures for Annexation No. 22; and,

E. Authorizing the City Manager or Deputy City Manager to execute the Deposit and Reimbursement Agreement.

I.8. [23-007](#)

SUBJECT: Revise Merced Youth Council District Boundaries to Reflect City Council District Boundaries Instead of Measure C District Boundaries

REPORT IN BRIEF

Considers revising the current representative districts for the Merced Youth Council which mirror those established by Measure C and approve modifying Youth Council representative districts to mirror City Council Districts 1 through 6 as indicated by adopted City Council District maps.

RECOMMENDATION

City Council - Adopt a motion approving the request by Merced Youth Council to revise the Merced Youth Council district boundaries to reflect the boundaries for Merced City Council Districts 1, 2, 3, 4, 5 & 6 as adopted by Merced City Council in April 2022.

I.9. [23-004](#)

SUBJECT: Approval of a Third Amendment to Professional Services Agreement with Stantec Consulting Services, Inc. for Engineering Design Services for the Wastewater Treatment Facility Phase VI Improvements for an Additional Amount not to Exceed \$635,200 and a Total Contract Amount of \$2,760,900

REPORT IN BRIEF

Considers authorizing a third amendment to a Professional Services Agreement with Stantec Consulting Services, Inc., for construction phase engineering services of wastewater treatment facility improvement upgrades in an additional amount not to exceed \$635,200 and a total contract amount of \$2,760,900.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Third Amendment to a Professional Services Agreement with Stantec Consulting Services, Inc., in the not to exceed additional amount of \$635,200; and,

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

I.10. [23-009](#)

SUBJECT: Waiving the Competitive Bidding Requirement and Awarding a Professional Services Agreement with ATI Restoration, LLC. for Emergency Services and Testing and Recommended Mitigation, Abatement and Demolition of the Stephan Leonard Building as a Result of a Structural Fire for an Amount not to Exceed \$115,525.93

REPORT IN BRIEF

Considers waiving the competitive bidding requirement as permitted by the Merced Municipal Code Section 3.04.210 and awarding a Professional Services Agreement with the ATI Restoration, LLC for emergency services and testing the recommended mitigation, abatement, and demolition at the Stephen Leonard Community Center not to exceed the amount of \$115,525.93. Services were provided on an emergency basis due to a structural fire.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by the Merced Municipal Code Section 3.04.210 for emergency service due to the potential environmental hazard to the community; and,

B. Awarding a Professional Services Agreement for services and testing recommended mitigation, abatement, and demolition at the Stephen Leonard Building to ATI Restoration, LLC in an amount not to exceed \$115,525.93; and,

C. Authorizing the City Manager or Deputy City Manager to execute the Agreement for Professional Services.

I.11. [23-026](#)

SUBJECT: Authorization to Appropriate Grant Funding in the Amount of \$977,647 from State of California, Board of State and Community Corrections for the California Violence Intervention and Prevention Program; Approval of a Supplemental Appropriation in the Amount of \$83,800 from Measure Y Parks & Recreation 20%; Adopting Resolution 2023-02 of the City Council of the City of Merced Amending the Classification Plan by Adding Four Peer Support Specialist Positions, Adding the Job Description and Establishing the

Salary Range for the Peer Support Specialist; and Allocating the Four Peer Support Specialist to the California Violence Intervention and Prevention Program

REPORT IN BRIEF

Considers appropriating grant funds in the amount of \$977,647 from State of California Board of State and Community Corrections for the California Violence Intervention and Prevention Program, approval of a supplemental appropriation in the amount of \$83,800 from Measure Y Parks & Recreation 20%, considers authorizing the approval of a new job position of Peer Support Specialist, and approving the accompanying job description and salary range for said position.

RECOMMENDATION

City Council - Adopt a motion:

- A. Increasing revenue account in the General Fund-Office of Neighborhood Safety Division in the amount of \$977,647, and appropriating the same in the General Fund-Office of Neighborhood Safety Division; and,
- B. Approving a supplemental appropriation in the amount of \$83,800 in Fund 85 -Measure Y Parks & Rec 20%; and,
- C. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,
- D. Adopting **Resolution 2023-02** a Resolution of the City Council of the City of Merced, California, amending the classification plan by updating the personnel allocation in the City Council/City Manager's Department by adding four Peer Support Specialists; and adding the job description and establishing the salary range for Peer Support Specialist; and,
- E. Allocating four Peer Support Specialists in the Office of Neighborhood Safety Division to be funded by the California Violence Intervention and Prevention Program; and,
- F. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- G. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

J. REPORTS

- J.1. [23-033](#) **SUBJECT: Provide Staff Direction on the Public Participation Elements Staff Should Include in the Police Chief Recruitment Process**

REPORT IN BRIEF

Allows City Council the opportunity to provide staff direction on the public participation elements, within GVP Ventures, Inc. scope of work, as part of the Police Chief Recruitment.

RECOMMENDATION

City Council - Adopt a motion providing staff direction on the public participation elements to include in the Police Chief Recruitment process.

K. BUSINESS

- K.1. [23-031](#) **SUBJECT: Update on Town Hall Locations and Outreach Efforts**

REPORT IN BRIEF

Updating the City Council on Town Hall locations and outreach efforts.

RECOMMENDATION

Provide direction on outreach efforts.

- K.2. [23-030](#) **SUBJECT: Update on City Council Designated Representative(s) to Various Organizations and Areas of Interest Related to City Business**

REPORT IN BRIEF

Update on City Council Designated Representative assignments for 2023.

RECOMMENDATION

City Council - Adopt a motion accepting City Council designated representatives to various organizations and areas of interests related to City Business.

- K.3. [23-029](#) **SUBJECT: Council Member Ornelas' Request for Council to Approve Having the City Send a Letter to the Attorney General's Office Asking for a Patterns and Practices Study**

REPORT IN BRIEF

Council Member Ornelas' request for Council to approve having the City

send a letter to the Attorney General's Office asking for a Patterns and Practices Study pursuant to City Council Administrative Policies and Procedures C-1. The study will look at the following: infrastructure, systemic issues, and internal policies that impact staff and community. The length of the study depends on the preliminary assessment which will determine the focus/scope. There is no financial cost for the study.

RECOMMENDATION

Provide direction to staff on next steps.

K.4. [23-011](#)

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

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

K.5. [23-012](#)

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