



# 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, February 6, 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 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](http://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](http://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](http://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](mailto: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](http://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](mailto: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](http://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](mailto: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](http://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)].

**B.1.** [23-110](#)      **SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Finance Officer; Authority: Government Code Section 54957**

**B.2.** [23-139](#)      **SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of Government Code section 54956.9, Name of Case: City of Merced, City of Los Banos, and City of Atwater, Petitioners, vs. Merced County Association of Governments, Respondents**

- B.3.**    [23-137](#)            **SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**- Properties: APN #'s 049-200-005, 049-200-020, 049-200-022,**  
**049-200-019, 049-200-023, 049-200-017, 049-200-021,**  
**049-200-024, 049-200-025, 049-220-018, 049-220-019,**  
**049-220-016, 049-220-020, 049-220-015, 065-030-004,**  
**049-240-016, 049-240-017; Agency Negotiator: Stephanie Dietz, City**  
**Manager; Negotiating Parties: Robert C. Rice, Sandton Capital**  
**Partners and City of Merced; Under Negotiation: Price and Terms of**  
**Payment**
- B.4.**    [23-138](#)            **SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency**  
**Designated Representative: City Manager Stephanie Dietz;**  
**Unrepresented Management AUTHORITY: Government Code**  
**Section 54957.6**
- B.5.**    [23-135](#)            **SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED**  
**LITIGATION Significant Exposure to Litigation Pursuant to Paragraph**  
**(2) or (3) of Subdivision (d) of Government Code section 54956.9;**  
**One (1) Potential Case**
- B.6.**    [23-136](#)            **SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING**  
**LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of**  
**Government Code section 54956.9, Name of Cases: Appeal #1 & #2**  
**of the Planning Commission's Approval of Commercial Cannabis**  
**Business Permit (CCBP) #22-02R for Retail Cannabis at 1111 Motel**  
**Drive by JIVA MCE, LLC. and Edwin Kainth**

## **C. CALL TO ORDER**

Invocation - Joel Dorman, First Baptist Church

Pledge of Allegiance to the Flag

## **D. ROLL CALL**

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. [23-109](#)      **SUBJECT:** Proclamation - Black History Month

**REPORT IN BRIEF**

Received by a Representative of the NAACP.

**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. [23-050](#)      **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. [23-108](#)      **SUBJECT:** Information Only Contracts for the Month of January 2023

**REPORT IN BRIEF**

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

I.3. [23-070](#)      **SUBJECT:** Information Only - Building and Housing Board of Appeal Minutes of March 3, 2022

**RECOMMENDATION**

For information only.

- I.4. [23-116](#) **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of September 19, 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 September 19, 2022.

- I.5. [23-140](#) **SUBJECT:** Adoption of a Resolution to Display the Council Approved Commemorative Flags at Bob Hart Square per City Council Policy C-7

**REPORT IN BRIEF**

Considers adopting a Resolution to display Council approved commemorative flags in Bob Hart Square per the City Council Policy C-7.

**RECOMMENDATION**

**City Council** - Adopt a motion approving **Resolution 2023-10**, a Resolution of the City Council of the City of Merced, California, authorizing the display of a commemorative flags on the City flagpole in Bob Hart Square for the months of May, June, and September 2023.

- I.6. [23-142](#) **SUBJECT:** Approval of Street Closure Request and Use of City Owned Real Estate by the Martin Luther King Jr. Celebration Committee for the Annual Martin Luther King Jr. Community March and Celebration on February 18, 2023, Along Martin Luther King Jr Way from West 24th Street to West Main Street and the Use of a Portion of Parking Lot #14 Located at 1739 Martin Luther King Jr. Way

**REPORT IN BRIEF**

Authorizes the use and closure of Martin Luther King Jr. Way from West 24th Street to West Main Street and a portion of the City Parking Lot #14 located at 1739 Martin Luther King Jr. Way on Saturday, February 18, 2023, to hold a march, parade and food preparation for the annual Martin Luther King, Jr. celebration.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the request by Tamara Cobb and the Martin Luther King Jr. Celebration Committee to close Martin Luther King Jr. Way from West 24th Street to West Main Street and to cone off a portion of the City Parking Lot #14 located at 1739 Martin Luther King Jr. Way on Saturday, February 18, 2023, to hold the march and prepare food as part of a community celebration.

I.7. [23-104](#)

**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 Agreement with Symple Equazion for the Program Approved with the Adopted 2021 Annual Action Plan

**REPORT IN BRIEF**

Considers authorizing the execution of the Community Development Block Grant (CDBG) Subrecipient Agreement with Symple Equazion (\$61,310)

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the agreement for the program identified in the 2021 HUD Annual Action Plan using Fiscal Year 2021-22 CDBG funds with Symple Equazion in the amount of \$61,310 for their "Symple Soul Employment Readiness Program"; and,

B. 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,

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

I.8. [23-055](#)

**SUBJECT:** Waiving the Competitive Bidding Requirement and Approval of Professional Services Agreement with San Bernardino Regional Emergency Training Center for Aircraft Rescue and Firefighting Part 139 Live Fire Training

**REPORT IN BRIEF**

Considers waiving the competitive bidding requirement and approving a professional services agreement with San Bernardino Regional Emergency Training Center for Aircraft Rescue and Firefighting Part 139 Live Fire Training.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 due sole sourcing since SBRETC is the only facility in California capable of providing this training; and,

B. Approving Professional Services Agreement with San Bernardino Regional Emergency Training Center for Aircraft Rescue and Firefighting Part 139 Live Fire Training in the amount not to exceed \$56,145; and,

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

I.9. [23-057](#)

**SUBJECT:** Second Amendment to the Professional Services Agreement with Total Online Protection, LLC for the Replacement of Data Center HVAC and Uninterruptable Power Supply Systems, Project No. 120066 to Extend the Term of the Agreement to December 31, 2023

**REPORT IN BRIEF**

Considers extending the term of the agreement for professional services with Total Online Protection, LLC from December 31, 2022, to December 31, 2023. This extension is due to supply chain issues with the HVAC system for the project.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the Second Amendment to Agreement for Professional Services with Total Online Protection, LLC to extend the term of the agreement to December 31, 2023; and,

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

I.10. [23-096](#)

**SUBJECT:** First Amendment to the Professional Services Agreement with HerSchy Environmental, Inc., in the Amount of \$44,555.47 to Conduct Additional Laboratory Analysis of Groundwater Samples for Per- and Poly-Fluorinated Substances During the First Quarter 2023 at the Airport Hazardous Waste Site and Perform an Updated Sensitive Receptor Survey



**REPORT IN BRIEF**

Considers approving the First Amendment to Professional Services Agreement with HerSchy Environmental, Inc., to perform groundwater analysis and an updated Sensitive Receptor Survey in support of the Airport Hazardous Waste Site investigation. The amendment is necessary to ensure that the City of Merced remain in compliance with the Regional Water Quality Control Board (Regional Board) requirements.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the First Amendment to Professional Services Agreement with HerSchy Environmental, Inc. for additional groundwater sampling, laboratory analysis, and updated Sensitive Receptor Survey and the additional compensation in the amount of \$44,555.47, for a total contract amount of \$74,527.47; and,

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

I.11. [23-098](#)

**SUBJECT:** Assignment and Restatement of Ground Lease for a Private Hangar at the Merced Yosemite Regional Airport with Hangar # 42, LLC

**REPORT IN BRIEF**

Assignment and Restatement of a private hangar ground lease for Corporate Hangar #42 at the Merced Yosemite Regional Airport with Hangar # 42, LLC.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the lease Assignment and Restatement between Hangar # 42, LLC. and the City of Merced; and,

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

I.12. [23-100](#)

**SUBJECT:** Accept and File Community Facilities District (CFD) Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced) Annual Disclosure Reports for Fiscal Year 2021-2022

**REPORT IN BRIEF**

The continuing annual disclosure reports contain certain CFD information required to be filed annually by the City per Security and Exchange Commission (SEC) rule 15c2-12(b) and Government Code sections 50075-50077 and 53410-53412.

**RECOMMENDATION**

**City Council** - Adopt a motion accepting and filing the CFD Annual Disclosure Reports for Fiscal Year 2021-2022 for CFD Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced).

**I.13.** [23-059](#)

**SUBJECT:** Approval of a First Amendment to an Agreement for Legal Services with Best, Best & Krieger in an Amount not to Exceed \$80,000

**REPORT IN BRIEF**

Considers approving a first amendment to an agreement for legal services with Best, Best & Krieger in an amount not to exceed \$80,000.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving a First Amendment to an agreement for legal services with Best, Best & Krieger in an amount not to exceed \$80,000; and,
- B. Approving Inter-Fund Transfers in the amount of \$55,000 from Fund 672-Support Services Professional Services expense to General Fund-City Attorney department and appropriating the same in the City Attorney's Professional Services account line; and,
- C. Authorizing the City Manager or designee to execute the necessary documents.

**I.14.** [23-114](#)

**SUBJECT:** Approval of Street Closure Request #22-13 by Velo Promo, LLC, with Golden Chain Cyclists, to Host the 36th Annual Merced Criterium Bicycle Race, to Include M Street, From W. 21st to W. 18th Streets; W. 18th Street, From M to N Streets; and N Street, From W. 18th Street and Including the Merced County Courthouse Loop on Sunday, February 26, 2023, from 6:00 a.m. to 5:00 p.m.

**REPORT IN BRIEF**

Considers approving a request by Velo Promo, LLC, with Golden Chain Cyclists, for the closure and use of City streets on Sunday, February 26,

2023, for the 36th Annual Merced Criterium Bicycle Race. The request seeks approval to close M Street, between W. 21st and W. 18th Streets; W. 18th Street, between M and N Streets; and N Street, from W. 18th Street to include the Merced County Courthouse loop, from 6:00 a.m. to 5:00 p.m.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the street closure of M Street, between W. 21st and W. 18th Streets; W. 18th Street, between M and N Streets; and N Street, from W. 18th Street to include the Merced County Courthouse loop, on Sunday, February 26, 2023, from 6:00 a.m. to 5:00 p.m., subject to the details and conditions outlined in the Administrative Staff Report.

**I.15.** [23-132](#)

**SUBJECT:** Approval of Street Closure Request #23-03 by the Merced County Hispanic Chamber of Commerce to Host a Vendor Fair Event (El Mercado), Located on W. Main Street Between M and K Streets, Canal Street Between Main Street and W. 18th Street, Including Bob Hart Square on Thursday, March 2, 2023, From 3:00 p.m. to 10:00 p.m. and Approval of a Request for a City of Merced Sponsorship

**REPORT IN BRIEF**

Considers approving a request by the Merced County Hispanic Chamber of Commerce for the closure and use of City streets and Bob Hart Square on Thursday, March 2, 2023, for a Vendor Fair Event (El Mercado). The request seeks approval to close W. Main Street, between M and K Streets, Canal Street between Main Street and W. 18th Street, including Bob Hart Square from 3:00 p.m. to 10:00 p.m. The application also includes a request for City of Merced Sponsorship.

**RECOMMENDATION**

**City Council** - Adopt a motion

A. Approving the street closure of W. Main Street between M and K Streets, Canal Street between Main Street and W. 18th Street, and the use of Bob Hart Square on Thursday, March 2, 2023, from 3:00 p.m. to 10:00 p.m.; and,

B. Approving City of Merced Sponsorship; and,

C. Authorizing the Director of Development Services to approve the future event dates for the year 2023, with or without a change of location contingent upon the availability of W. Main Street between M and K Streets, Canal Street between Main Street and W. 18th Street, and the use of Bob Hart Square, subject to the details and conditions outlined in

the Administrative Staff Report.

I.16. [23-117](#)

**SUBJECT:** Approval of a Supplemental Appropriation in the Amount of \$50,000 From the Unreserved, Unencumbered Fund Balance of the General Fund, Transferring to Fund 450-Streets & Signals CIP and Appropriating the Same in Fund 450-Streets and Signals CIP to Support City Improvements as Outlined in the Arbor Walkway Settlement Agreement and Amended and Restated Easement

**REPORT IN BRIEF**

Considers approving a Supplemental Appropriation in the amount of \$50,000 from the unreserved, unencumbered fund balance of the General Fund, transferring to Fund 450-Streets and Signals CIP and appropriating the same in Fund 450-Streets & Signals CIP to support City improvements as outlined in the Arbor Walkway Settlement Agreement and Amended and Restated Easement.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a Supplemental Appropriation in the amount of \$50,000 from the unreserved, unencumbered fund balance of the General Fund, transferring to Fund 450-Streets and Signals CIP and appropriating the same in Fund 450-Streets & Signals CIP to support City improvements as outlined in the Arbor Walkway Settlement Agreement Amended; and,

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

I.17. [23-129](#)

**SUBJECT:** Adoption of Resolution 2023-09 Extending the Proclamation of a Local Emergency Within the Territorial Limits of the City of Merced as Proclaimed by the Director of Emergency Services on January 7, 2023 and Again on January 14, 2023 Pursuant to Merced Municipal Code Section 8.20.070

**REPORT IN BRIEF**

Asking the City Council to continue the State of Emergency due to severe storms and potential flooding.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Resolution 2023-09**, a Resolution of the City Council of the City of Merced, California, extending the proclamation of a local emergency.

I.18. [23-113](#)

**SUBJECT:** Second Reading and Final Adoption of an Ordinance to Approve Zone Change #431, Initiated By Sam Sahota, Property Owner; this Application is a Request for a Zone Change from an Urban Transition (U-T) Zone to a Low Density Residential (R-1-5) Zone at 385 S. Coffee Street to Develop a Future Subdivision with 45 Single-Family Home Lots at 385 S. Coffee Street; and, the Approximate 9.91-Acre Subject Site is Generally Located at the West Side of S. Coffee Street, 300 Feet North of E. Gerard Avenue

**REPORT IN BRIEF**

Second reading and final adoption of an Ordinance to approve a Zone Change from Urban Transition (U-T) to Low Density Residential (R-1-5) for one approximate 9.91-acre parcel located at 385 S. Coffee Street.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance 2546**, An Ordinance of the City Council of the City of Merced, California, amending the official Zoning Map by rezoning approximately 9.91 acres of land at 385 South Coffee Street, generally located on the west side of South Coffee Street, 300 feet North of East Gerard Avenue, from Urban Transition (U-T) to Low-Density Residential (R-1-5).

**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.

J.1. [23-047](#)

**SUBJECT:** Appeal #1 & #2 of the Planning Commission's Approval of Commercial Cannabis Business Permit (CCBP) #22-02R for Retail Cannabis at 1111 Motel Drive by JIVA MCE, LLC. and Edwin Kainth

**REPORT IN BRIEF**

JIVA MCE, LLC, and Edwin Kainth have separately appealed the Planning Commission's approval of Commercial Cannabis Business Permit #22-02R (Culture Merced Dispensary) for a retail cannabis facility at 1111 Motel Drive.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Granting or denying the appeal of JIVA MCE, LLC.; and,

- B. Granting or denying the appeal of Edwin Kainth; and,
- C. Providing direction to staff regarding findings to grant or deny each appeal, with or without prejudice; and,
- D. Directing staff to proceed with either the approval of CCBP #22-02R or the continuation of the retail cannabis selection process, including direction on how to proceed with the tied score for second-highest scoring application.

## K. REPORTS

- K.1. [23-144](#)      **SUBJECT:** Wastewater Collection System Master Plan (WCSMP)

### REPORT IN BRIEF

Seeks Council direction on finalizing the draft Wastewater Collection Master Plan.

### RECOMMENDATION

**City Council** - Provide direction to staff on finalization of the draft Wastewater Collection Master Plan, provide direction to begin the CEQA environmental process.

## L. BUSINESS

- L.1. [23-143](#)      **SUBJECT:** Direction Regarding Advanced Air's Request to Change Southern California Flight Service from Los Angeles International Airport to Hawthorne Municipal Airport

### REPORT IN BRIEF

Advanced Air's CEO Levi Stockton submitted a letter requesting that the City of Merced consider allowing the airline to transfer its Southern California flight from Los Angeles International Airport (LAX) to Hawthorne Municipal Airport (HHM). The request was previously heard by Council on December 5, 2022.

### RECOMMENDATION:

**City Council** - Provide staff direction regarding Advanced Air's request to change flight service from Los Angeles International Airport to Hawthorne Municipal Airport.

- L.2. [23-141](#)      **SUBJECT:** Selection of Council Members to Attend the One Voice Trip

**REPORT IN BRIEF**

Council to decide who will attend the One Voice trip.

L.3. [23-111](#)

**SUBJECT:** Council Member Xiong's Request to Discuss Public Comments and Voicemails

**REPORT IN BRIEF**

Council Member Xiong's request to discuss public comments and voicemails for City Council meetings pursuant to City Council Administrative Policies and Procedures C-1.

**RECOMMENDATION**

Provide direction to staff on next steps.

L.4. [23-051](#)

**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.5. [23-052](#)

**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**