



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, July 17, 2023

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 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 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 caj 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 (thaum 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 - Ella Luna-Garza, United Methodist 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. SPECIAL PRESENTATIONS

- C.1. [23-620](#) **SUBJECT:** Presentation from Merced County on Castle Inland Port

REPORT IN BRIEF

A presentation will be given by Merced County to give a Community Update on the Castle Inland Port.

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. [23-553](#) **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. [23-586](#) **SUBJECT:** Information Only - Planning Commission Minutes of January 18, 2023, and June 7, 2023

RECOMMENDATION

For information only.

- F.3. [23-579](#) **SUBJECT:** Approval of City Council/Public Financing and Economic

Development/Parking Authority Meeting Minutes of July 3, 2023

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 July 3, 2023.

F.4. [23-604](#)

SUBJECT: Authorization to Modify the Personnel/Budget Allocation in the City Attorney's Department to Add One Chief Deputy City Attorney Position, to Remove One Senior Deputy City Attorney Position and to Overfill the Position of Paralegal Office Administrator for Four Months to Allow Adequate Time for Recruitment and Training Due to Retirement of Current Incumbent

REPORT IN BRIEF

Considers authorizing the modification to the Personnel/Budget Allocation in the City Attorney's Department.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-60**, A Resolution of the City Council of the City of Merced, California, Amending the Personnel/Budget Allocation in the City Attorney's Department to Add One Chief Deputy City Attorney Position, to Remove a Senior Deputy City Attorney Position, and to Overfill the Position of Paralegal Office Administrator for Four Months to Allow Adequate Time for Recruitment and Training Due to Retirement of Current Incumbent.

F.5. [23-614](#)

SUBJECT: Adopting a Resolution of the City of Merced City Council Authorizing an Application to the Merced County Association of Governments (MCAG) Measure V Regional 2023 Implementation Plan Call for Projects

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2023-61**, a Resolution of the City Council of the City of Merced, California, approving an application to the Merced County Association of Governments (MCAG) Measure V Regional 2023 Implementation Plan Call for Projects; and,

B. Authorizing the City Manager or Deputy City Manager to take actions and execute any necessary documents to implement the City Council's direction on this matter.

F.6. [23-504](#)

SUBJECT: Adoption of a Resolution Setting a Public Hearing for Monday, August 21, 2023, to Vacate a Portion of Right-of-Way on the South Side of Main Street Between R Street and T Street and Reserving an Easement for Public Improvements (Vacation #23-01 and #23-02)

REPORT IN BRIEF

Considers adopting a Resolution to set a public hearing for August 21, 2023, to vacate a portion of right-of-way on the south side of Main Street between R Street and T Street and reserving an easement for public improvements.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-59**, A Resolution of the City Council of The City of Merced, California, declaring its intention to vacate a portion of Right-of-Way on the south side of Main Street Between R Street and T Street and reserving an easement for public improvements (Vacation #23-01 and #23-02) and setting a time and place for a Public Hearing.

F.7. [23-558](#)

SUBJECT: Approval of City-Owned Real Property Use Request #23-12 by the Merced Main Street Association for the Use of Bob Hart Square Park to Host Their Annual Fundraising Event, "Burgers and Brews" Which Includes the Serving of Alcohol, on Saturday, September 23, 2023, from 3:00 p.m. to 10:00 p.m.

REPORT IN BRIEF

Considers approving a request by the Merced Main Street Association to allow the exclusive use of Bob Hart Square Park on Saturday, September 23, 2023, from 3:00 p.m. to 10:00 p.m. for their "Burgers and Brews" fundraiser event, to include the serving of alcohol.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the exclusive use of Bob Hart Square Park on Saturday, September 23, 2023, from 3:00 p.m. to 10:00 p.m. for a "Burgers and Brews" gourmet burger and local microbrewery beer sampling event, allowing the serving of alcohol; subject to the conditions outlined in the administrative report; and,

B. Authorizing the City Manager or Deputy City Manager to execute all documents necessary to ensure compliance with the approved conditions.

F.8. [23-544](#)

SUBJECT: Approval to Waive the Competitive Bidding Requirements to Purchase One (1) FR Conversions Pioneer II Type 2 Ambulance from RedSky Emergency Vehicles for \$140,016.41 plus a 10% Contingency (\$14,001.64)

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 for the purchase of one (1) FR Conversions Pioneer II Type 2 Ambulance from RedSky Emergency Vehicles for \$ 140,016.41 plus a 10% Contingency (\$14,001.64).

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 to time of delivery of equipment in purchasing a FR Conversions Pioneer II Type 2 ambulance; and,

B. Authorizing the purchase of one (1) FR Conversions Pioneer II Type 2 ambulance with the total purchase price of \$140,016.41; and,

C. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents, the Finance Officer to make the necessary budget adjustments, and the City Purchasing Supervisor to issue the Purchase Order/Change Order(s), and approval of change orders not to exceed 10% (\$14,001.41) of the purchase price.

F.9. [23-591](#)

SUBJECT: Approval to Waive the Competitive Bidding Requirements to Purchase One (1) Stryker Gurney, One (1) Stryker Power-Pro XT Cot, One (1) Stryker Stair-Pro, and One (1) Stryker LIFEPAK 15 with Stryker ProCare Service at \$139,715.04

REPORT IN BRIEF

Considers approving to waive the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 for the purchase of one (1) Stryker Gurney, one (1) Stryker Power-Pro XT Cot, one (1) Stryker Stair-Pro, and one (1) Stryker LIFEPAK 15 with

Stryker ProCare Service at \$139,715.04.

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 standardization of equipment in purchasing one (1) Stryker Gurney, one (1) Stryker Power-Pro XT Cot, one (1) Stryker Stair-Pro, and one (1) Stryker LIFEPAK 15 with Stryker ProCare Service at \$139,715.04; and,

B. Authorizing the purchase of one (1) Stryker Gurney, one (1) Stryker Power-Pro XT Cot, one (1) Stryker Stair-Pro, and one (1) Stryker LIFEPAK 15 with Stryker ProCare Service at \$139,715.04; and,

C. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents, the Finance Officer to make the necessary budget adjustments, and the City Purchasing Supervisor to issue the Purchase Order/Change Order(s) in the amount of \$139,715.04, the purchase price.

F.10. [23-606](#)

SUBJECT: Acceptance of Grant Award for a Maximum of \$25,000 From CalOES Governor's Office of Emergency Services as the Administering Organization for the Listos California CERT (Community Emergency Response Team) Support Grant

REPORT IN BRIEF

Considers accepting a grant award for a maximum of \$25,000 from CalOES Governor's Office of Emergency Services as the administering organization for the Listos California CERT (Community Emergency Response Team) Support Grant.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant funds up to a maximum of \$25,000 from CalOES Governor's Office of Emergency Services as the administering organization for the Listos California CERT Support Grant; and,

B. Confirming and Authorizing the City Manager's execution of the contract/standard agreement, including any amendments, and other necessary documents pertaining to the life of the grant; and,

C. Increasing revenue in the amount of \$25,000, and appropriating the

same in Fund 1000-General Fund-Fire, and;

D. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and

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

F.11. [23-622](#)

SUBJECT: Authorization to Set a Public Hearing for August 7, 2023, for the Introduction of the Fire Department's Master Fee Schedule, and Adoption of a Resolution Updating the Fees

REPORT IN BRIEF

Set a Public Hearing for August 7, 2023, for the purpose of introducing the Fire Department's Master Fee Schedule, and adoption of a Resolution updating the fees.

RECOMMENDATION

City Council - Adopt a motion setting a Public Hearing for August 7, 2023, to consider introducing the Fire Department's Master Fee Schedule and adoption of a resolution adopting the fees.

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. [23-588](#)

SUBJECT: Introducing Zoning Ordinance Amendment #23-01, Initiated by the City of Merced this Application Involves Changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) Which Amends Merced Municipal Code Section 20.44.170 (Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required); This Amendment Increases the Maximum Number of Retail Cannabis Dispensaries Allowed Within the City from Five to Up to Ten, Add a New Section Allowing Council Consideration of Alternative Sites for Retail Cannabis Business Applications Under Appeal, Include Local Ownership Requirements for Cannabis Retail Permits Issued After November 3, 2021, and Various Other Amendments

REPORT IN BRIEF

Considers introducing an Ordinance amending Section 20.44.170 of the

Merced Municipal Code Regarding Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required, which would increase the number of cannabis retail permits (from 5 to up to 10), allow alternative sites for retail cannabis business applications under appeal, and including local ownership requirements for commercial cannabis retail permits issues after November 3, 2021.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting a Categorical Exemption (Environmental Review #23-12); and,

B. Introducing **Ordinance 2550**, an Ordinance of the City Council of the City of Merced, CA, amending section 20.44.170 "Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required" of the Merced Municipal Code.

H. REPORTS

H.1. [23-599](#)

SUBJECT: Presentation from the City of Merced Fire Department on Fireworks

REPORT IN BRIEF

Merced Fire Department and Merced Police Department worked together to enforce the City of Merced Ordinance on fireworks. 30 citations were written between MFD and MPD. Chief Parker will make a brief presentation on the public inputs and enforcement results.

I. BUSINESS

I.1. [23-593](#)

SUBJECT: Annual Appointments to the Arts and Culture Advisory Commission (1 Ex-Officio)

REPORT IN BRIEF

Accept nominations to fill the Arts and Culture Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing individuals to serve as members of the Arts and Culture Advisory Commission (1 Ex-Officio); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

I.2. [23-594](#)

SUBJECT: Annual Appointments to the Bicycle and Pedestrian Advisory Commission (Districts 3 and 5) and (1 Ex-Officio)

REPORT IN BRIEF

Accept nominations to fill vacancies on the Bicycle and Pedestrian Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing individuals to serve as members of the Bicycle and Pedestrian Advisory Commission (Districts 3 and 5) and (1 Ex-Officio); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

I.3. [23-595](#)

SUBJECT: Annual Appointments to the Building and Housing Board of Appeals (1 Seat)

REPORT IN BRIEF

Accept nominations to fill vacancies on the Building and Housing Board of Appeals.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing individuals to serve as members of the Building and Housing Board of Appeals (one [1] vacancy); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

I.4. [23-596](#)

SUBJECT: Annual Appointments to the Planning Commission (Districts 1, 2, and 3)

REPORT IN BRIEF

Accept nominations to fill seats on the Planning Commission.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting nominations and appointing individuals to serve as members of the Planning Commission (Districts 1, 2, and 3); or,
- B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

I.5. [23-597](#)

SUBJECT: Annual Appointments to the Recreation and Parks Commission (Districts 2 and 3) and (At-Large)

REPORT IN BRIEF

Accept nominations to fill seats on the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting nominations and appointing individuals to serve as members of the Recreation and Parks Commission (Districts 2 and 3) and (At-Large); or,
- B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

I.6. [23-598](#)

SUBJECT: Annual Appointments to the Regional Airport Authority (3 Seats)

REPORT IN BRIEF

Accept nominations to fill two vacancies on the Regional Airport Authority.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting nominations and appointing individuals to serve as members of the Regional Airport Authority (3 seats); or,
- B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

- I.7. [23-541](#) **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.8. [23-543](#) **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