



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/Successor Agency to the Redevelopment Agency

Monday, March 18, 2024

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 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 (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. 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.** [24-146](#) **SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Rodney Court v. City of Merced; Workers Compensation Case Nos. STK-ADJ 12586765, STK-ADJ 12561426 and STK-ADJ 12561425; AUTHORITY: Government Code Section 54956.9(d)(1)**

- B.2.** [24-148](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Jeffery Tomerlin v. City of Merced; Workers Compensation Claim Number 20801172; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.3.** [24-244](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, and Finance Officer Venus Rodriguez; Employee Organizations: Merced Police Officers' Association (MPOA) and Merced Association of Police Sergeants (MAPS). AUTHORITY: Government Code Section 54957.6
- B.4.** [24-245](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): City Manager Scott McBride, Deputy City Manager Frank Quintero, and Finance Officer Venus Rodriguez; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57 and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6
- B.5.** [24-246](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, and Finance Officer Venus Rodriguez; Unrepresented Management AUTHORITY: Government Code Section 54957.6
- B.6.** [24-247](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, and Finance Officer Venus Rodriguez; Employee Organizations: International Association of Fire Fighters, Local 1479. AUTHORITY: Government Code Section 54957.6

C. CALL TO ORDER

C.1. Invocation - Bruce Metcalf, Merced Rescue Mission

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, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency. 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, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency receive no compensation.

E. REPORT OUT OF CLOSED SESSION

F. CEREMONIAL MATTERS

F.1. [24-248](#) **SUBJECT:** Proclamation - American Red Cross Month

REPORT IN BRIEF

Received by a representative of the American Red Cross.

G. SPECIAL PRESENTATIONS

G.1. [24-170](#) **SUBJECT:** Tahitian Dance Performance

REPORT IN BRIEF

A Tahitian dance performed by the South Pacific Dance Company.

H. WRITTEN PETITIONS AND COMMUNICATIONS

I. 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.

J. 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.

J.1. [24-178](#) **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.

J.2. [24-228](#)

SUBJECT: Information Only - Recreation & Parks Commission Minutes of January 22, 2024

RECOMMENDATION

For information only.

J.3. [24-174](#)

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of June 20, 2023, and January 2, 2024

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency - Adopt a motion approving the meeting minutes of June 20, 2023, and January 2, 2024.

J.4. [24-253](#)

SUBJECT: Approval of a Supplemental Appropriation in the Amount of \$260,000 in Fund 7002-Workers Compensation from Multiple Funds Due to Increased Worker's Compensation Medical and Professional Services Costs and the Advancement of Industrial Disability Retirement Payments in Fiscal Year 2023-2024; Approval of Supplemental Appropriation in Fund 7001-General Liability from Multiple Funds in the Amount of \$500,000 Due to Premium Increases Higher than Projected in Fiscal Year 2023-2024; Approval of Supplemental Appropriation in the General Fund in the Amount of \$90,401; and Approval of a Supplemental Appropriation in Measure C in the Amount of \$52,162 to

Contribute

REPORT IN BRIEF

Considers approving a supplemental appropriation in the amount of \$260,000 in Fund 7002-Workers Compensation from multiple funds due to Increased Worker's Compensation Medical and Professional Services Costs and the Advancement of Industrial Disability Retirement Payments in Fiscal Year 2023-2024; approval of supplemental appropriation in Fund 7001-General Liability from multiple funds in the amount of \$500,000 due to premium increases higher than projected in Fiscal Year 2023-2024; approval of supplemental appropriation in the General Fund in the amount of \$90,401; and approval of a supplemental appropriation in Measure C in the amount of \$52,162 to contribute.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a supplemental appropriation from the General Fund in the amount of \$90,401; and,
- B. Approving a supplemental appropriation from Fund 2001-Measure C in the amount of \$52,162; and,
- C. Approving additional revenue in the amount of \$260,000 per attachment and appropriating the same to Fund 7002-Worker's Compensation; and,
- D. Approving additional revenue in the amount of \$500,000 per attachment and appropriating to Fund 7001-General Liability; and,
- E. Authorizing the Finance Officer to make the necessary budget adjustments.

J.5. [24-205](#)

SUBJECT: Approval to Amend the Purchase Order for Graffiti Abatement from Brisco Enterprises Increasing the Total Compensation to \$168,618.60

REPORT IN BRIEF

Considers approving an amendment of the purchase order with Brisco Enterprises for graffiti abatement services from \$107,523.60 of abatement

services that have already been provided from December 2023 to March 2024. This purchase order is for an additional service to the end of the fiscal year while a new Request for Proposals (RFP) is processed per Council's request.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the amendment of a Purchase Order for Graffiti Abatement with Brisco Enterprises to increase the total compensation to \$168,618.60; and,
- B. Authorizing the City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- D. Authorizing the City Buyer to issue the Amended Purchase Order(s).

J.6. [24-243](#)

SUBJECT: Adoption of a Resolution to Apply for and Authorization to Accept if Awarded Grant Funds of \$150,000 from the Central Valley Community Foundation (CVCF) for the Development of a City-Wide Parks, Recreation & Open Space Master Plan

REPORT IN BRIEF

Considers adopting a Resolution to apply for \$150,000 in grant funding from the Central Valley Community Fund (CVCF) for the development of a Parks, Recreation & Open Space Master Plan. The grantor requires the adoption of a resolution in support of the development and implementation of a new Parks, Recreation & Open Space Master Plan. Authorization is required by council to accept funding if awarded.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2024-35**, a Resolution of the City Council of the City of Merced, California, Approving a Grant Application with the Central Valley Community Foundation (CVCF) for the Development of a Parks, Recreation & Open Space Master Plan; and,

If awarded,

B. Authorizing the acceptance of the 2024 CVCF Grant Funds in the amount of \$150,000; and appropriating the funding to revenue and expense in Fund 1018-Parks and Community Services in the amount of \$150,000; and,

C. Authorizing the use of pooled cash to cover the expenditures until Grant Funds are reimbursed; and,

D. Authorizing the Finance Officer to make the necessary budget adjustments; and,

E. Authorizing the City Manager to execute all documents, including any amendments.

J.7. [24-242](#)

SUBJECT: Adoption of a Resolution Approving the 2023/2024 Local Transportation Fund (LTF) Claim Form in the Amount of \$660,768 to be Filed with the Merced County Association of Governments (MCAG)

REPORT IN BRIEF

Considers approving and accepting \$660,768 in Local Transportation Funds (LTF) from Merced County Association of Governments (MCAG) to supplement funding for the bridge railing repairs on G Street bridge, the crash cushion on G Street on the G Street undercrossing and for roadway improvements on Childs Avenue and Canal Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-36**, a Resolution of the City Council of the City of Merced, California, approving the Local Transportation Fund (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2023/2024; and,

B. Authorizing the City Manager to execute the necessary documents; and,

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

J.8. [24-209](#)

SUBJECT: Acceptance of the 2023 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 2023 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

Considers accepting the 2023 General Plan Annual Progress Report and the 2023 Housing Element Annual Progress Report and allows the public an opportunity to provide oral testimony and written comments regarding the 2023 Housing Element Annual Progress Report for information only.

RECOMMENDATION

City Council - Adopt a motion accepting the 2023 General Plan Annual Report and the 2023 Housing Element Annual Progress Report for information only.

K. REPORTS

K.1. [24-083](#)

SUBJECT: Housing Successor Agency Annual Report for Fiscal Year 2022-23

REPORT IN BRIEF

Annual Report summarizing Housing Successor activity for the City of Merced ("City") in Fiscal Year ("FY") 2022-23 per Senate Bill ("SB") 341 (DeSaulnier 2013-14), which requires the City to prepare an annual report on the City's compliance with housing successor requirements imposed by Health and Safety Code ("HSC") Section 34176.1(f).

RECOMMENDATION

City Council - Receive and file the Housing Successor Agency Annual Report for Fiscal Year 2022-23.

L. BUSINESS

L.1. [24-179](#)

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.2. [24-180](#) **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