



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

Tuesday, April 2, 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 hnub 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.** [24-300](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Legal Representative Michael Jarvis; Employee

Organizations: Merced Police Officers' Association (MPOA) and Merced Association of Police Sergeants (MAPS). AUTHORITY: Government Code Section 54957.6

B.2. [24-302](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Representative Michael Jarvis; 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.3. [24-304](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Representative Michael Jarvis; Unrepresented Management AUTHORITY: Government Code Section 54957.6

B.4. [24-306](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Representative Michael Jarvis; Employee Organizations: International Association of Fire Fighters, Local 1479. AUTHORITY: Government Code Section 54957.6

B.5. [24-319](#) **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: City Attorney Pursuant to California Government Code Section 54957

C. CALL TO ORDER

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

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. [24-241](#) **SUBJECT:** Proclamation - National Donate Life Month
- REPORT IN BRIEF**
Received by Leo Hernandez of the Donor Network West.
- F.2. [24-240](#) **SUBJECT:** Proclamation - Lao New Year
- REPORT IN BRIEF**
Received by a representative of the Lao Community.
- F.3. [24-239](#) **SUBJECT:** Proclamation - Sexual Assault Awareness Month
- REPORT IN BRIEF**
Received by a representative of Valley Crisis Center.
- F.4. [24-238](#) **SUBJECT:** Proclamation - Fair Housing Month
- REPORT IN BRIEF**
Received by a Cynthia Hurtado of the Project Sentinel Fair Housing.
- F.5. [24-269](#) **SUBJECT:** Proclamation - The Week of the Young Child
- REPORT IN BRIEF**
Received by Virginia Vega of the First 5 Merced County.

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. [24-234](#) **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. [24-285](#) **SUBJECT: Information Only Contracts for the Month of March 2024**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$37,000 and of Public Works contracts under \$84,338.

I.3. [24-310](#) **SUBJECT: Approval of a Third Amendment to Agreement for Professional Services with Goldman Magdalin Straatsma, LLP**

REPORT IN BRIEF

Considers approving a Third Amendment to an Agreement for workers' compensation litigation matters to reflect the name change of Goldman, Magdalin & Krikes, LLP to Goldman Magdalin Straatsma, LLP.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Third Amendment to an Agreement for Professional Services with Goldman Magdalin Straatsma, LLP; and,
- B. Authorizing the City Manager to execute the necessary documents.

I.4. [24-119](#)

SUBJECT: Adoption of Resolutions Approving Standard Assurances Agreement for all California Office of Emergency Services Federal Grant Programs for Fiscal Year 2021 and 2022 and the Memorandum of Understanding with Merced County for State Homeland Security Grant Programs - Funding for Equipment, Planning, Administration, Training and Exercises for Fiscal Year 2021 and 2022

REPORT IN BRIEF

Considers approving the Standard Assurances Agreement for all California Office of Emergency Services (CalOES) Federal Grant Programs for Fiscal Year 2021 and 2022 and considers approving the Memorandum of Understanding (MOU) with Merced County to accept any future awards of the California State Homeland Security Grant Program funds for equipment, planning, administration, training, and exercises being funded through the County to the City of Merced for Fiscal Year 2021 and 2022.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2024-38**, a Resolution of the City Council of the City of Merced, California, authorizing the City Manager to execute the California Governor's Office of Emergency Services FY2021 Grant Assurances Agreement; and,
- B. Adopting **Resolution 2024-39**, a Resolution of the City Council of the City of Merced, California, authorizing the City Manager to execute the Office of Emergency Services State Homeland Security Grant Programs - Equipment, Planning, Administration, Training and Exercises agreement; and,
- C. Adopting **Resolution 2024-40**, a Resolution of the City Council of the City of Merced, California, authorizing the City Manager to execute the California Governor's Office of Emergency Services FY2022 Grant

Assurances Agreement; and,

D. Adopting **Resolution 2024-41**, a Resolution of the City Council of the City of Merced, California, authorizing the City Manager to execute the Office of Emergency Services - State Homeland Security Grant Programs - Equipment, Planning, Administration, Training and Exercises agreement; and,

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

I.5. [24-262](#)

SUBJECT: Adoption of a Resolution Authorizing the Merced Police Department to Apply for a Grant in the Amount of \$80,000 Through the San Joaquin Valley Air Pollution Control District's Public Benefit Grants Program to Purchase Four Electric Vehicles and Approval to Accept the Grant Funding if Awarded and Waive the Competitive Bid Process and Approve Purchases Exceeding \$37,000 Per Vehicle

REPORT IN BRIEF

Considers adopting a Resolution to authorize the Merced Police Department (MPD) to apply for grant funding and accept grant funding if awarded in the amount of \$80,000 from the San Joaquin Valley Air Pollution Control District (SJVAPCD) to reimburse the City for the purchase of four electric vehicles.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-37**, A Resolution of the City Council of the City of Merced, California, to apply for grant funding and accept grant funding, if awarded, in the amount of \$80,000 from the San Joaquin Valley Air Pollution Control District's Public Benefit Grants Program; and,

B. Authorizing the City Manager to execute necessary documents to apply for the grant funding; and,

If awarded,

C. Accepting the grant award and appropriating in Fund 1000-General Fund, Police Operation Division and Fire Operations Division; and,

D. Approving a supplemental appropriation in Fund 7006-Fleet

Replacement Fund in the amount of \$53,341 plus 10% contingency of the total Fire purchase amount if needed; and,

E. Approving the use of pooled cash until reimbursement from the grant is received; and,

F. Waiving the competitive bid process to use local vendor for the purchases; and,

G. Authorizing the purchase of the four vehicles in the amount of \$190,800.67 plus 10% contingency; and,

H. Authorizing the City Manager to execute the necessary documents to accept the grant funding if awarded; and,

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

I.6. [24-298](#)

SUBJECT: Approval of a Professional Services Agreement with Hanson Bridgett, LLP, for Legal Services to Prepare a Pre-Annexation Development Agreement for the Virginia Smith Trust (VST) Annexation in the Amount of \$36,000

REPORT IN BRIEF

Considers approving a Professional Services Agreement with Hanson Bridgett LLP, for legal services related to the VST Annexation in the amount of \$36,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Professional Services Agreement with Hanson Bridgett, LLP, for legal services related to the preparation of a Pre-Annexation Development Agreement for the VST Annexation in an amount of \$36,000.

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

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

I.7. [24-265](#)

SUBJECT: Approval of an Agreement for Use of City Right-of-Way with Michael Dale McCutcheon, Trustee of the Michael Dale

McCutcheon Living Trust Dated June 27, 2014, for Building Signs and
Overhead Balconies for 515 West Main Street (The Lofts)

REPORT IN BRIEF

Considers approving an Agreement for Use of City Right-of-Way with the owners of the property located at 515 West Main Street for new building signs and the existing overhead balconies.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Agreement for Use of City Right-of-Way with Michael Dale McCutcheon, Trustee of the Michael Dale McCutcheon Living Trust dated June 27, 2014, for Building Signs and Overhead Balconies for 515 West Main Street; and,

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

I.8. [24-158](#)

SUBJECT: Approval of Third Amendment with Hoffman Electronic Systems for Alarm Monitoring for FY 24/25 in an Additional Amount not to Exceed \$25,000, for a Total Contract Amount not to Exceed \$139,588

REPORT IN BRIEF

Considers approving a Third Amendment with Hoffman Electronic Systems to extend the term through June 30, 2025, for electronic alarm monitoring services at City-owned facilities.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Third Amendment with Hoffman Electronic Systems, to extend the contract term through June 30, 2025, for electronic alarm monitoring services at City-owned facilities in the additional amount not to exceed \$25,000; and,

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

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

J. REPORTS

J.1. [24-009](#)

SUBJECT: Approval of a Resolution Acknowledging the October 28, 2021, Environmental Monitoring Report Regarding Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) Fund Activities by the U.S. Department of Housing and Urban Development (HUD); Pledging the City's Intent to Prohibit Use of HUD Funds Towards the Projects Identified in Finding 1 of the Monitoring Report; Transfer and Assignment of Previous Home Investment Partnership Program (HOME) Affordability, Deed, Note, and Loan Agreements to HSA/Housing LMI Asset Funds for the 1820 I Street Project; Authorizing the Use of Housing Successor Agency (HSA)/Housing LMI Asset Funds to Satisfy the Listed Corrective Actions for Local Fund Repayment of Expended HUD Funds

REPORT IN BRIEF

Considers formal acknowledgement of the October 28, 2021, On-Site Environmental Monitoring Report by HUD by means of adoption of a Resolution by City Council. This acknowledgement includes agreeing to abide by the Corrective Actions that are required by HUD to rectify the findings noted in the monitoring report. Corrective actions include repayment, using a non-Federal or local fund source, of noncompliant CDBG and HOME expenditures, as identified during the monitoring, and approval of the Resolution would authorize the use of HSA Housing LMI Asset Funds to be used as the local funding source for all remaining repayments that are to be completed. As part one of a two-part process to address the remaining required corrective actions, this approval also includes authorizing the de-obligation and transfer and assignment of all current HOME affordability, deed, note, and loan commitments and agreements associated with the project at 1820 I Street to HSA LMI Asset funds; and authorizing the City Manager to execute all related documents and agreements and the Finance Officer to encumber and appropriate funds and carry out all other necessary actions related to the repayment and the new HSA loan agreements.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2024-42**, a Resolution of the City Council of the City of Merced, California, Acknowledging the October 28, 2021, Environmental Monitoring Report Findings and Corrective Actions

Required by the US Department of Housing and Urban Development (HUD) to Regain and Ensure Current and Future Compliance with the Provisions of the National Environmental Policy Act (NEPA) and All Associated Regulations; and,

B. Authorizing the City Manager to execute all necessary documents on behalf of the City of Merced Housing Successor Agency, including, but not limited to, transferring and assigning the original HOME fund Affordability, Deed, Note, and Loan documents for the 1820 I Street project to HSA LMI Asset Funds (Attached); and,

C. Authorizing the Finance Officer to make all necessary budget adjustments to support all actions and transactions needed, as may be deemed essential, including those needed to facilitate, transmit, receive, and send funds; and,

D. Authorizing the City Manager to execute all other documents, subject to review and approval by the City Attorney, which may be necessary to implement these activities.

K. BUSINESS

K.1. [24-282](#) **SUBJECT: Council Member Ornelas' Request to Consider Directing Staff to Place a Barrier in Fahrens Park**

REPORT IN BRIEF

Council Member Ornelas' request to consider directing staff to place a barrier in Fahrens Park.

RECOMMENDATION

Provide direction to staff on the next steps.

K.2. [24-270](#) **SUBJECT: Council Member Ornelas' Request to Designate an Area for Translators in the Council Chambers**

REPORT IN BRIEF

Council Member Ornelas' request to designate an area for translators in the Council Chambers.

RECOMMENDATION

Provide direction to staff on the next steps.

- K.3.** [24-283](#) **SUBJECT: Mayor Pro Tempore Perez's Request to Consider Moving the Podium to the Middle of the Council Chambers**

REPORT IN BRIEF

Mayor Pro Tempore Perez's request to consider moving the podium to the middle of the Council Chambers.

RECOMMENDATION

Provide direction to staff on the next steps.

- K.4.** [24-284](#) **SUBJECT: Council Member Smith's Request for Council Chambers Reorganization Session**

REPORT IN BRIEF

Council Member Smith's request for Council Chambers reorganization session.

RECOMMENDATION

Provide direction to staff on the next steps.

- K.5.** [24-235](#) **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.6.** [24-236](#) **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