



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, May 2, 2022

6:00 PM

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

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

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

**WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL/BIENVENIDO A LA
REUNIÓN DEL CONCILIO DE LA CIUDAD DE MERCED/ZOO SIAB TXAIS TOS KOJ
TUAJ RAU HAU CITY COUNCIL LUB ROOJ SAB LAJ**

At least 72 hours prior to each regular City Council meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Council will be available for public inspection at the City Clerk's Office during regular business hours. Spanish and Hmong translation is available at every regular meeting.

Al menos 72 horas antes de cada reunión regular del Concejo Municipal, un paquete de agenda complete está disponible para su revisión en el sitio web de la Ciudad en www.cityofmerced.org o en la Oficina del Secretario de la Ciudad, 678 W. 18th Street, Merced, CA 95340. Todos los registros públicos relacionados con un artículo de sesión abierta que se distribuyen a la mayoría del Concejo estarán disponibles para inspección pública en la Oficina del Secretario de la Ciudad durante el horario comercial habitual. La traducción al español y al Hmong está disponible en todas la reuniones regulares.

Sai kawg yuav tsum yog li 72 teev ua ntej rau txhua lub rooj sib tham 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 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 thiaj 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) thiaj tso hauv cov ntaub ntawv teev tseg.

Koj muaj feem tso suab hauv xov tooj uas yog hu (209) 388-8688 ua ntej 1 teev tav su hnuv sib tham thiaj koj lub tswv yim muab tso hauv daim ntawv tswj. Tso suab hauv xov tooj tsis pub ntev tshaj (1) feeb. Thov qhia qhov twg hauv daim tswj tias koj xav tawm suab rau, piv txwv li, zej tsoom tawm suab #, khoom tso cai #, los sis kev sib tham ntawm ncauj lus. Cov suab kaws hauv xov tooj mam tso mloog thaum lub caij tsim nyog rau thaum sib tham. Yog koj xav tawm suab thaum sib tham, thov tso koj tus xov tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (tham muaj) los sis mloog cov Nom Tswv (City Council) kev sib tham, mus saib hauv City's website www.cityofmerced.org, Facebook Live, los sis Comcast Public Access Channel 96.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CLOSED SESSION ROLL CALL

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. [22-369](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code section 54956.9: Potential Case Regarding 1820 I Street - APN 031-082-015 and Gateway Terrace II Project Site APN: 031-323-002

B.2. [22-366](#) **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; AUTHORITY: Government Code 54957

C. CALL TO ORDER

C.1. Invocation - Pastor Joel Dorman, First Baptist Church Merced

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

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

E. REPORT OUT OF CLOSED SESSION

F. CEREMONIAL MATTERS

F.1. [22-291](#) SUBJECT: Proclamation - Bike Month

REPORT IN BRIEF

Received by the Bicycle and Pedestrian Advisory Commission

F.2. [22-292](#) SUBJECT: Proclamation - Mental Health Awareness Month

REPORT IN BRIEF

The Mental Health Awareness Month Proclamation will be presented to a representative of Behavioral Health and Recovery Services.

F.3. [22-328](#) SUBJECT: Proclamation - Municipal Clerks Week

REPORT IN BRIEF

Received by Jennifer Levesque, Assistant City Clerk

G. SPECIAL PRESENTATIONS

G.1. [22-269](#) SUBJECT: Update on City of Merced Youth Council High School Town Halls

REPORT IN BRIEF

Members of the Youth Council will provide an update on recent High School Town Halls.

RECOMMENDATION

For information only.

G.2. [22-322](#)

SUBJECT: Update on the Childs and Canal Project

REPORT IN BRIEF

Developer Frank Kozlowski will provide Council an update on the Childs and Canal project.

RECOMMENDATION

For information only.

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. [22-311](#)

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. [22-252](#)

SUBJECT: Information-Only Contracts for the Month of April 2022

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$34,000 and of Public Works contracts under \$76,875.

J.3. [22-312](#)

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of March 21, April 4, and April 18, 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 March 21, April 4, and April 18, 2022.

J.4. [22-326](#)

SUBJECT: Authorization to Accept and Appropriate Grant Funding in the Amount of \$177,952.00 from State of California - Natural Resources Agency Department of Parks and Recreation for Play Equipment, Restrooms, or Other Amenities that Support the Development of Community Park-42 Regional Sports Facility (CP-42) Phase 1, 887 S. Tyler Road, Merced, Ca 95340

REPORT IN BRIEF

Consider accepting and appropriating grant funds in the amount of \$177,952.00 from State of California - Natural Resources Agency Department for the development of two restrooms at Community Park-42 (CP-42). The grant requires a matching fund of \$44,488.00 from the City of Merced.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant funds from State of California - Natural Resources Agency Department in the amount of \$177,952; and,

B. Increasing revenue account 442-1202-324-02-00 in the amount of \$177,952 and appropriating the same to account 442-1202-647-65-00, project 122061; and,

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

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

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

J.5. [22-268](#)

SUBJECT: Approval of a Professional Services Agreement for Design of an off the Shelf Master Plan Set for Cottages and Accessory Dwelling Units

REPORT IN BRIEF

Recommend approving an agreement for professional services with Precision Civil Engineering, Inc., to prepare an Off the Shelf Master Plan Set for Cottages and Accessory Dwelling Units (ADUs).

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an Agreement for Services with Precision Civil Engineering, Inc. (PCE), in the amount of \$85,000 to prepare designs for an off the Shelf Master Plan Set for Cottages and ADUs and to prepare program documents; and,

B. Authorizing the City Manager or Deputy City Manager to execute the agreements.

J.6. [22-295](#)

SUBJECT: Approval of Street Closure Request #22-04 by the Merced County Sheriff's Department for Merced County Fair (35th District Agricultural Association/Merced County Fair) to Close Traffic on G Street, Between W. Childs Avenue and 11th Street, During the Merced County Fair from June 8 Through the 12, 2022, from 3:00 p.m. to 12:00 a.m.

REPORT IN BRIEF

Considers approving a request by the Merced County Sheriff's Department for the Merced County Fair (35th District Agricultural Association/Merced County Fair) for the closure and use of City streets to control traffic for the Merced County Fair. The request seeks approval to close G Street, between W. Childs Avenue and 11th Street, on June 8 through 12, 2022, from 3:00 p.m. to 12:00 a.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of G Street, between W. Childs Avenue and 11th Street, from 3:00 p.m. to 12:00 a.m. from Wednesday, June 8, 2022, through Sunday, June 12, 2022, for the Merced County Fair, subject to the details and conditions outlined in the administrative staff report.

J.7. [22-274](#)

SUBJECT: Adoption of Resolution Declaring Intent to Vacate the Excess Portion of a Bicycle Path at 897 Lehigh Drive and Setting a Public Hearing for June 6, 2022 (Vacation #21-04)

REPORT IN BRIEF

Considers adopting a resolution of intent and set a public hearing for intent to abandon an excess portion of a City bike path at 897 Lehigh Drive.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2022-18**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 8,179-square-foot excess portion of a bicycle path at 897 Lehigh Drive, generally located on the north side of Lehigh Drive, approximately 500 feet west of San Jose Avenue. (Vacation #21-04) and setting time and place for Public Hearing.

J.8. [22-275](#)

SUBJECT: Adoption of Resolution Declaring Intent to Vacate 15 Easements Within the Merced Mall Parking Lot at 851 W. Olive Avenue to Accommodate the Merced Mall Remodel and Expansion Project and setting a Public Hearing for June 6, 2022 (Vacation #21-05)

REPORT IN BRIEF

Considers adopting a resolution of intent to abandon 15 easements within the Merced Mall parking lot at 851 W. Olive Avenue, Merced, and setting time and place for Public Hearing.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2022-17**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate 15 easements within the parking lot for the Merced Mall at 851 W. Olive Avenue, generally located on the north side of Olive Avenue, approximately 450 feet east of R Street (Vacation #21-05) and setting time and place for Public Hearing.

J.9. [22-284](#)

SUBJECT: Approval of a First Amendment with Modesto Industrial Electrical Company, Inc., for the Supply and Delivery of

Electrical/Mechanical Parts and Repair/Installation Services adding the not to Exceed Amount of \$50,000, Totaling \$110,000 for the 2021-22 Fiscal Year

REPORT IN BRIEF

Considers approving a First Amendment to a Supply and Services Agreement with Modesto Industrial Electrical Company, Inc., for additional parts and services through June 30, 2022.

RECOMMENDATION

City Council - Adopt a motion approving the First Amendment with Modesto Industrial Electrical Company, Inc. for the supply and delivery of electrical/mechanical parts and repair/installation services in the additional amount not to exceed \$50,000, totaling \$110,000 for Fiscal Year 2021-22; and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

J.10. [22-324](#)

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of Four (4) Budgeted Fleet Vehicles for the Airport Through Cooperative Purchasing Agreements with Sourcewell and Garton Tractor of Merced, Including One Jacobson Industrial Mower for \$77,573.88, One Cushman Utility Vehicle for \$16,269.40, One Midsize Kubota Tractor for \$61,052.99, and One Landpride 20' Heavy Duty Rotary Cutter for \$33,242.13

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase currently budgeted and Council approved fleet vehicles through the government procurement program Sourcewell.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 to utilize cooperative purchasing agreements through Sourcewell, a government procurement program; and,

B. Approving the purchase of one Jacobson 11'4" Industrial Mower from Garton Tractor in the amount of \$77,573.88 through Sourcewell contract #062117-KBA; and,

C. Approving the purchase of One Cushman Utility Vehicle in the amount of \$16,269.40, from Garton Tractor through Sourcewell contract #122220-JCS-1; and,

D. Approving the purchase of one Midsize Kubota Tractor in the amount of \$61,052.99, from Garton Tractor through Sourcewell contract # 062117-KBA; and,

E. Approving the purchase of one Landpride 20' Heavy Duty Rotary Cutter in the amount of \$33,242.13 from Garton Tractor through Sourcewell contract # 062117-KBA; and,

F. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents for the purchases specified above, the Finance Officer to make the appropriate budget adjustments and City Buyer to issue the Purchase Orders, and approval of change orders not to exceed 10% of the total purchase price.

J.11. [22-327](#)

SUBJECT: Approval of Contract Change Order #4 with Hoffman Electronic Systems in the Amount of \$1,795, to Purchase Wireless Motion Sensors for the Upgraded Alarm Monitoring System at the Wastewater Treatment Facility for a Total Contract Amount of \$72,564

REPORT IN BRIEF

Considers approving a fourth contract change order with Hoffman Electronic Systems, in the amount of \$1,795, to purchase wireless motion sensors for the upgraded alarm monitoring system at the Wastewater Treatment Facility for a total contract amount of \$72,564.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the fourth contract change order with Hoffman Electronic Systems, in the amount of \$1,795, to upgrade the existing alarm monitoring system at the Wastewater Treatment Facility for a total contract amount of \$72,564; and,

B. Approving future contract change orders up to 10% of the total contract amount; and,

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

J.12. [22-286](#)

SUBJECT: Approval of Memorandum of Understanding Between the City of Merced and the County of Merced for Reimbursement of Prorated Share of Countywide Broadband Strategic Plan in the Amount of \$69,030

REPORT IN BRIEF

Considers the authorization to approve the memorandum of understanding between the City of Merced and the County of Merced for reimbursement of prorated share of countywide broadband strategic plan in the amount of \$69,030.

RECOMMENDATION

City Council - Adopt a motion approving the memorandum of understanding with the County of Merced and authorizing the City Manager or Deputy City Manager to execute all necessary documents.

J.13. [22-323](#)

SUBJECT: Approval of Memorandum of Understanding Between the United States Fish and Wildlife Service - San Luis National Wildlife Refuge Complex and the Merced City Fire Department for Exchange of Technical Education

REPORT IN BRIEF

Considers the authorization to approve the Memorandum of Understanding Between the United States Fish and Wildlife Service - San Luis National Wildlife Refuge Complex and the Merced City Fire Department for technical education exchange.

RECOMMENDATION

City Council - Adopt a motion approving the Memorandum of Understanding and authorizing the City Manager or the Deputy City Manager to execute all necessary documents.

J.14. [22-350](#)

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending the Official Zoning Map by Rezoning Approximately 8.5 Acres of Land Generally Located on the Northeast Corner of Bellevue Road and Barclay Way from Planned Development (P-D) #73 to Residential Planned Development (RP-D) #63

REPORT IN BRIEF

Second reading and final adoption of an Ordinance changing the Zoning from Planned Development (P-D #73) to Residential Planning Development (RP-D) #63.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2539**, An Ordinance of the City Council of the City of Merced, California, amending the Official Zoning Map by rezoning approximately 8.5 acres of land generally located on the northeast corner of Bellevue Road and Barclay Way from Planned Development (P-D) #73 to Residential Planned Development (RP-D) #63.

K. 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.

K.1. [22-216](#)

SUBJECT: Public Hearing to Consider the Annexation of Certain Property into Community Facilities District (CFD) No. 2003-2 (Services), Calling and Holding a Special Election for Annexation No. 20 into CFD No. 2003-2 (Services) for Approximately 15.93 Acres Located at the Northeast Corner of El Redondo Drive (Extended) and Monaco Drive; Canvassing the Results of the Election Held within Annexation No. 20 of Said District, and Annexing Annexation No. 20 to Said District and Authorizing the Levy of a Special Tax Within Said Annexation No. 20

REPORT IN BRIEF

Hold a public hearing and election for annexation into Community Facilities District No. 2003-2 (Services) for the approximately 15.93-acre residential project located at the northeast corner of El Redondo Drive (extended) and Monaco Drive.

RECOMMENDATION

City Council - Adopt a motion:

A. Holding a Public Hearing on the annexation of certain property into the CFD and the levy of special taxes; and,

B. Adopting **Resolution 2022-22**, a Resolution of the City Council of the City of Merced, acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced determining the validity of prior proceedings, calling a special election related to Annexation No. 20; and,

C. Holding an election; and,

D. Adopting **Resolution 2022-23**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced canvassing the results of the election held within Annexation No. 20 of said District; and,

E. Adopting **Resolution 2022-24**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced, annexing Annexation No. 20 to said district and authorizing the levy of a special tax within said Annexation No. 20.

K.2. [22-215](#)

SUBJECT: Public Hearing to Consider a Resolution Approving General Plan Amendment #22-02 and Environmental Review #22-14 (Mitigated Negative Declaration), and the Introduction of an Ordinance for Zone Change #430 for Approximately 4.59 Acres Located on the East Side of Parsons Avenue, Approximately 300 Feet South of Yosemite Parkway (Hwy 140); and Approval of a Legislative Action Agreement for the Project

REPORT IN BRIEF

Request for City Council approval to change the General Plan Land Use Designation from Thoroughfare Commercial (CT) to High-Medium Density (HMD) Residential and change the Zoning designation from Thoroughfare Commercial (C-T) to Medium Density Residential (R-3-1.5) for approximately 4.59 acres generally located on the east side of Parsons Avenue, approximately 300 feet south of Yosemite Parkway (Hwy 140), including the adoption of a Mitigated Negative Declaration and approval of a Legislative Action Agreement.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2022-21**, A Resolution of the City Council of the City of Merced, California, Approving a Mitigated Negative Declaration (Environmental Review #22-14) for General Plan Amendment #22-02 and Zone Change #430 for approximately 4.59 acres of land generally located on the east side of Parsons Avenue, south of Yosemite Parkway (Hwy 140) (1808 Parsons Avenue) and approving General Plan Amendment #22-02 changing the General Plan land use designation from thoroughfare Commercial (CT) to High-Medium Density (HMD) Residential and approving a Legislative Action Agreement for General Plan Amendment #22-02 and Zone Change #430; and,

B. Introducing **Ordinance 2540**, an Ordinance of the City Council of the City of Merced, California, amending the Official Zoning Map by rezoning approximately 4.59 acres of land generally located on the east side of Parsons Avenue, south of Yosemite Parkway (Hwy 140) (1808 Parsons Avenue) from thoroughfare Commercial (C-T) to Medium Density Residential (R-3-1.5); and,

C. Approving the Legislative Action Agreement and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

L. REPORTS

L.1. [22-217](#)

SUBJECT: Approval of Density Bonus #22-01, Initiated by Visionary Homes of California, LLC, on Behalf Evan R. Rahilly and Marlea Massey, Trustees, Property Owners and Approval of Certain Concessions to Development Standards to Allow the Construction of 108-Unit Affordable Apartment Complex at 1808 Parsons Avenue

REPORT IN BRIEF

Considers the approval of a Regulatory Agreement with Visionary Home Builders of California, Inc., granting certain concessions to development standards to allow the construction of 108-unit affordable apartment complex generally located on the east side of Parsons Avenue, approximately 300 feet south of Yosemite Parkway (Hwy 140) (1808 Parsons Ave).

RECOMMENDATION

City Council - Adopt a motion:

A. Finding that the adoption of the Regulatory Agreement is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3); and

B. Approving the Affordable Housing Regulatory Agreement with Visionary Home Builders of California, Inc., for the property located at 1808 Parsons Avenue to construct a 108-unit affordable apartment complex; and,

C. Authorizing the City Manager or Deputy City Manager to execute the agreement.

L.2. [22-208](#)

SUBJECT: Authorization to Forgive Community Facilities District (CFD) Loans from the General Fund Totaling \$1,710,991.71

REPORT IN BRIEF

Considers forgiving Community Facilities District loans from the General Fund totaling \$1,710,991.71.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2022-25**, a Resolution of the City Council of the City of Merced, California, Authorizing Forgiveness of the Loan Agreements between the City of Merced's General Fund and City of Merced's Community Facilities District Public Safety Police Fund, Fire Fund, and Parks Fund; and,

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

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

L.3. [22-364](#)

SUBJECT: Review and Discuss the Arts and Culture Advisory Commission's Recommendations for the Open Call for Art Projects

REPORT IN BRIEF

Review, discuss, and approve Arts and Culture Advisory Commission's recommendations for the open call art projects.

RECOMMENDATION

City Council - Adopt a motion:

A. Recommending advancing ranked art projects with scores of 15 or higher for a funding total of \$51,340.00; and,

B. Confirming project locations and grant authority for artists to perform work on City property.

M. BUSINESS

M.1. [22-363](#)

SUBJECT: Council Member Echevarria's Request to Discuss a Feline Policy

REPORT IN BRIEF

Council Member Echevarria's Request to discuss a feline policy pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff regarding a feline policy.

M.2. [22-361](#)

SUBJECT: Request to Display the Pride Flag in Bob Hart Square in Honor of Pride Month Beginning on June 1, 2022 Through June 30, 2022 and to Include this Request on the Annual Flag Calendar Adopted by the City Council

REPORT IN BRIEF

Request from the Merced Pride Center to Display the Pride Flag in Bob Hart Square on June 1, 2022 through June 30, 2022 and to include this request on the annual Flag Calendar adopted by the City Council.

RECOMMENDATION

Provide direction to staff on the display of the Pride Flag in Bob Hart Square in accordance with Council Policy C-7 regarding the display of commemorative flags, and to include this request on the annual Flag Calendar adopted by the City Council.

M.3. [22-297](#)

SUBJECT: Council Direction Concerning Hosting a Bike Race in March 2023 Within the City of Merced and Neighboring Community

REPORT IN BRIEF

Council to discuss the City of Merced's ability to partner with a local, community host to commit funds, staff, and other resources to host the proposed 2023 Hincapie Gran Fondo.

RECOMMENDATION

Provide staff direction on the proposed 2023 Hincapie Gran Fondo.

M.4. [22-313](#)

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.

M.5. [22-314](#)

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.

N. ADJOURNMENT