



CITY OF MERCED

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

Minutes

City Council/Public Finance and Economic Development Authority/Parking Authority

Monday, August 16, 2021

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle

Absent: 0

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:02 PM.

B.1. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Stephanie Dietz; Unrepresented Management AUTHORITY: Government Code Section 54957.6

B.2. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): Travis Lindsey and Janell Van Bindsbergen, Lozano Smith, Attorneys at Law; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703, International Association of Fire Fighters, Local 1479; Merced Police Officers' Association (MPOA); Merced Association of Police Sergeants and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6

B.3. **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Properties: APN #'s 049-200-005, 049-200-020, 049-200-022, 049-200-019, 049-200-023, 049-200-017, 049-200-021, 049-200-024, 049-200-025, 049-220-018, 049-220-019, 049-220-016, 049-220-020, 049-220-015, 065-030-004, 049-240-016, 049-240-017; Agency Negotiator: Stephanie Dietz, City Manager; Negotiating Parties: Robert C. Rice, Sandton Capital Partners and City of Merced; Under Negotiation: Price and Terms of Payment

Clerk's Note: Council adjourned from Closed Session at 5:51 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:02 PM.

C.1. Invocation - Maggie Fuentes, Chaplain for Merced PD

The invocation was delivered by Merced Police Department Chaplain
Maggie FUENTES.

C.2. Pledge of Allegiance to the Flag

Council Member ECHEVARRIA led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member
Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha
Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle

Absent: 0

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

There was no report.

F. CEREMONIAL MATTERS

F.1. SUBJECT: Certificates of Recognition for Local Amateur Boxers From the Haro Brothers Boxing Team

REPORT IN BRIEF

Presented by Council Member Jesse Ornelas.

Council Member ORNELAS presented certificates of recognition to Rene
MARTINEZ, Jayden CHAVEZ, David LUTE, Jr., and Joseph MARTINEZ for
their recent boxing achievements.

F.2. SUBJECT: Proclamation - Madilyn "Bubba" Nickles Day

REPORT IN BRIEF

Mayor Serratto will present a proclamation to Team USA silver medalist

Madilyn "Bubba" Nickles.

Mayor SERRATTO presented a proclamation to Madilyn "Bubba" NICKLES for winning a silver medal in women's softball at the Summer Olympics.

F.3.

SUBJECT: Proclamation - Play Music on the Porch Day

REPORT IN BRIEF

Mayor Serratto will present a proclamation to John Russell-Curry.

Council Member SHELTON presented a proclamation for Play Music on the Porch Day to John RUSSELL-CURRY.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: Emails were received for the following agenda item and forwarded to Council prior to the meeting.

Oral Communications - Manuel CUNHA, Jr., Cheryl LEHN, and Daniel MELLO.

H. ORAL COMMUNICATIONS

Clerk's Note: The following two comments were received via voicemail.

Jay MARTIN - discussed mask requirements during the current pandemic.

Manuel CUNHA, Jr. - asked Council for letters of support regarding a recently passed farm bill.

Rick WENDLING, Merced - spoke on mask mandates.

Chelsea GONZALES, Merced - spoke on the City of Merced emergency dispatchers and the turnover due to low pay.

Courtney BOHANON, Merced - spoke on the challenges faced by the dispatch center.

Jeremy VERAMENDI, Merced - spoke on the current housing shortage faced by UC Merced students.

I. CONSENT CALENDAR

Items I.3. Approval to Waive the Competitive Bidding Requirements,

Approving a Supplies and Service Agreement with Ward Office Furniture in the Amount of \$65,920.87 Plus 10% Contingency, and Approving a Professional Service Agreement with Kelly Timmins Corporate Services for Delivery and Installation in the Amount of \$23,120 Plus 15% Contingency, I.6. Approval of a Finding of Public Convenience or Necessity for Vinhos, Wine Lounge and Tapas Bar, Located at 427 W. Main Street (Land Use Determination #21-04), I.7. Approval to Waive the Competitive Bidding Requirements and Approve Agreements for Supplies and Services for the Purchase of Various Vehicle Parts and Repair/Installation Services with Merced Truck & Trailer, Inc., in the Amount not to Exceed \$100,000, with Next Level Parts, Inc., dba Carquest of Merced in the Amount not to Exceed \$60,000, and with Ron Smith Buick GMC, LP, in the Amount not to Exceed \$70,000, with the Contracts' Terms Ending June 30, 2022, I.8. Approval to Waive the Competitive Bidding Requirements and Approve Agreements for Supplies and Services for the Purchase of Traffic Signal and Streetlight Parts with Tesco Controls, Inc., in the Amount not to Exceed \$60,000, Purchase of Asphalt and Related Materials with SYAR Industries, Inc., in the Amount not to Exceed \$40,000, and Purchase of Traffic Paint, Stencils, and Related Supplies with International Coatings Company, Inc., in the Amount not to Exceed \$40,000, with the Contracts' Terms Ending June 30, 2022, I.11. Approval of a Delegated Maintenance Agreement with Caltrans to Allow for Litter Removal on State Property Within the City of Merced for a Reimbursement Amount not to Exceed \$75,000, and I.12. Approval of the Compensation Plan for Management Employees with a Term of July 1, 2021 through June 30, 2024; were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Ornelas, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

I.1. **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.

This Consent Item was approved.

I.2.

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of August 2, 2021

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 August 2, 2021.

This Consent Item was approved.

I.4.

SUBJECT: Approval of a Professional Service Agreement Between the City of Merced and RSG Inc. for Affordable Housing Consulting Services for Fiscal Years 2021-22 and 2022-23 in an Amount not to Exceed \$192,060

REPORT IN BRIEF

Considers approving a professional services agreement with RSG Inc. to provide affordable housing consulting services to the City of Merced and the City's Housing Successor Agency for Fiscal Years 2021-22 and 2022-23, authorizing the City Manager to make minor modifications if necessary and execute on behalf of the City.

RECOMMENDATION

City Council - Adopt a motion approving a professional services agreement between the City of Merced and RSG Inc. for affordable housing consulting services for Fiscal Years 2021-22 and 2022-23 in an amount not to exceed \$192,060, and authorizing the City Manager to make minor modifications if necessary and execute all the necessary documents on behalf of the City.

This Consent Item was approved.

I.5.

SUBJECT: Adoption of a Resolution Approving Final Map #5389 for the Bellevue Ranch West, Village 18-A, Phase 2 Subdivision for 65 Single-Family Lots, Generally Located at the Southwest Corner of Freemark Avenue and the Future Catherine A. Hostetler Boulevard, and the Approval of the Subdivision Agreement for the Bellevue Ranch West, Village 18-A, Phase 2 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5389 for 65 single-family lots, generally located at the southwest corner of Freemark Avenue and the future Catherine A. Hostetler Boulevard, and the subdivision agreement for the Bellevue Ranch West, Village 18A, Phase 2 Subdivision.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2021-75**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Bellevue Ranch West, Village 18A, Phase 2 Subdivision (#5389); and,

B. Approving the Subdivision Agreement for Bellevue Ranch West, Village 18A, Phase 2 Subdivision; and,

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

This Consent Item was approved.

I.9.

SUBJECT: Approval of the Purchase of ESO Solutions, Inc. Records Management System Software Via an Addendum to the Master Subscription and License Agreement for the "Electronic Patient Care Records" System, Approval to Waive the Competitive Bidding Requirement in Conjunction with the Previously Approved for Information Only Agreement Titled "Electronic Patient Care Records", Authorization for Three Additional One-Year Renewals, and Approval to Terminate the Existing Agreement for the FireHouse Records Management System

REPORT IN BRIEF

Considers authorizing the purchase of ESO Solutions, Inc. records management system software via an Addendum to the Master

Subscription and License Agreement for the “electronic Patient Care Records” system with an initial cost of \$12,705, waiving the competitive bidding requirement in conjunction with the previously approved for information only agreement titled “electronic Patient Care Records” at a cost of \$18,970 (cost borne by the County of Merced), authorizing three additional one-year renewals, and terminating the existing agreement for the FireHouse records management system.

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing the City Manager to terminate the existing software subscription with ESO Solutions, Inc.’s agreement for the FireHouse records management system, City Contract No. 300980;

B. Authorizing the City Manager to negotiate and execute an addendum to the Master Subscription and License agreement with ESO Solutions, Inc. at an initial cost of \$12,705 for the purchase of ESO’s records management system (Fire incidents CAD Integration, fire incidents, inspections, properties, activities and permits), with three additional one-year renewals, for a total amount not to exceed \$64,792.87 (including a 10% contingency) over a three year period, with future funding contingent upon City Council’s budget approval;

C. Authorizing the City Manager to negotiate and execute the software subscription agreement with ESO Solutions, Inc. for the 2nd year’s cost of \$19,539.10 for the records management system (electronic Patient Care Reporting), with three additional one-year renewal options, for a total amount not to exceed \$89,918.73 (including a 10% contingency) over a three year period, with future funding contingent upon City Council’s budget approval; and,

D. Authorizing the waiving of the competitive bidding requirement in order to maintain standardization of software and the sole source provider of the Fire Department’s current records management software, pursuant to Merced Municipal Code, Article 3.04.210 - Exemptions from Competitive Bidding;

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

This Consent Item was approved.

I.10.

SUBJECT: Approval of Parking Enforcement Agreement with the

County of Merced to Allow Merced City Parking Enforcement
Officers to Enforce Vehicle / Parking Code Violations in Merced
County Parking Lots

REPORT IN BRIEF

Considers the approval of an agreement to provide parking enforcement in County parking lots.

RECOMMENDATION

City Council - Adopt a motion approving an agreement between the City of Merced and the County of Merced for the Police Department to conduct parking enforcement in the County parking lots and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.13.

SUBJECT: Second Reading and Final Adoption of an Ordinance to Amend Merced Municipal Code Section 5.54 Regarding Street and Sidewalk Vendors, Including Definitions, Application Requirements, Designated Locations, Hours of Operation, Products Sold, and Revocation of Permits

REPORT IN BRIEF

Second reading and final adoption of an Ordinance to amend the City's regulations for Street and Sidewalk Vendors as directed by City Council on July 6, 2021, including modifications to definitions, application requirements, designated locations, hours of operation, products sold, and revocation of permits.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2529**, An Ordinance of the City Council of the City of Merced, California, Amending Section 5.54 (Street and Sidewalk Vendors) of the Merced Municipal Code.

This Consent Item was approved.

I.14.

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Chapter 2.20, "Planning Commission" of the Merced Municipal Code and the Second Reading and Final Adoption of an Ordinance Adding Chapter 2.36, "Recreation and Parks Commission" to the Merced Municipal Code Regarding Appointments by Council District

REPORT IN BRIEF

Second reading and final adoption of two ordinances to include appointing six (6) members to Council districts and one (1) member at-large for the Planning Commission and the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Ordinance 2527**, an Ordinance of the City Council of the City of Merced, California, amending Chapter 2.20, "Planning Commission," of the Merced Municipal Code, and;

B. Adopting **Ordinance 2528**, an Ordinance of the City Council of the City of Merced, California, adding Chapter 2.36, "Recreation and Parks Commission," to the Merced Municipal Code

This Consent Item was approved.

I.6.

SUBJECT: Approval of a Finding of Public Convenience or Necessity for Vinhos, Wine Lounge and Tapas Bar, Located at 427 W. Main Street (Land Use Determination #21-04)

REPORT IN BRIEF

This report provides options for the City Council to consider making a Finding of Public Convenience or Necessity (PCN), as required by the Department of Alcoholic Beverage Control (ABC) to issue a Type 42 alcohol license (on-sale allowing the sale of beer, and wine) for Vinhos, Wine Lounge and Tapas Bar, located at 427 W. Main Street.

RECOMMENDATION

City Council - Adopt a motion approving the Finding of Public Convenience or Necessity to allow Vinhos, Wine Lounge and Tapas Bar, located at 427 W. Main Street, to obtain a Type 42 license for on-sale allowing the sale of beer, and wine (Option #1 as shown in the "Council Action" section of this Administrative Report).

Mayor SERRATTO pulled this item to allow the applicant to speak on his new business.

Andre MICHELLE, Merced - spoke on his new business opening in downtown.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Boyle, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

Mayor SERRATTO asked the individual who requested items I.3., I.7., I.8., I.11., and I.12. to first discuss concerns with staff and address the Council if any further clarification was required.

Clerk's Note: The Public Hearings section was moved up in the agenda to be heard prior to the pending consent items.

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing to Consider a Resolution Approving General Plan Amendment #20-01 and Environmental Review #20-32 (Mitigated Negative Declaration), and the Introduction of an Ordinance to Approve Site Utilization Plan Revision #23 to Planned Development (P-D) #16, and Environmental #20-32 (Mitigated Negative Declaration) for Approximately 6.3 Acres Located on the South Side of Devonwood Drive Between Loughborough Drive and Austin Avenue; and Consider 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 Low-Medium Density (LMD) Residential to High Density (HD) Residential and change the Site Utilization Plan designations from "single-family" to "multi-family" for approximately 6.3 acres generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue, including the adoption of a Mitigated Negative Declaration and approval of a Legislative Action Agreement.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-77**, A Resolution of the City Council of the City of Merced, California, approving a Mitigated Negative Declaration

(Environmental Review #20-32) for General Plan Amendment #20-01 and Site Utilization Plan Revision #23 to Planned Development (P-D) #16 for approximately 6.3 acres of land generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue and approving General Plan Amendment #20-01 for the same property changing the General Plan Designation from Low-Medium Density (LMD) Residential to High Density (HD) Residential; and,

B. Introducing **Ordinance 2531**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #23 to Planned Development (P-D) #16 changing the land use designation from "Single-Family Residential" to "Multi-Family Residential" for approximately 6.3 acres of land generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue; and,

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

Planning Manager Kim ESPINOSA gave a slideshow presentation requesting City Council approve a change to the General Plan Land Use Designation from Low-Medium Density (LMD) Residential to High Density (HD) Residential and change the Site Utilization Plan designations from "single-family" to "multi-family" for approximately 6.3 acres generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue, including the adoption of a Mitigated Negative Declaration and approval of a Legislative Action Agreement.

Lauren MASSERI, Director of Development with Meta Housing - spoke on the proposed affordable housing project.

Mayor SERRATTO opened the Public Hearing at 6:57 PM.

Rick WENDLING, Merced - expressed support for this project and commented on federal funds for affordable housing.

Pangcha VANG, Merced - spoke in support of the project and requested more affordable housing.

Mayor SERRATTO closed the Public Hearing at 7:00 PM.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, to adopt Resolution 2021-77, introduce Ordinance 2531 and approve the Legislative Action Agreement. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

J.2.

SUBJECT: Public Hearing to Consider Adoption of a Resolution Granting a Certificate of Public Convenience and Necessity for American Custom Private Security, Inc to Engage in Private Patrol Services

REPORT IN BRIEF

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to American Custom Private Security, Inc.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2021-76**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to American Custom Private Security, Inc.

Mayor SERRATTO opened the Public Hearing at 7:04 PM.

Rick SANFORD, Merced - asked about the authority of private security firms.

Pangcha VANG, Merced - questioned whether security firms can have firearms.

Mayor SERRATTO closed the Public Hearing at 7:08 PM.

Council briefly discussed the authority of security firms and the technology they can use.

A motion was made by Council Member Shelton, seconded by Mayor Pro Tempore Blake, that this agenda item be approved. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, and Council Member Boyle

No: 2 - Council Member Perez, and Council Member Ornelas

Absent: 0

J.3.

SUBJECT: Public Hearing to Consider the Adoption of the Draft 2020 Urban Water Management Plan and the Draft Water Shortage Contingency Plan and to Review and Set the Level of Water

Conservation

REPORT IN BRIEF

Request City Council introduce resolutions approving the 2020 Urban Water Management Plan and Water Shortage Contingency Plan following a Public Hearing and setting the level of water conservation.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-73**, a Resolution of the City Council of the City of Merced, California, approving and adopting the 2020 Urban Water Management Plan for the City of Merced; and,

B. Adopting **Resolution 2021-74**, a Resolution of the City Council of the City of Merced, California, approving and adopting the 2020 Water Shortage Contingency Plan for the City of Merced; and,

C. Authorizing submittal of the Final Plans to the Department of Water Resources.

Water Conservation Coordinator Leah BROWN, along with consultants from Blackwater Consulting Engineers, Aja VERBURG and Alison FURUYA, gave a slideshow presentation on the Draft 2020 Urban Water Management Plan and the Draft Water Shortage Contingency Plan.

Ms. BROWN and Council discussed the levels of conservation and the current reductions achieved by the City.

Mayor SERRATTO opened the Public Hearing at 7:23 PM.

Clerk's Note: The following comment was received via voicemail.

Madelyn HARRIS, Leadership Council for Justice and Accountability - commented on a letter submitted to the City regarding areas in the City's sphere of influence and an SB44 review.

Mayor SERRATTO closed the Public Hearing at 7:27 PM.

Council discussed the level of conservation and agreed to remain at level 2.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Echevarria, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

Clerk's Note: Council returned to the pending Consent items which were pulled by Mayor SERRATTO due to a request from the public to speak on the items.

Fue XIONG, Merced - briefly discussed clarification he received from staff regarding items I.3., I.7., and I.8.

Clerk's Note: Items I.3., I.7., and I.8. were all voted on concurrently.

I.3.

SUBJECT: Approval to Waive the Competitive Bidding Requirements, Approving a Supplies and Service Agreement with Ward Office Furniture in the Amount of \$65,920.87 Plus 10% Contingency, and Approving a Professional Service Agreement with Kelly Timmins Corporate Services for Delivery and Installation in the Amount of \$23,120 Plus 15% Contingency

REPORT IN BRIEF

Considers waiving of competitive bidding requirements, approving a Supplies and Service agreement with Ward Office Furniture and approving a Professional Service agreement with Kelly Timmins Corporate Services

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing to waive competitive bidding requirements due to single sourcing as permitted by Merced Municipal Code Section 3.04.210 for the purchase of office furniture; and,

B. Approving the Supplies and Services agreement with Ward Office Furniture in the amount of \$65,920.87 plus 10% contingency for the purchase of office furniture; and,

C. Approving the Professional Services agreement with Kelly Timmins Corporate Services in the amount of \$23,120 plus 10% contingency for

delivery and installation of office furniture; and,

D. Authorizing the City Manager or Deputy City Manager to execute any necessary contracts or documents and the Finance Officer to make any necessary budget adjustments.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Ornelas, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

I.7.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approve Agreements for Supplies and Services for the Purchase of Various Vehicle Parts and Repair/Installation Services with Merced Truck & Trailer, Inc., in the Amount not to Exceed \$100,000, with Next Level Parts, Inc., dba Carquest of Merced in the Amount not to Exceed \$60,000, and with Ron Smith Buick GMC, LP, in the Amount not to Exceed \$70,000, with the Contracts' Terms Ending June 30, 2022

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving three (3) separate Supply and Service Agreements for the purchase of various vehicle parts, as well as vehicle repair and parts installation services for Fiscal Year 2021/2022.

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 annual service and supply agreements; and,

B. Approving an Agreement for Supplies and Services with Merced Truck & Trailer, Inc., in the Amount not to Exceed \$100,000; and,

C. Approving an Agreement for Supplies and Services with Next Level Parts, Inc., dba Carquest of Merced in the Amount no to Exceed \$60,000; and,

D. Approving an Agreement for Supplies and Services with Ron Smith Buick GMC, LP, in the Amount not to Exceed \$70,000; and,

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

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Ornelas, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

I.8.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approve Agreements for Supplies and Services for the Purchase of Traffic Signal and Streetlight Parts with Tesco Controls, Inc., in the Amount not to Exceed \$60,000, Purchase of Asphalt and Related Materials with SYAR Industries, Inc., in the Amount not to Exceed \$40,000, and Purchase of Traffic Paint, Stencils, and Related Supplies with International Coatings Company, Inc., in the Amount not to Exceed \$40,000, with the Contracts' Terms Ending June 30, 2022

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving three (3) separate Supply and Service Agreements for the purchase of various traffic signal and streetlight parts, asphalt and related materials, as well as traffic paint and related supplies for Fiscal Year 2021/2022.

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 annual service and supply agreements; and,

B. Approving an Agreement for Supplies and Services with Tesco Controls, Inc., in the Amount not to Exceed \$60,000; and,

C. Approving an Agreement for Supplies and Services with SYAR

Industries, Inc., in the Amount not to Exceed \$40,000; and,

D. Approving the Agreement for Supplies and Services with International Coatings Company, Inc., in the Amount not to Exceed \$40,000; and,

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

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Ornelas, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

I.11.

SUBJECT: Approval of a Delegated Maintenance Agreement with Caltrans to Allow for Litter Removal on State Property Within the City of Merced for a Reimbursement Amount not to Exceed \$75,000

REPORT IN BRIEF

Considers the approval of a Delegated Maintenance Agreement with Caltrans to allow for litter removal on state property within the City of Merced for a reimbursement amount not to exceed \$75,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Delegated Maintenance Agreement with Caltrans for litter removal on State property within the City of Merced for a reimbursement amount not to exceed \$75,000; and,

B. Approving an increase to revenue in the amount of \$75,000 in Fund 558-Refuse and authorizing the Finance Officer to make the necessary budget adjustments; and,

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

Mayor SERRATTO pulled this item due to a request from the public to speak on the item.

Fue XIONG, Merced - asked that the homeless possessions be respected during the cleanup.

Council and City Manager Stephanie DIETZ briefly discussed the care taken when cleaning encampments.

A motion was made by Council Member Ornelas, seconded by Council Member Perez, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

I.12.

SUBJECT: Approval of the Compensation Plan for Management Employees with a Term of July 1, 2021 through June 30, 2024

REPORT IN BRIEF

Considers approving Compensation Plan for Management Employees with a term of July 1, 2021 through June 30, 2024.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2021-78**, a Resolution of the City Council of the City of Merced, California, adopting a compensation plan for the executive management, middle management, supervisory management, and confidential management employees; and,

B. Approving a Supplemental Appropriation from Fund 087-American Rescue Plan Act in the amount of \$105,000 for Premium Pay in Fiscal Year 2021-22 and authorizing the Finance Officer to make necessary budget adjustments; and,

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

Mayor SERRATTO pulled this item due to a request from staff and a request from the public to speak on the item.

City Manager Stephanie DIETZ requested a language change to the plan before adoption.

Pangcha VANG, Merced - asked Council to continue this item until the public has given its input on the use of ARPA funds.

Fue XIONG, Merced - questioned the use of ARPA funds for the plan before community input is received.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Shelton, that this agenda item be approved as amended. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, and Council Member Boyle

No: 2 - Council Member Perez, and Council Member Ornelas

Absent: 0

K. BUSINESS

K.1. **SUBJECT:** City Council Position on League of California Cities Resolutions

REPORT IN BRIEF

Provides direction to the City's official League of California Cities voting delegate on two proposed League Resolutions.

RECOMMENDATION

City Council - Adopt a motion stating the City's position on each of the two proposed League Resolutions and directing the City's official League voting delegate to cast votes as such at the League's Annual Business Meeting on Friday, September 24, 2021.

Council briefly discussed the League of California Cities resolutions to be voted upon at the upcoming conference and directed the voting delegates to vote in favor of the resolutions.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Boyle, to direct the voting delegate to vote in line with the League of California Cities recommendation. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

K.2. **SUBJECT:** Approval of Reappointments (District 4 and District 6) and Appointment of a New Applicant (District 1) to the Planning Commission

REPORT IN BRIEF

Considers reappointing currently seated individuals to an additional term and appointing a new applicant to a currently vacant seat on the Planning Commission.

RECOMMENDATION

City Council - Adopt a motion:

A. Reappointing two qualified individuals who are eligible for, and interested in, an additional term on the Planning Commission for District 4 and District 6; and,

B. Appointing a qualified elector of District 1 to fill the current vacancy on the Planning Commission for said district.

Assistant City Clerk Jennifer LEVESQUE announced that Darin DUPONT had withdrawn his application for the District 1 seat on the Planning Commission.

Council briefly discussed the reappointments and a new appointment to the Planning Commission and agreed to reappoint Mike HARRIS to the District 4 seat, reappoint Jose DELGADILLO to the District 6 seat, and to appoint Jeremiah GREGGAINS to the District 1 seat.

A motion was made by Council Member Ornelas, seconded by Council Member Perez, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

Clerk's Note: Mayor Pro Tempore BLAKE left the meeting at 8:08 PM.

K.3.

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.

Council Member ORNELAS requested the letters of support as proposed by the Nisei Farmers League be placed on the October 4th Council meeting for discussion.

K.4. **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.

Council Member SHELTON reported on attending the latest trash cleanup and attending an event at Club Mercedes.

Council Member ORNELAS commented on a District 1 Town Hall to discuss the use of ARPA funds and youth sports starting.

Mayor SERRATTO commented on the cleanup days and upcoming business sponsorship at Pizza Villa.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:15 PM.

A motion was made by Council Member Perez, seconded by Council Member Ornelas, that the meeting be adjourned. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Mayor Pro Tempore Blake