



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, October 17, 2022

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Jesse Ornelas, and Council Member Sarah Boyle

Absent: 1 - Council Member Bertha Perez

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:32 PM.

B.1.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure of Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9: (3) Cases

Clerk's Note: Council adjourned from Closed Session at 6 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:03 PM.

C.1. Invocation - Pastor Caesar Johnson, Christian Life Center Merced

The invocation was delivered by Pastor Caesar JOHNSON from the Christian Life Center Merced.

C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Jesse Ornelas, and Council Member Sarah Boyle

Absent: 1 - Council Member Bertha Perez

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:** Proclamation - Domestic Violence Awareness Month

REPORT IN BRIEF

Received by a representative from Valley Crisis Center.

Mayor SERRATTO presented the Domestic Violence Awareness Month Proclamation to Lupe GARCIA from Valley Crisis Center.

F.2. **SUBJECT:** Proclamation - Fire Prevention Month

REPORT IN BRIEF

Accepted by a representative of the Merced Fire Department.

Mayor SERRATTO presented the Fire Prevention Month Proclamation to Fire Chief Derek PARKER from the Merced Fire Department.

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 - Steven DONAHUE

H. ORAL COMMUNICATIONS

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

Tanya RICHARD, Merced - spoke against the First Responder Fee.

Michael FIGUEROA, Merced - spoke in opposition to the First Responder Fee.

Donna, Merced - spoke in opposition to the First Responder Fee.

Rosemary LUSTER, Merced - spoke against the First Responder Fee.

Christina MYOHESTLER, Merced - asked Council not to pass First Responder Fee.

Carolyn, Merced - spoke on placing the First Responder Fee on the agenda.

Clerk's Note: The following speakers appeared in person.

Ana Maria FABIAN, Merced - spoke on the crime rate in South Merced and invited residents from South Merced to speak on issues.

Council briefly discussed the South Merced Study and stated staff will follow up with Ms. FABIAN.

Zendi ROQUE, Merced - spoke on the security of Alicia Reyes School and traffic and street issues on multiple streets in South Merced.

Juana SANTIAGO, Merced - spoke on a vehicle accident she suffered on N Street and asked for assistance in South Merced for streets and traffic.

Jennifer MCQUEEN, Merced - thanked Council Member ECHEVARRIA and spoke on the Merced PrideFest.

Victoria ESPINOZA, Merced - spoke on the recent violence in Merced.

I. CONSENT CALENDAR

Items I.5. Considers a Lease Agreement for McCombs Youth Center with Boys and Girls Club of Merced County to be Awarded the Lease for Afterschool Youth Programming for a One Year Term with an Option to Extend the Term for an Additional One Year Term Over the Next Two Years, and I.15. Award Bid to Razzari Ford for the Purchase of Seven New Interceptor Four Door Sport Utility Vehicles for the Police Department for a Total Cost Not to Exceed \$364,642.32; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez

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:** Information Only - Site Plan Review Minutes of October 7, 2021, October 21, 2021, November 18, 2021, January 6, 2022, and January 20, 2022

RECOMMENDATION

For information only.

This Consent Item was approved.

I.3.**SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of July 5, 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 July 5, 2022.

This Consent Item was approved.

I.4.**SUBJECT:** Approval of Street Closure Request Including Parsons Avenue, From Merced Avenue to Dinkey Creek; Dinkey Creek, From Parsons Avenue to Watertown Drive; Watertown Drive, From

Dinkey Creek to East Childs Avenue; and East Childs Avenue,
From Coffee Street to Carol Avenue, Submitted by Liza Servin for
the 2022 Central California Band Review on November 12, 2022
From 5:00 A.M. Until 2:30 P.M.

REPORT IN BRIEF

Considers closing and allowing the use of City streets on November 12, 2022 for the Central California Band Review.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the street closures of Parsons Avenue, from Merced Avenue to Dinkey Creek; Dinkey Creek, from Parsons Avenue to Watertown Drive; Watertown Drive, from Dinkey Creek to East Childs Avenue; and East Childs Avenue, from Coffee Street to Carol Avenue, as requested by Golden Valley High School Band Boosters Coordinator Liza Servin for the 2022 Central California Band Review scheduled Saturday, November 12, 2022. The street closures will be between 5:00 a.m. and 2:30 p.m., subject to the conditions of the administrative staff report.

This Consent Item was approved.

I.6.

SUBJECT: Approval of First Amendments to Professional Services Agreements with Interwest Consulting Group Inc., CSG Consultants Inc., and Bureau Veritas North American Inc. to Extend the Term of the Agreement to November 1, 2023

REPORT IN BRIEF

Considers approving Amendments to Professional Services Agreements with three consultants for planning and building services.

RECOMMENDATION

City Council- Adopt a motion:

- A. Approving the First Amendment to Contract for Professional Services with Interwest Consulting Group Inc., to extend the term for services to November 1, 2023; and,
- B. Approving the First Amendment to Contract for Professional Services with CSG Consultants Inc., to extend the term for services to November 1, 2023; and,

C. Approving the First Amendment to Contract for Professional Services with Bureau Veritas North American Inc., to extend the term for services to November 1, 2023; 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 above agreements.

This Consent Item was approved.

I.7.

SUBJECT: Authorization to Set a Public Hearing for November 21, 2022, for Introduction of Ordinances, and Future Adoption of the 2022 California Building and Fire Codes with Amendments, Thereto

REPORT IN BRIEF

Set a Public Hearing for November 21, 2022, for the purpose of introducing Ordinances, and the future adoption of the 2022 California Building and Fire Codes with Amendments, thereto.

RECOMMENDATION

City Council - Adopt a motion setting a Public Hearing on November 21, 2022, to consider introducing Ordinances and the future adoption of the 2022 California Building and Fire Codes with Amendments, thereto.

This Consent Item was approved.

I.8.

SUBJECT: Approval of Additional Contingency in the Amount of \$150,000 for Additional Work Including 750 Lineal Feet of Storm Drain Piping and 2,750 Lineal Feet of Water Main Piping for the G Street - Childs Ave to 13th Street, Project No. 117039

REPORT IN BRIEF

Considers approving an increase to the contingency in the amount of \$150,000 for City Project No. 117039 - G Street Improvements, Childs Ave to 13th Street for additional work including 750 lineal feet of storm drain piping and 2,750 lineal feet of water main piping. This will increase total contingency to \$403,137.10.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving change orders with Rolfe Construction up to a total contingency amount of \$403,137.10 including an increase in contingency of \$150,000; and,

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

This Consent Item was approved.

I.9.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of a 2014 Ford F-450 Truck in an Amount not to Exceed \$80,000 Utilizing GSA's Auto Auction; and Transferring from Fund 674-Fleet Replacement to the General Fund, Appropriating the Same Amount

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 for the purchase of an Emergency Fire Response Vehicle; authorizing the purchase of a 2014 Ford F-450 truck in an amount not to exceed \$80,000 utilizing GSA's Auto Auction; and approval of transferring from Fund 674-Fleet Replacement to the General Fund and appropriating the same amount.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement, permitted by Merced Municipal Code Section 3.04210; and,

B. Authorizing the Purchase of a 2014 Ford F-450 truck in an amount not to exceed \$80,000 utilizing GSA's Auto Auction; and,

C. Transferring up to \$80,000 from Fund 674-Fleet Replacement to the General Fund and appropriating the same to account 001-0901-523.43-00; and,

D. Authorizing the City Purchasing Supervisor to issue a Purchase Order for any transfer fees and California sales taxes; and,

E. Authorizing the City Manager or Deputy City Manager to execute any necessary contracts or documents, the Finance Officer to make the necessary budget adjustments, and the City Purchasing Supervisor to issue the Purchase Orders.

This Consent Item was approved.

I.10.

SUBJECT: Approval of Street Closure Request for East Main Street, West Main Street, Canal Street, and “O” Street Submitted by Refugio Llamas for the 2022 Veterans Day Parade on November 11, 2022 from 9:00 A.M. Until 5:00 P.M.

REPORT IN BRIEF

Considers allowing the use of City streets on November 11, 2022 for the Veteran’s Day Parade. The Street Closure Request includes East Main Street, West Main Street, Canal Street, and O Street.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the street closures of East Main Street, from “Calimyrna Avenue to G” Street; West Main Street, from “G” to Canal Streets; Canal Street from W. Main Street to West 18th Street; West 18th Street from Canal Street to “O” Street and “O” Street, from W. 18th Street to 20th Street as requested by Refugio Llamas, Merced County Veterans Services for the 2022 Veterans Day Parade on Friday, November 11, 2022.

This Consent Item was approved.

I.11.

SUBJECT: Approval of the Professional Services Agreement with the Kids Discovery Station for a not to Exceed Amount of \$200,000 for American Rescue Plan Act (ARPA) Non-Profit Support Funding

REPORT IN BRIEF

Considers the approval of the Professional Services Agreement with the Kids Discovery Station for a not to exceed amount of \$200,000 for ARPA Non-Profit Support Funding.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Professional Services Agreement with the Kids Discovery Station for an amount not to exceed \$200,000 for ARPA Non-Profit Support Funding; and,
- B. Authorizing the City Manager or the Deputy City Manager to execute

the necessary documents.

This Consent Item was approved.

I.12.

SUBJECT: Award of Bid to Microbiz Security, for a Physical Access Control System, in the Amount of \$87,800 and Authorize Future Contract Amendments and Expenditures, up to \$10,000, to Microbiz Security for the Expansion of the Physical Access Control System

REPORT IN BRIEF

Considers awarding a contract to Microbiz Security, in the amount of \$87,800 for a Physical Access Control System and Installation Services and Authorize Future Contract Amendments and Expenditures, up to \$10,000 to Microbiz Security for Expansion of the Physical Access Control System.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding a contract for a Physical Access Control System to Microbiz Security, in the amount of \$87,800; and,
- B. Authorizing the Finance Officer to make necessary budget adjustments; and,
- C. Authorizing additional contract amendments and expenditures, up to \$10,000, to Microbiz Security for expansion of the Physical Access Control System; and,
- D. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.13.

SUBJECT: Adoption of Resolution Authorizing the City Manager to Submit a Grant Application, and Grant Hardship Waiver, to CalOES as a Subrecipient, for Fiscal Year 2022 State and Local Cybersecurity Grant Program (DHS-22-137-000-01) to Fund Cybersecurity Enhancement with an Estimated Total Project Cost of \$150,000 with FEMA Providing 90% of the Project Cost and City Providing the 10% Local Match

REPORT IN BRIEF

Considers the adoption of a Resolution authorizing the submittal of a grant application, and grant hardship waiver, to CalOES as a subrecipient, for fiscal year 2022 State and Local Cybersecurity Grant Program (DHS-22-137-000-01) to fund cybersecurity enhancement with an estimated total project cost of \$150,000 with FEMA proving 90% of the project cost and the City providing the 10% local match.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2022-62**, a Resolution of the City Council of the City Merced, California, authorizing submittal of grant proposal for the 2022 state and local cybersecurity grant program; and,
- B. Authorizing the submittal of a grant hardship waiver to waive the 10% local match requirement; and,
- C. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.14.

SUBJECT: Approval of Third Amendment to the Agreement with Labworks, LLC, in the Additional Amount of \$3,000 and the Total not to Exceed the Contracted Amount of \$220,200, for Laboratory Field Application Software Support for the Laboratory Information Management System (LIMS) at the Wastewater Treatment Plant (WWTP) Water Quality Control Laboratory

REPORT IN BRIEF

Considers the approval of the third amendment to the agreement with Labworks, LLC, for an additional amount of \$3,000 and the total contracted amount not to exceed \$220,200, for laboratory field application software support for the LIMS program for the WWTP Water Quality Control Laboratory.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Third Amendment to the Professional Services Agreement with Labworks, LLC, for an amount not to exceed \$3,000 for

laboratory field application software support; and,

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

This Consent Item was approved.

I.16.

SUBJECT: Award Bid to Merced Chevrolet for the Purchase of One New Chevrolet Silverado Truck for the Parks Maintenance Department for a Total Cost not to Exceed \$50,425.80

REPORT IN BRIEF

Considers awarding the bid to Merced Chevrolet, for the purchase of one new Chevrolet Silverado truck as an acquisition for the Parks Maintenance Department.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to Merced Chevrolet for the supply of one new $\frac{3}{4}$ ton truck, for a total amount not to exceed \$50,425.80; and,

B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents, the City Buyer to issue the Purchase Order, and approval of change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

I.17.

SUBJECT: Approval to Waive the Competitive Bidding Requirements, Approval of a Supplemental Appropriation in the Amount of \$59,702 From the Fleet Capital Replacement Fund 674 for the Purchase of a Backhoe Loader and Brush Chipper, and Authorization for the Purchase of Three (3) Budgeted Equipment, Depending on Availability, Through Cooperative Purchasing Agreements with Sourcewell, Including One Backhoe Loader for \$199,449.38 From Holt of California and One Brush Chipper for \$95,733.34 from RDO Equipment Co.; and with Houston Galveston Area Council Buy (HGACBuy) for the Purchase of One Crackfilling Machine for \$78,824.06 from SealMaster

REPORT IN BRIEF

Considers waiving the competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase currently

budgeted and Council approved equipment through the government procurement programs Sourcewell and HGACBuy and appropriating an additional \$59,702 from the Fleet Capital Replacement Fund.

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 and Houston Galveston Area Council Buy (HGACBuy) government procurement programs; and,

B. Approving a supplemental appropriation in the amount of \$39,395 from the unreserved, unencumbered fund balance of Fund 674-Fleet Replacement Fund to account line 674-1103-633.63-00, project 244106 for the purchase of a backhoe loader for the Water Department; and,

C. Approving a supplemental appropriation in the amount of \$20,307 from the unreserved, unencumbered fund balance of Fund 674-Fleet Replacement Fund to account line 674-1103-633.63-00, project 244122 for the purchase of a brush chipper for the Tree Department; and,

D. Approving the purchase of one Caterpillar Backhoe Loader in the amount of \$199,449.38, from Holt of California, through Sourcewell contract # 032119-CAT; and,

E. Approving the purchase of one Vermeer Brush Chipper in the amount of \$95,733.34 from RDO Equipment Co. through Sourcewell contract # 031721-VRM; and,

F. Approving the purchase of one Crackfilling Machine in the amount of \$78,824.06 from SealMaster through the HGACBuy contract; and,

G. 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.

This Consent Item was approved.

I.5.

SUBJECT: Considers a Lease Agreement for McCombs Youth Center with Boys and Girls Club of Merced County to be Awarded the Lease for Afterschool Youth Programming for a One Year Term with an Option to Extend the Term for an Additional One Year Term Over the Next Two Years

REPORT IN BRIEF

The Boys and Girls Club of Merced County is requesting to enter a lease concerning the McCombs Youth Center with the City of Merced. The term of the lease will be for one year with an option to extend for an additional two years on a year-to-year basis. Lease terms also includes an annual stipend of \$34,999.92 for utilities, landscaping, janitorial or pest control.

RECOMMENDATION

City Council- Adopt a motion:

A. Approving the Lease Agreement with Boys and Girls Club of Merced County for afterschool youth programming at the McCombs Youth Center for a one year term with an option to extend the term for an additional one year term over the next two years; and,

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

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

Fernando AGUILERA, President of Merced Soccer Academy, ALBION Merced, Merced - requested more information on the application process to enter a Lease Agreement.

Council, Director of Parks and Community Services Christopher JENSEN, and City Manager Stephanie DIETZ discussed applicants to enter a Lease Agreement, the RFI proposed to Council for the Boys and Girls Club, and clarification of the application process.

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: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez

I.15.

SUBJECT: Award Bid to Razzari Ford for the Purchase of Seven New Interceptor Four Door Sport Utility Vehicles for the Police Department for a Total Cost not to Exceed \$364,642.32

REPORT IN BRIEF

Considers awarding the bid to Razzari Ford, for the purchase of seven new interceptor four door sport utility vehicles as scheduled replacements utilizing budgeted Measure C funding.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to Razzari Ford for the supply of seven new interceptor four door sport utility vehicles, for a total amount not to exceed \$364,642.32; and,

B. Authorizing the City Manager or the Deputy City manager to execute the necessary documents, the City Buyer to issue the Purchase Order(s), and approval of change orders not to exceed 10% of the total purchase price.

Mayor SERRATTO pulled this item due to the request of Council Member ORNELAS, Council Member ECHEVARRIA, and the public.

Gloria SANDOVAL, Merced - voiced her concerns on vehicle costs and the local businesses the City purchase the vehicles from.

Council and Public Works Operations Manager Wallace BROUGHTON discussed the vendors used to purchase vehicles, the price, and explained the bid process.

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: 4 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Shelton, and Council Member Boyle

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

Absent: 1 - Council Member Perez

J. REPORTS

J.1. **SUBJECT:** Merced County Sixth Cycle Multijurisdictional Housing Element

REPORT IN BRIEF

Introduction of the Merced County Sixth Cycle Multijurisdictional Housing Element.

RECOMMENDATION

Information Only.

Management Analyst Leah BROWN and Development Services Director Scott MCBRIDE gave a slide show presentation on the Multi Jurisdictional Housing Element approach.

Council, Mr. MCBRIDE, and City Manager Stephanie DIETZ discussed the funding commitment of this project, timeline and process, public outreach, the affordable housing issues rising during Council, services to assist housing issues in Merced, options to house the chronically unhoused quicker, and projects coming to Merced.

Sheng XIONG, Leadership Council, Merced - spoke on participation efforts, public outreach, lack of access to resources in South Merced, and renters assistance.

Clerk's Note: No formal vote was taken, agenda item was for information only.

K. BUSINESS

K.1. **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.

Mayor SERRATTO and City Manager Stephanie DIETZ discussed bringing all pending Capital Improvement projects and adding them to the AB1600 report.

K.2. **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.

There were no Council comments.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 7:32 PM.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez