



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, July 3, 2023

6:00 PM

A. CLOSED SESSION ROLL CALL

Clerk's Note: Council Member XIONG arrived to Closed Session at 5:08 PM.

Present: 6 - Mayor Matthew Serratto, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Mayor Pro Tempore Bertha Perez

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:04 PM.

B.1. **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; AUTHORITY: Government Code 54957

B.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4): one (1) Potential Case

Clerk's Note: Council adjourned from Closed Session at 6:00 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:04 PM.

C.1. Invocation - Ella Luna-Garza, United Methodist Church, Merced

The Invocation was delivered by Ella LUNA-GARZA of the United Methodist Church, Merced.

C.2. Pledge of Allegiance to the Flag

Mayor SERRATTO led the Pledge of Allegiance to the Flag.

D. ROLL CALL

- Present:** 6 - Mayor Matthew Serratto, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong
- Absent:** 1 - Mayor Pro Tempore 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.

Clerk's Note: Mayor SERRATTO presented a request to make an addition to the Agenda to add Item J.3., which would consider the adoption of Resolution authorizing the Submittal of a Grant Application to the Board of State and Community Corrections (BSCC) to Fund the Organized Retail Theft Prevention Grant Program.

City Manager Stephanie DIETZ stated, "At approximately 4:35 PM, I was notified along with PD and IT that Merced County was choosing not to move forward with the Organized Retail Theft Prevention Grant Program. As they were lead agency and had already obtained the Resolution authorizing the application, we were left with the decision to determine whether or not the City would file for this Grant independent. Meeting with your team today, we have determined to path forward to make application, however we do require said Resolution authorizing that application, and that is why this request is before your City Council with this sense of Urgency."

Interim City Attorney Brian DOYLE stated, " I just wanted to clarify that was 4:35 PM on Friday which was after the official agenda was posted for the Regular Meeting tonight and there is a provision in the Brown Act on Government Code Section 94954.2, specifically section (b), which allows for the adding of an item to the Agenda when there's an immediate need to consider the item based upon circumstances that arose after the original Agenda was posted and that's the circumstances we have here. So the way you would do this, is first you would have a vote, which requires two-thirds of the members present, we have six members present tonight, so that would be a vote of four of you, with first half of the vote, whether or not you want to add that agenda, make the finding that there is an immediate need because there wouldn't be enough time left to file the application unless you get the authorization tonight..."

Clerk's Note: Interim City Attorney Brian DOYLE informed the Clerk's Office after the Regular Meeting that the correct Government Code Section No is 54954.2, section (b) (2).

Mayor SERRATO asked, "Is it two-thirds present or two-thirds of the total..."

Mr. DOYLE stated, "It is two-thirds present, so you will need four votes to add it to the agenda and once its added to the agenda, you can consider it at any point on the agenda. The Mayor is suggesting that it be Item J.3., which is the third item of Business tonight. Then you would have a separate vote on whether or not you will authorize the City Manager. The vote being asked for right now is whether or not to add it to the agenda tonight."

Mayor SERRATTO asked, "And with the ultimate vote, if its added to the agenda, require anything special or just a simple majority?"

Mr. DOYLE stated, "Simple majority."

Mayor SERRATTO asked, "You mentioned that there was an immediate need and had to me time sensitive, is there any facts that would support that?"

Mrs. DIETZ stated, "Had the City received notice prior to Friday, we could have amended our agenda. The deadline for this grant is this Friday, we would have to hold a Special Meeting in the week of a holiday, in order to add that Special Meeting and put that before you with the regular agenda. So this provision that is allowed here has been presented by the City Attorney and we stand ready to get your direction this evening."

Mayor SERRATTO, "So one, this is an agenda item we already addressed we did some partnership with the County Probation Department. Two, we received information after the agenda was posted that they no longer wanted to participate. And three, the grant deadline is looming us this week. Alright, any request to speak on the part of the Council or a motion?"

Council and Mrs. DIETZ discussed Merced County's decision to pull from this Grant and withheld further discussion until item was heard.

A motion was made by Council Member Smith, seconded by Council Member Boyle, to set this item as J.3. on the Agenda. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Council Member Boyle, Council Member DeAnda, and Council Member Smith

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

Absent: 1 - Mayor Pro Tempore Perez

E. REPORT OUT OF CLOSED SESSION

City Attorney Brian DOYLE stated that during Closed Session, Council voted six (6) Yes to zero (0) no votes, to authorize the City to file a claim against the State of California to recover the City of Merced's damages for the January floods.

F. SPECIAL PRESENTATIONS

F.1. **SUBJECT:** Presentation from the Merced County Association of Governments (MCAG) Providing an Update to Council

REPORT IN BRIEF

A presentation will be given from the Merced County Association of Governments (MCAG) providing an update to Council.

Executive Director Stacie GUZMAN of the Merced County Association of Governments gave a slideshow presentation on the 2023 Annual Report for Measure V.

Council and Ms. GUZMAN discussed the timeline of Measure V, revenue and funding, further projects, fund allocation for transit, and the Freeway 99 and surrounding locations projects.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: There were no emails received.

H. ORAL COMMUNICATIONS

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

Julie BOSTDORF, Merced - spoke in opposition to K.1. and K.3.

Madeline HARRIS, Leadership Council, Merced - spoke on Measure V funds being allocated to road expansion projects and encouraged Council to redirect funds to public transit.

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

Rick WENDLING, Merced - spoke on the United States National Debt.

Cindy KELLY, Board Member of SPCA, Merced - spoke on food being left out for feral cats and discouraged public from feeding feral colonies.

I. CONSENT CALENDAR

Items I.8. Award of Bid and Authorization to Purchase Public Safety Vehicle Parts in an Amount not to Exceed \$154,316.05 with Stommel Inc., dba Lehr Auto Electric, I.25. Approval of the Animal Control Contract with the County of Merced to Provide Housing, Handling, Securing, Transfer and Disposition of Dogs and Cats Captured by Ordinance or Code and Delivered by the City's Designated Animal Control Provider and the Approval of a Supplemental Appropriation in the Amount of \$260,000 from the Unreserved, Unencumbered General Fund Balance to Support the Established Trap Neuter Return Program; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore 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 Contracts for the Month of June 2023

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$36,000 and of Public Works contracts under \$82,718.

This Consent Item was approved.

- I.3. **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of December 19, 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 December 19, 2022.

This Consent Item was approved.

- I.4. **SUBJECT:** Approval of a Retainer Agreement with Marderosian and Cohen to Provide Specialized Legal Services

REPORT IN BRIEF

Considers approving a Retainer Agreement with Marderosian and Cohen to represent the City in seeking recovery of any and all monetary damages suffered, past present and future as a result of the January 2023 flooding events emanating from Bear Creek and other related creeks, rivers, channels and flood control and irrigation facilities located in Merced County, California.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Retainer Agreement with Marderosian & Cohen to provide specialized legal services; and,

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

This Consent Item was approved.

- I.5. **SUBJECT:** Adoption of City of Merced Resolution 2023-57 A Resolution of City Council of the City of Merced Electing to Serve as the Successor Agency to the Redevelopment Agency of the City of Merced

REPORT IN BRIEF

The former Merced Redevelopment Agency was dissolved effective in

February 2012 with legislation passed in 2011. The City opted not to be a Successor Agency, and the State formed a Designated Local Authority to close out the business of the former Redevelopment Agency. After nearly 10 years, the Designated Local Authority members desire to transition the closeout to the City of Merced as the Successor Agency.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2023-57**, a Resolution of the City Council of the City of Merced Electing to Serve as the Successor Agency to the Redevelopment Agency of the City of Merced, Pursuant to Health and Safety Code Section 34171(j) and Section 34173.

This Consent Item was approved.

I.6.

SUBJECT: Approval of a First Amendment to Professional Services Agreement with Eide Bailly LLP for Financial Auditing and Related Services for an Additional \$14,000 for a Total not to Exceed Amount of \$218,850

REPORT IN BRIEF

Considers approving a First Amendment to the Agreement with Eide Bailly LLP for Professional Auditing and Related Services for an additional \$14,000 and a total not to Exceed the Amount of \$218,850.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment with Eide Bailly LLP for Professional Auditing and Related Services for an additional \$14,000 and a total not to Exceed Amount of \$218,850; and,

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

This Consent Item was approved.

I.7.

SUBJECT: Approving the 2023-2024 Master Tow Service Agreement

REPORT IN BRIEF

Considers approving the 2023-2024 Merced Police Department Tow

Service Agreement that will go into effect July 1, 2023 and expire June 30, 2024.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the 2023-2024 Master Tow Service Agreement; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.9.

SUBJECT: Approval of Agreement for Use of City Right-of-Way with ATHOULA GROUP, LLC for a Grease Interceptor, Including Necessary Plumbing in the Alley Behind 443 W. 18th Street

REPORT IN BRIEF

Considers approving the agreement for use of City right-of-way with ATHOULA GROUP, LLC for a Grease Interceptor, including necessary plumbing in the alley behind 443 W. 18th Street.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the agreement for use of City right-of-way with ATHOULA GROUP, LLC; and,
- B. Authorizing the City Manager or designee to execute the necessary documents.

This Consent Item was approved.

I.10.

SUBJECT: Approval of Additional Contingency in the Amount of \$32,529.76 for Additional Work Which is Reflected in Change Order No. 5 (Final) Associated with Project No. CP190042 - (CMAQ) John Muir Sidewalks

REPORT IN BRIEF

Considers approving an increase to the contingency in the amount of \$32,529.76 for additional work, credits, and quantity adjustments for Project No. CP190042 - (CMAQ) John Muir Sidewalks.

RECOMMENDATION

City Council - Adopt a motion:

A. Increasing the contingency to 12% of the original contract amount and approving Change Order No. 5 (Final) for Project CP190042- (CMAQ) John Muir Sidewalks, with Avison Construction, Inc., in the amount of \$ 41,029.81; and,

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

This Consent Item was approved.

I.11.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of a Restroom and a Concession/Restroom Building for Project CP220061 - Community Park 42 (CP-42) with CXT Precast Concrete Products in the Amount of \$628,570.40 Through Sourcewell Cooperative Purchasing Process

REPORT IN BRIEF

Considers approving to waive of the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the purchase a restroom and a concession/restroom for Community Park 42.

RECOMMENDATION

City Council - Adopt a motion:

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

B. Approving the purchase of a 11'x 26' Dakota Restroom in the amount of \$172,062.80 through Sourcewell contract # 081721-CXT; and,

C. Approving the purchase of a custom Santiago concession/restroom building in the amount of \$465,507.60 through Sourcewell contract # 081721-CXT; and,

D. Authorizing the Finance Officer to make the appropriate budget

adjustment for the purchase and approval of any additional change orders and/or price adjustments not to exceed 10% of the purchase price; and,

E. Authorizing the City Manager or Deputy City Manager to execute any necessary documents as required to purchase the above-described buildings.

This Consent Item was approved.

I.12.

SUBJECT: Approval to Waive the Competitive Bid Process to Allow for the Cooperative Purchase Under State of California Cooperative Agreement 1-22-70-31C (PC Goods - Dell Laptops) and State of California Cooperative Agreement 1-19-70-19D-1 (Dell/EMC Products - Enterprise Technology) with PC Specialists Inc., dba Technology Integration Group (TIG), in a not to Exceed Amount of \$120,000 in Fiscal Year 2023/2024

REPORT IN BRIEF

Considers approving to waive the competitive bid process to allow for the cooperative purchase under State of California Cooperative Agreement 1-22-70-31C (PC Goods - Dell Laptops) and State of California Cooperative Agreement 1-19-70-19D-1 (Dell/EMC Products - Enterprise Technology) with PC Specialists Inc., dba Technology Integration Group (TIG).in a not to Exceed Amount of \$120,000 in Fiscal Year 2023/2024.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to piggybacking; and,

B. Authorizing the use of State of California Cooperative Agreement 1-22-70-31C (PC Goods - Dell Laptops); and,

C. Authorizing the use of State of California Cooperative Agreement 1-19-70-19D1-1 (Dell/EMC Products - Enterprise Technology); and,

D. Authorizing the City Manager or designee to execute the necessary documents; and,

E. Authorizing the purchase of up to \$120,000 of goods through PC Specialists Inc., dba Technology Integration Group (TIG).

This Consent Item was approved.

I.13.

SUBJECT: Approval to Waive the Competitive Bid Process to Allow for the Cooperative Purchase Under State of California Cooperative Agreement 1-22-70-31A (Dell Desktop Computers, Dell Thin Desktops, Dell Thin Laptops, and Dell Rugged Laptops) with Granite Data Solutions in a not to Exceed Amount of \$300,000 in Fiscal Year 2023/2024

REPORT IN BRIEF

Considers approving to waive the competitive bid process to allow for the cooperative purchase under State of California Cooperative Agreement 1-22-70-31A (Dell Desktop Computers, Dell Thin Desktops, Dell Thin Laptops, and Dell Rugged Laptops) with Granite Data Solutions in a not to Exceed Amount of \$300,000 in Fiscal Year 2023/2024

RECOMMENDATION

City Council - Adopt a motion:

A. Approving to waive the competitive bidding requirements due to cooperative purchasing as stated in Section 3.04.210 of the Merced Municipal Code; and,

B. Authorizing the use of State of California Cooperative Agreement 1-22-70-31A (Dell Desktop Computers, Dell Thin Desktops, Dell Thin Laptops, and Dell Rugged Laptops); and,

C. Authorizing the City Manager or designee to execute the necessary documents; and,

D. Authorizing the purchase of up to \$300,000 of goods through Granite Data Solutions.

This Consent Item was approved.

I.14.

SUBJECT: Approval to Waive the Competitive Bid Process to Allow for the Cooperative Purchase with Competitively Bid Contracts; (State of California Cooperative Agreement 1-22-70-37 (PC Goods

- Panasonic Rugged Laptops); State of California Cooperative Agreement 1-22-70-08H (Rugged Tablets/Rugged 2-in-1 Devices,Panasonic); State of California Cooperative Agreement 1-19-70-19H-3 (Enterprise Technology(Data Center Equipment) Hewlett Packard Enterprise (HPE)OEM); Monterey County Office of Education CALSAVE #530067; State of Utah Cooperative Online Marketplace Contract MA3458; Sourcewell Contract #081419; NASPO ValuePoint Software Value-Added Reseller ADSP016-130652) with CDW-G in a not to Exceed Amount of \$500,000 in Fiscal Year 2023/2024

REPORT IN BRIEF

Considers approving to waive the competitive bid process to allow for the cooperative purchase with competitively bid contracts; (State of California Cooperative Agreement 1-22-70-37 (PC Goods - Panasonic Rugged Laptops); State of California Cooperative Agreement 1-22-70-08H (Rugged Tablets/Rugged 2-in-1 Devices,Panasonic); State of California Cooperative Agreement 1-19-70-19H-3 (Enterprise Technology(Data Center Equipment) Hewlett Packard Enterprise (HPE) OEM); Monterey County Office of Education CALSAVE #530067; State of Utah Cooperative Online Marketplace Contract MA3458; Sourcewell Contract #081419; NASPO ValuePoint Software Value-Added Reseller ADSP016-130652) with CDW-G in a not to exceed amount of \$500,000 in Fiscal Year 2023/2024.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to piggybacking; and,
- B. State of California Cooperative Agreement 1-22-70-37 (PC Goods - Panasonic Rugged Laptops); and,
- C. State of California Cooperative Agreement 1-22-70-08H (Rugged Tablets/Rugged 2-in-1 Devices,Panasonic); and,
- D. State of California Cooperative Agreement 1-19-70-19H-3 (Enterprise Technology(Data Center Equipment) Hewlett Packard Enterprise (HPE) OEM); and,

- E. Monterey County Office of Education CALSAVE #530067; and,
- F. State of Utah Cooperative Online Marketplace Contract MA3458;
and,
- G. Sourcewell Contract #081419; and,
- H. NASPO ValuePoint Software Value-Added Reseller
ADSP016-130652; and,
- I. Authorizing the City Manager or designee to execute the necessary
documents; and,
- J. Authorizing the Finance Officer to make necessary budget
adjustments; and,
- K. Authorizing the purchase of \$500,000 of goods through CDW-G.

This Consent Item was approved.

I.15.

SUBJECT: Approval to Waive the Competitive Bid Process to Allow
for the Cooperative Purchase with Competitively Bid Contract;
County of Merced 2021 AMS FOCUS Agreement 2021092 051821
with AMS.net in a not to Exceed Amount of \$300,000 in Fiscal Year
2023/2024

REPORT IN BRIEF

Considers approving to waive the competitive bid process to allow for the cooperative purchase with competitively bid contract; 2021 AMS FOCUS Agreement 2021092 051821 with AMS.net in a not to exceed amount of \$300,000 in Fiscal Year 2023/2024.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to piggybacking; and,
- B. Authorizing the use of 2021 AMS FOCUS Agreement 2021092 051821; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the

necessary documents; and,

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

E. Authorizing the purchase of goods through AMS.net in the amount not to exceed \$300,000 for Fiscal Year 2023-24.

This Consent Item was approved.

I.16.

SUBJECT: Approval to Waive the Competitive Bid Process to Allow for the Cooperative Purchase Under State of California Cooperative Agreement 1-19-70-19B-2 (Data Center Equipment CISCO - OEM) and State of California Cooperative Agreement 1-19-70-19C-1 (Data Center Equipment Commvault - OEM) with Presidio Networked Solutions Group, LLC in a not to Exceed Amount of \$100,000 in Fiscal Year 2023/2024

REPORT IN BRIEF

Considers approving to waive the competitive bid process to allow for the cooperative purchase under State of California Cooperative Agreement 1-19-70-19B-2 (Data Center Equipment CISCO - OEM) and State of California Cooperative Agreement 1-19-70-19C-1 (Data Center Equipment Commvault - OEM) with Presidio Networked Solutions Group, LLC in a not to Exceed Amount of \$100,000 in Fiscal Year 2023/2024.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to piggybacking; and,

B. Authorizing the use of State of California Cooperative Agreement 1-19-70-19B-2 (Data Center Equipment CISCO - OEM); and,

C. Authorizing the use of State of California Cooperative Agreement 1-19-70-19C-1 (Data Center Equipment Commvault - OEM); and,

D. Authorizing the City Manager or designee to execute the necessary documents; and,

E. Authorizing the purchase of up to \$100,000 of goods through Presidio Networked Solutions Group, LLC.

This Consent Item was approved.

I.17.

SUBJECT: Approval to Waive the Competitive Bid Process to Allow for the Cooperative Purchase Under State of California Cooperative Agreement 1-19-70-19D-2 (Data Center Equipment) Dell/EMC - OEM with Ahead, Inc. dba Kovarus, Inc. in a not to Exceed Amount of \$100,000 in Fiscal Year 2023/2024

REPORT IN BRIEF

Considers approving to waive the competitive bid process to allow for the cooperative purchase under State of California Cooperative Agreement 1-19-70-19D-2 (Data Center Equipment) Dell/EMC - OEM with Ahead, Inc. dba Kovarus, Inc. in a not to Exceed Amount of \$100,000 in Fiscal Year 2023/2024.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to piggybacking; and,

B. Authorizing the use of State of California Cooperative Agreement 1-19-70-19D-2 (Data Center Equipment) Dell/EMC - OEM; and,

C. Authorizing the City Manager or designee to execute the necessary documents; and,

D. Authorizing the purchase of up to \$100,000 of goods through Ahead, Inc. dba Kovarus, Inc.

This Consent Item was approved.

I.18.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approval of Two Separate Agreements for Professional Services with PrivITation Consulting Corp. for Maintenance of Heating and Air Conditioning Equipment at City Hall and the Police Central Station in the Amount of \$18,972 and at the Wastewater Treatment Plant in the Amount of \$27,132, for the Contract Term Ending June 30, 2024

REPORT IN BRIEF

Considers approving to waive the City's competitive bidding requirements and approving two separate Agreements for Professional Services with PrivITation Consulting Corp. for maintenance of heating and air conditioning systems at the Civic Center, Police Central Station, and the Wastewater Treatment Plant.

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 professional services; and,

B. Approving the Agreement for Professional Services with PrivITation Consulting Corp, in the amount not to exceed \$18,972 for maintenance of the heating and air conditioning systems at City Hall and the Police Central Station; and,

C. Approving the Agreement for Professional Services with PrivITation Consulting Corp, in the amount not to exceed \$27,132 for maintenance of the heating and air conditioning systems at the Wastewater Treatment Plant; and,

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

This Consent Item was approved.

I.19.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approve the Purchase of Parts, Equipment, and Supplies as Necessary for Public Works Maintenance and Operations through June 30, 2024

REPORT IN BRIEF

Considers approving to waive the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the purchase of various parts, equipment, and supplies for Public Works maintenance and operations for Fiscal Year 2023/2024.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.4.210 for annual supplies and services; and,
- B. Approving the purchase up to \$90,000 with All-Phase Electric Supply through June 30, 2024; and,
- C. Approving the purchase up to \$300,000 with Badger Meter through June 30, 2024; and,
- D. Approving the purchase up to \$115,000 with Brisco Enterprises through June 30, 2024; and,
- E. Approving the purchase up to \$75,000 with Central Valley Trucking through June 30, 2024; and,
- F. Approving the purchase up to \$50,000 with Evantec Supply through June 30, 2024; and,
- G. Approving the purchase up to \$100,000 with Ewing Irrigation through June 30, 2024; and,
- H. Approving the purchase up to \$100,000 with Ferguson through June 30, 2024; and,
- I. Approving the purchase up to \$50,000 with Fisher Scientific through June 30, 2024; and,
- J. Approving the purchase up to \$75,000 with Flottweg Separation Technology through June 30, 2024; and,
- K. Approving the purchase up to \$150,000 with Golden State Emergency Vehicle through June 30, 2024; and,
- L. Approving the purchase up to \$125,000 with GP Norton through June 30, 2024; and,
- M. Approving the purchase up to \$50,000 with Grainger through June 30, 2024; and,
- N. Approving the purchase up to \$150,000 with Hach Company through June 30, 2024; and,

- O. Approving the purchase up to \$115,000 with Horizon Distributors through June 30, 2024; and,
- P. Approving the purchase up to \$150,000 with International Coatings through June 30, 2024; and,
- Q. Approving the purchase up to \$150,000 with Interstate Truck Center through June 30, 2024; and,
- R. Approving the purchase up to \$200,000 with Jam Services through June 30, 2024; and,
- S. Approving the purchase up to \$150,000 with Kellogg's Supply through June 30, 2024; and,
- T. Approving the purchase up to \$75,000 with Martin Marietta Materials through June 30, 2024; and,
- U. Approving the purchase up to \$110,000 with McLaughlin Waste Equipment through June 30, 2024; and,
- V. Approving the purchase up to \$150,000 with Merced Truck and Trailer through June 30, 2024; and,
- W. Approving the purchase up to \$150,000 with Modesto Industrial Electrical Company through June 30, 2024; and,
- X. Approving purchases up to \$100,000 with Nick's Auto Electric dba Carquest of Merced through June 30, 2024; and,
- Y. Approving purchases up to \$60,000 with O'Reilly Auto Parts through June 30, 2024; and,
- Z. Approving the purchase up to \$115,000 with Platt Electric Supply through June 30, 2024; and,
- AA. Approving the purchase up to \$125,000 with Razzari Dodge through June 30, 2024; and,
- AB. Approving the purchase up to \$100,000 with Ron Smith Buick through June 30, 2024; and,
- AC. Approving the purchase up to \$125,000 with Ruckstell CA Sales

through June 30, 2024; and,

AD. Approving purchases up to \$200,000 with Schoettler Tire through June 30, 2024; and,

AE. Approving purchases up to \$300,000 with Southern Tire Mart through June 30, 2024; and,

AF. Approving the purchase up to \$110,000 with Stockton Tri through June 30, 2024; and,

AG. Approving the purchase up to \$100,000 with Target Specialty Products through June 30, 2024; and,

AH. Approving the purchase up to \$85,000 with Tesco through June 30, 2024; and,

AI. Approving the purchase up to \$300,000 with Trojan Technologies Group through June 30, 2024; and,

AJ. Approving the purchase up to \$115,000 with USA Bluebook through June 30, 2024; and,

AK. Approving the purchase up to \$115,000 with Western Systems through June 30, 2024; and,

AL. Approving the purchase up to \$85,000 with Wilbur-Ellis Company through June 30, 2024; and,

AM. Authorizing the City buyer to issue the purchase orders.

This Consent Item was approved.

I.20.

SUBJECT: Approval of Two Agreements for Professional Services with Provost and Pritchard Engineering Group, Incorporated, for the PCE Groundwater Project No. CP240022, in an Amount of \$275,000

REPORT IN BRIEF

Considers approving two separate agreements for environmental remediation services for the PCE Groundwater Project.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Agreement for Professional Services (cleanup contract) with Provost and Pritchard Engineering Group, Incorporated, in the amount of \$240,000 for PCE groundwater cleanup; and,
- B. Approving the Agreement for Professional Services (reporting contract) with Provost and Pritchard Engineering Group, Incorporated, in the amount of \$35,000 for report drafting; and,
- C. Authorizing the City Manager or Deputy City Manager to execute necessary documents.

This Consent Item was approved.

I.21.

SUBJECT: Authorization to Apply for Federal Emergency Management Agency Funds, Through the California Office of Emergency Services, for Wastewater Treatment Facility Seismic Improvements, Project GR230015

REPORT IN BRIEF

Considers authorizing an application to the California Office of Emergency Services, Hazard Mitigation Grant Program, for wastewater treatment facility seismic improvements funds.

RECOMMENDATION

City Council - Adopt a motion:

- A. Authorizing staff to apply for Wastewater Treatment Facility Seismic Improvements, Project GR230015, funding through the California Office of Emergency Services, Hazard Mitigation Grant Program, in an amount of \$29,846,500; and,
- B. Adopting **Resolution 2023-56**, A Resolution of the City Council of the City of Merced, California, authorizing the filing of a Hazard Mitigation Assistance Application with the California Office of Emergency Services for seismic upgrades to the Wastewater Treatment Facility, authorizing the maximum amount of any Financing Agreement, designating a source of revenue to pay any Financing Agreement, and designating the City Manager as the Authorized Representative to execute necessary documents; and,
- C. Approving an agreement for professional services with Stantec Consulting Services, Inc., in the not to exceed amount of \$72,500; and,

D. Authorizing the City Manager or Deputy City Manager to execute any other necessary documents.

This Consent Item was approved.

I.22.

SUBJECT: Approval of Third Amendment for Elevator Maintenance Services with TK Elevator Corporation in the Amount of \$23,724 for the July 1, 2023 to June 30, 2024 Contract Term

REPORT IN BRIEF

Considers approving a third amendment for elevator maintenance services with TK Elevator Corporation in the amount of \$23,724 for the 23/24 Fiscal Year.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Third Amendment with TK Elevator Corporation for Elevator Maintenance Services for an annual not-to-exceed amount of \$23,724; and,

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

This Consent Item was approved.

I.23.

SUBJECT: Award Bid to SNF Polydyne for the Supply and Delivery of Cationic Polymer Emulsion for the Wastewater Treatment Plant in the Annual Amount not to Exceed \$700,000 for Fiscal Year 2023-2024 and Fiscal Year 2024-2025, for a Total Amount Not to Exceed \$1,400,000 Through June 30, 2025

REPORT IN BRIEF

Considers awarding the bid to SNF Polydyne for the supply and delivery of cationic polymer emulsion for use at the City's Wastewater Treatment Plant.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to SNF Polydyne for the supply and delivery of cationic polymer emulsion in the annual not to exceed amount of

\$700,000 for Fiscal Years 2023/2024 and 2024/2025; and,

B. Authorizing the Purchasing Supervisor to issue the purchase order(s).

This Consent Item was approved.

I.24.

SUBJECT: Approval of a Second Amendment to Agreement for Supplies and Services with Univar Solutions USA, Inc., in the Amount of \$150,000 for the Supply and Delivery of Sodium Fluoride for the Contract Period Ending June 30, 2024

REPORT IN BRIEF

Considers approving a second amendment with Univar Solutions USA, Inc., in the amount of \$150,000 for the supply and delivery of sodium fluoride through June 30, 2024.

RECOMMENDATION

City Council - Adopt a motion

A. Approving a Second Amendment to Agreement for Supplies and Services with Univar Solutions USA, Inc., for the purchase of sodium fluoride in the amount not to exceed \$150,000 for the contract term ending June 30, 2024; and,

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

This Consent Item was approved.

I.8.

SUBJECT: Award of Bid and Authorization to Purchase Public Safety Vehicle Parts in an Amount not to Exceed \$154,316.05 with Stommel Inc., dba Lehr Auto Electric

REPORT IN BRIEF

Considers awarding the bid and authorizing for the purchase of Public Safety vehicle parts in order to outfit up to ten (10) Police patrol vehicle SUVs, up to two (2) Police trucks and up to ten (10) unmarked sedans or vehicle not to exceed the amount of \$154,316.05 with Stommel, Inc., dba Lehr Auto Electric.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the supply of the requested Public Safety vehicle parts to Stommel Inc., dba Lehr Auto Electric; and,

B. Approving purchases of Public Safety vehicle parts in an amount not to exceed \$154,316.05 from Stommel Inc., dba Lehr Auto Electric; and,

C. Authorizing the City Manager or designee to execute any necessary documents and issue purchase orders within the approved amounts.

Mayor SERRATTO pulled this item at the request of Council Member XIONG.

Council Member XIONG requested to vote on the item separately.

Council discussed the authorization to purchase and clarified the parts being purchased.

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

Aye: 4 - Mayor Serratto, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Mayor Pro Tempore Perez

Abstain: 1 - Council Member Ornelas

I.25.

SUBJECT: Approval of the Animal Control Contract with the County of Merced to Provide Housing, Handling, Securing, Transfer and Disposition of Dogs and Cats Captured by Ordinance or Code and Delivered by the City's Designated Animal Control Provider and the Approval of a Supplemental Appropriation in the Amount of \$260,000 from the Unreserved, Unencumbered General Fund Balance to Support the Established Trap Neuter Return Program

REPORT IN BRIEF

Considers approving an agreement with the County of Merced to provide services for the housing and handling of animals impounded at the Merced County Animal Shelter.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a contract with the County of Merced to provide services for the housing and handling of animals impounded at the Merced County Animal Control Shelter; and,

B. Approving a Supplemental Appropriation in the amount of \$260,000 from the unreserved, unencumbered General Fund balance; and,

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

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

Mayor SERRATTO pulled this item at the request of Council Member XIONG and resident Cindy KELLY.

City Manager Stephanie DIETZ briefly stated that this agreement was the Annual Services Contract with the Sheriff's Department.

Council and Mrs. DIETZ discussed the scope of the Agreement, budget and cost break-down, and the Trap, Neuter, Release Program.

Cindy KELLY, on Behalf of the SPCA, Merced - spoke on animal dumping and asked Council to amend Agreement that was presented.

Council and Mrs. DIETZ discussed the priority between Animal Control and Human Services, the Trap Neuter Release Program improving the quality of life in the City, the success rate of feral colonies in Merced County, the history of this Program with the Sheriff's Department, and being proactive on this issue.

A motion was made by Council Member Smith, seconded by Council Member Boyle, that this agenda item be approved as presented. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Mayor Pro Tempore Perez

J. BUSINESS

J.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.

Clerk's Note: No future items were added.

J.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.

Council Member SMITH gave a shoutout to the Fire Department, Police Department, City Attorney, and City Manager on finding a solution for a house that had severely overgrown weeds.

Clerk's Note: Agenda Item J.3. Adoption of Resolution Authorizing the Submittal of a Grant Application to the Board of State and Community Corrections (BSCC) to Fund the Organized Retail Theft Prevention Grant Program

City Manager Stephanie DIETZ described the Organized Retail Theft Prevention Grant Program.

Council, Mrs. DIETZ, and Interim City Attorney Brian DOYLE discussed outreach to local businesses, location of cameras, funding for dispatchers, community outreach, roles and duties of the crime analysts and dispatchers, reducing sending a patrol vehicle, the implementation of other cities and municipalities, detail on the funds of the grant, the possibility of our citizens being criminalize, the training process of dispatchers, the original Grant involving BHRS and HSA, video surveillance with criminal activity, and the Public Records Request process of the cameras.

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

Aye: 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Mayor Pro Tempore Perez

K. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:04 PM.

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

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez