



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 1, 2024

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 0

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:03 PM.

Clerk's Note: Council Member BOYLE arrived to Closed Session at 5:04 PM, Mayor Pro Tempore PEREZ arrived to Closed Session at 5:05 PM, and Council Member XIONG arrived to Closed Session at 5:06 PM.

B.1.

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Legal Representative Michael Jarvis; Employee Organizations: Merced Police Officers' Association (MPOA) and Merced Association of Police Sergeants (MAPS). AUTHORITY: Government Code Section 54957.6

B.2.

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Legal Representative Michael Jarvis; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57 and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6

B.3.

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human

Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Legal Representative Michael Jarvis; Unrepresented Management AUTHORITY: Government Code Section 54957.6

B.4.

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

Clerk's Note: Council adjourned from Closed Session at 5:54 PM.

C. CALL TO ORDER

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

C.1. Invocation - Debbie Croft, Alpha Pregnancy Health Center

The Invocation was delivered by Debbie CROFT of the Alpha Pregnancy Health Center.

C.2. Pledge of Allegiance to the Flag

Aggie FREEMAN of the Merced Sunrise Rotary Club and Veterans in the audience led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

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, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency. City Council members receive a monthly stipend of \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency receive no compensation.

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

F.1. **SUBJECT: Recognition to Merced Sunrise Rotary for "The Wall That Heals" Event**

REPORT IN BRIEF

Accepted by the Merced Sunrise Rotary Club.

Mayor SERRATTO recognized representatives of the Merced Sunrise Rotary Club for "The Wall That Heals" event.

G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Oral Communications: Steven DONAHUE.

Agenda Item I.3.: Steven DONAHUE.

H. ORAL COMMUNICATIONS

Japjeet SINGH, Merced - reserved his comments for Agenda Item I.3.

Bryant RODRIGUEZ, Merced - spoke in opposition of the AT&T cell phone tower at the Planning Commission meeting.

Jason VERRINDER, Merced - spoke in opposition of the proposed cell tower and shared discussions held with the church in the area.

Christan SANTOS, Representative for John DUARTE, Merced - congratulated Clarissa SALAS for winning the 2024 Congressional Art Competition and shared details of updates from Washington D.C.

Gloria SANDOVAL, Merced - asked for clarification to waive the competitive bidding process.

Mayor SERRATTO suggested to Mrs. SANDOVAL to speak with the Finance Officer.

Ilias BENOMAS, Merced - spoke in opposition of the Conditional Use Permit regarding the cell tower and the lack of engagement.

Mayor SERRATTO explained the process for the Conditional Use Permit regarding the cell tower.

Susie PUENTE, Youth Leadership Institute, Merced - introduced members

of the Youth United to Council and shared details of the Youth United.

I. CONSENT CALENDAR

Agenda Items I.3. Adoption of Resolution Repealing Resolution 2018-78, to Re-adopt a Values Statements, and Update the Ethics and Code of Conduct for City Meetings, Adopting Rules of Order and Procedure for the Conduct of City Meetings, I.6. 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, 2025, I.8. Adoption of a Resolution Approving Street Name Change #24-01 for Stonefield Home, Inc., and Baxter Ranches, LLC, to Rename Catherine A. Hostetler Boulevard to Jema Way, from Bellevue Road to M Street, I.9. Award Bid to Thunderbird Maintenance, Inc. for Graffiti Abatement for a Period of Three Years, in the Amount of \$752,892.66 with the Option to Renew for Two Additional One-Year Periods, for the Cumulative Total Amount of \$1,319,653.38, I.14. Approval of Additional Contingency in the Amount of \$4,446.70 for Additional Work Which is Reflected in the Final Change Order with Redstone Construction, Inc., for the (CMAQ) Sidewalks Along S. R Street, S. S Street, S. T Street and Stuart Drive, Project Number CP190069 to Close out the Project, I.16. Approval of Additional Contingency in the Amount of \$13,891.81 for Additional Work Which is Reflected in Change Order 2 with Solitude Lake Management LLC, for the Laura Fountain Repair, Project Number CP220069, and I.21. Second Reading and Final Adoption of an Ordinance Approving Zone Change #434 to Allow the Establishment of Planned Development (P-D) #81 Changing the Land Use Designation From Low Medium Density Residential (R-2) to "Self-Storage" for an Approximately 3.50-Acre Parcel Generally Located on the South Side of Olive Avenue, Approximately 500 Feet West of Oleander Avenue; were pulled for separate consideration.

Fire Captain Chad ENGLERT, Merced - thanked Council for Agenda Item I.17.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 1 - Council Member DeAnda

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: Information Only Contracts for the Month of June 2024**

REPORT IN BRIEF

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

This Consent Item was approved.

I.4.**SUBJECT: Approval of First Amendment to Service Agreement with ABS Direct, Inc for Printing and Mailing Services Through December 31, 2025**

REPORT IN BRIEF

Considers approving an extension of the current agreement with ABS Direct, Inc through December 31, 2025, to align with the completion of Tyler Technologies conversion and implementation of all modules.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving First Amendment to Service Agreement with ABS Direct, Inc; and,

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

This Consent Item was approved.

I.5.**SUBJECT: Approval of a Service Agreement with Merced County to Administer the Youth Jobs Program Using American Rescue Plan Act Funding in the Amount of \$1,175,000 From July 1, 2024, to**

December 30, 2025

REPORT IN BRIEF

Considers approving a Service Agreement with Merced County to administer the Youth Jobs Program Using American Rescue Plan Act Funding in the Amount of \$1,175,000 from July 1, 2024, to December 30, 2025.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Service Agreement with Merced County to administer the Youth Jobs Program in the amount of \$1,175,000 from July 1, 2024, to December 30, 2025; and,

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

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

This Consent Item was approved.

I.7.

SUBJECT: Approval of First Amendment to the Agreement for Professional Services with Provost & Pritchard Consulting Group for Environmental Consulting Services to the City of Merced as the Successor Agency

REPORT IN BRIEF

Considers approving the First Amendment to the Agreement for Professional Services with Provost & Pritchard Consulting Group, extending the contract term to June 30, 2025.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment to Agreement for Professional Services with Provost & Pritchard, extending the contract term to align with the completion of the R Street Remediation Project; and,

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

This Consent Item was approved.

I.10.

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 \$175,000 in Fiscal Year 2024/2025

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 \$175,000 in Fiscal Year 2024/2025.

RECOMMENDATION

City Council - Adopt a motion:

- A. Authorizing the waiver of 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 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 \$175,000 for Fiscal Year 2024-25.

This Consent Item was approved.

I.11.

SUBJECT: Approval to Waive the Competitive Bid Process to Allow for the Cooperative Purchase with Competitively Bid Contracts; State of California Cooperative Agreement 1-22-70-31B, 1-23-70-04C, 1-21-70-04A, 1-22-70-31C, 1-21-70-08B, 1-22-70-31A, 1-19-70-19B-2, and 1-21-70-19C-1 Awarded to Vendors Dell Inc, Ubeo, NWN, Granite Data Solutions, Presidio Networked Solution Group LLC, and PC Specialist, inc DBA

Technology Integration Group in a not to Exceed Amount of
\$400,000 in Fiscal Year 2024/2025

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 1-22-70-31B, 1-23-70-04C, 1-21-70-04A, 1-22-70-31C, 1-21-70-08B, 1-22-70-31A, 1-19-70-19B-2, and 1-21-70-19C-1 awarded to vendors Dell Inc, Ubeo, NWN, Granite Data Solutions, Presidio Networked Solution Group LLC, and PC Specialist, inc DBA Technology Integration Group in a not to Exceed Amount of \$400,000 in Fiscal Year 2024/2025.

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 cooperative purchasing; and,

B. Approving the use of State of California Cooperative Agreement 1-22-70-31B (PC Goods - Dell Products Chromebooks and Monitors); and,

C. Approving the use of State of California Cooperative Agreement 1-23-70-04C (Plotters); and,

D. Approving the use of State of California Cooperative Agreement 1-21-70-04A (Printers and Multifunction Devices); and,

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

F. Approving the use of State of California Cooperative Agreement 1-21-70-08B (Tablets 2-in-1 devices Dell); and,

G. Approving the use of State of California Cooperative Agreement 1-22-70-31A (PC Goods - Dell Products Desktops, Thin Desktops, Thin Laptops, Rugged Laptops); and,

H. Approving the use of State of California Cooperative Agreement 1-19-70-19B-2 (Data Center Equipment - Cisco); and,

- I. Approving the use of State of California Cooperative Agreement 1-21-70-19C-1 (Data Center Equipment - Commvault); and,
- J. Authorizing the City Manager or Deput City Manager to execute the necessary documents; and,
- K. Authorizing the Finance Officer to make necessary budget adjustments; and,
- L. Authorizing the City Manager or Deput City Manager to execute the necessary documents for future contract amendments in motion B though I; and,
- M. Authorizing the purchase of up to \$400,000 for goods between vendors Dell Inc, Ubeo, NWN, Granite Data Solutions, Presidio Networked Solution Group LLC, and PC Specialist, inc DBA Technology Integration Group.

This Consent Item was approved.

I.12.

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, Sourcewell Contract #121923, NASPO ValuePoint Contract with State of Utah Cooperative Contract AR3227, National IPA contracts with Cobb County, GA Contract 23-6692-02 and City of Mesa,AZ Contract 2018011-01, State of California Software Licensing Program Agreement SLP-22-70-0025M Commvault, State of California Software Licensing Program Agreement SLP-23-70-0025R Adobe, State of California Software Licensing Program Agreement SLP-24-70-0025X FreshWorks with CDW-G in a not to Exceed Amount of \$500,000 in Fiscal Year 2024/2025

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, Sourcewell Contract #121923, NASPO ValuePoint Contract with State of Utah Cooperative Contract AR3227, National IPA contracts with Cobb County, GA contract 23-6692-02 and City of Mesa,AZ contract 2018011-01, State of California Software Licensing Program Agreement SLP-22-70-0025M Commvault, State of California Software Licensing Program Agreement SLP-23-70-0025R Adobe, State of California Software Licensing Program Agreement SLP-24-70-0025X FreshWorks) with CDW-G in a not to exceed amount of \$500,000 in Fiscal Year 2024/2025.

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 cooperative purchasing; and,
- B. Approving the use of State of California Cooperative Agreement 1-22-70-37 (PC Goods - Panasonic Rugged Laptops); and,
- C. Approving the use of State of California Cooperative Agreement 1-22-70-08H (Rugged Tablets/Rugged 2-in-1 Devices, Panasonic); and,
- D. Approving the use of State of California Cooperative Agreement 1-19-70-19H-3 (Enterprise Technology(Data Center Equipment) Hewlett Packard Enterprise (HPE) OEM); and,
- E. Approving the use of Monterey County Office of Education CALSAVE #530067; and,
- F. Approving the use of State of Utah Cooperative Online Marketplace Contract MA3458; and,

- G. Approving the use of Sourcewell Contract #081419; and,
- H. Approving the use of Sourcewell Contract #121923; and,
- I. Approving the use of NASPO ValuePoint Contract with State of Utah Cooperative Contract AR3227; and,
- J. Approving the use of the National IPA contracts with Cobb County, GA contract 23-6692-02; and,
- K. Approving the use of the National IPA contracts with City of Mesa, AZ contract 2018011-01; and,
- L. Approving the use of State of California Software Licensing Program Agreement SLP-22-70-0025M Commvault; and,
- M. Approving the use of State of California Software Licensing Program Agreement SLP-23-70-0025R Adobe; and,
- N. Approving the use of State of California Software Licensing Program Agreement SLP-24-70-0025X FreshWorks; and,
- O. Authorizing the City Manager or Deput City Manager to execute the necessary documents; and,
- P. Authorizing the Finance Officer to make necessary budget adjustments; and,
- Q. Authorizing the City Manager or Deput City Manager to execute the necessary documents for future contract amendments in motion B though N; and,
- R. Authorizing the purchase of \$500,000 of technology solutions with contracts in motion B through O.

This Consent Item was approved.

I.13.

SUBJECT: Approval for Additional Work Reflected in the Final Change Order #3 of \$16,703.66 with Taylor Backhoe Service, Inc. dba TBS Contractors, for the Bel Air Sewer Line, Project Number CP220033

REPORT IN BRIEF

Considers approving an increase to the contingency in the amount of

\$16,703.66 for Project No. CP220033 - Bel Air Sewer Relocation Project, and Approving Change Order #3 with Taylor Backhoe Service, Inc. dba, TBS Contractors. This increase will be the final increase project completion.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving Change Order 3 with Taylor Backhoe Service, Inc. dba, TBS Contractors, with an increase in contingency of \$16,703.66 for a total contract contingency amount of \$59,943.17, which is approximately 13.86% of the original contract amount; and,

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

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

This Consent Item was approved.

I.15.

SUBJECT: Approval of Additional Contingency in the Amount of \$13,591.10 for Additional Work Which is Reflected in the Final Change Order with Redstone Construction, Inc., for the (CMAQ) Multi-Use Pathway on Motel Drive, Project Number CP190043 to Close out the Project

REPORT IN BRIEF

Considers approving an increase to the contingency in the amount of \$13,591.10 for Project No. CP190043 - (CMAQ) Multi-Use Pathway on Motel Drive. This will be the final increase to close out the project.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Final Change Order with Redstone Construction, Inc., with an increase in contingency of \$13,591.10, for a total contingency amount of \$112,897.00, which is approximately 11.37% of the original contract amount; and,

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

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

This Consent Item was approved.

I.17.

SUBJECT: Approval of Memorandum of Understanding with Merced Fire Fighters, Local 1479 (Fire) with a Term of July 1, 2024, Through June 30, 2027

REPORT IN BRIEF

Considers approving a Memorandum of Understanding with Merced Fire Fighters, Local 1479 (Fire) with a term of July 1, 2024, through June 30, 2027.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2024-75**, a Resolution of the City Council of the City of Merced, California, approving a Memorandum of Understanding with the International Fire Fighters Association Local #1479; and,

B. Authorizing the City Manager to make non-substantive modifications subject to City Attorney approval and to execute the necessary documents; and,

C. Authorizing the Finance Officer to make the necessary budget adjustments and move positions into different funding sources if determined necessary; and,

D. Authorizing the Finance Officer to increase the spending authority to THOR, Inc by \$20,320 for a not to exceed spending authority from \$839,370 to \$859,690.

This Consent Item was approved.

I.18.

SUBJECT: Approval of Memorandum of Understanding with American Federation of State, County and Municipal Employees, District Council 57, Local 2703 (AFSCME) with a Term of July 1, 2024, Through June 30, 2027

REPORT IN BRIEF

Considers approving Memorandum of Understanding with American Federation of State, County and Municipal Employees, District Council

57, Local 2703 (AFSCME) with a term of July 1, 2024, through June 30, 2027.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving **Resolution 2024-76**, a Resolution of the City Council of the City of Merced, California, approving a Memorandum of Understanding with AFSCME, District Council 57 Local 2703; and,
- B. Authorizing the City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments.

This Consent Item was approved.

I.19.

SUBJECT: Approval of a Memorandum of Understanding with Merced Association of City Employees (MACE) with a Term of July 1, 2024, Through June 30, 2027

REPORT IN BRIEF

Considers approving a Memorandum of Understanding with Merced Association of City Employees (MACE) with a term of July 1, 2024, through June 30, 2027.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving **Resolution 2024-77**, a Resolution of the City Council of the City of Merced, California, approving Memorandum with the Merced Association of City Employees (MACE); and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments.

This Consent Item was approved.

I.20.

SUBJECT: Approval of a Resolution to Establish a New Employer-Employee Relations Policy

REPORT IN BRIEF

Considers approving a Resolution to establish a new Employer-Employee Relations Policy.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2024-73**, a Resolution of the City Council of the City of Merced, California, Rescinding Resolution 80-106 and Establishing Employer-Employee Organization Relations within the City of Merced (Excluding Local 1479).

This Consent Item was approved.

I.22.

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Section 10.28.380 "Stop Intersections Designated" of the Merced Municipal Code

REPORT IN BRIEF

Second reading and final adoption of an Ordinance amending section 10.28.380 "Stop Intersections Designated" of the Merced Municipal Code.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2565**, an Ordinance of the City Council of the City of Merced, California, Amending Section 10.28.380 "Stop Intersections Designated", of the Merced Municipal Code.

This Consent Item was approved.

I.3.

SUBJECT: Adoption of Resolution Repealing Resolution 2018-78, to Re-adopt a Values Statements, and Update the Ethics and Code of Conduct for City Meetings, Adopting Rules of Order and Procedure for the Conduct of City Meetings

REPORT IN BRIEF

Considers adopting Resolution 2024-65 to repeal Resolution 2018-78 and to Readopt a Values Statements and Update the Ethics and Code of Conduct for City Meetings, Adopting Rules of Order and Procedure for the Conduct of City Meetings.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2024-65**, A Resolution of the City Council of the City of Merced, California, Repealing Resolution No. 2018-78 to Re-Adopt a Values Statement, and Update the Ethics and Code of Conduct for City Meetings, and Adopting Rules of Order and Procedure for the Conduct of City Meetings.

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

Council and City Attorney Craig CORNWELL discussed details of the proposed Resolution, the time limit reduction, and direction discussed at a prior Council meeting.

Steven GRAHAM, Merced - spoke on suggestions to the request to speak forms, voicemails, and the Consent Calendar.

Ashley Marie SUAREZ, Merced - thanked Council Member XIONG for clarifying language on the proposed Resolution, spoke on allowing the community to leave voicemails, and urged Council to not limit speakers.

Japjeet SINGH UPPAL - spoke on the lack of community civic engagement and listening to public speakers voices when leaving public comment.

Leo NIEHORSTER-COOK, Merced - spoke on students wanting to engage, the working class unable to attend the Council meetings, and asked Council to be less restrictive for public comment.

Council, Mr. CORNWELL, and City Manager Scott MCBRIDE discussed the removal of voicemails, details of the proposed Resolution, Roberts Rule of Order, the practice of reconsideration, public feedback, public participation, the workload of City Council, and contacting city staff and Council.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to approve agenda item with the following corrections to Resolution 2024-65; comments can be limited by the Mayor or the Chair to two minutes if the floor has 10 speakers or goes past 30 minutes. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, and Council Member Smith

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

Absent: 0

I.14.

SUBJECT: Approval of Additional Contingency in the Amount of \$4,446.70 for Additional Work Which is Reflected in the Final Change Order with Redstone Construction, Inc., for the (CMAQ) Sidewalks Along S. R Street, S. S Street, S. T Street and Stuart Drive, Project Number CP190069 to Close out the Project

REPORT IN BRIEF

Considers approving an increase to the contingency in the amount of \$4,446.70 for Project No. CP190069 - (CMAQ) Sidewalks Along S. R Street, S. S Street, S. T Street and Stuart Drive. This will be the final increase to close out the project.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Final Change Order with Redstone Construction, Inc., with an increase in contingency of \$4,446.70 for a total contingency amount of \$87,731.70, which is approximately 10.54% of the original contract amount; and,

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

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

Mayor SERRATTO pulled this item at the request of resident Ashley Marie SUAREZ.

Clerk's Note: Mayor SERRATTO moved Agenda Item I.14. to be heard after Agenda Item I.3.

Ashley Marie SUAREZ, Merced - thanked Council for the sidewalk project and spoke on sidewalks that need attention.

Clerk's Note: There was no Council discussion.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

I.6.

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, 2025

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 2024/2025.

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, 2025; and,

C. Approving the purchase up to \$75,000 with AZCO Supply, Inc., through June 30, 2025; and,

D. Approving the purchase up to \$300,000 with Badger Meter through June 30, 2025; and,

E. Approving the purchase up to \$115,000 with Brisco Enterprises through June 30, 2025; and,

F. Approving the purchase up to \$100,000 with Central Valley Trucking through June 30, 2025; and,

G. Approving the purchase up to \$90,000 with C&R Royal SVC, Inc. (NAPA Auto Parts) through June 30, 2025; and,

H. Approving the purchase up to \$60,000 with Evantec Supply through June 30, 2025; and,

I. Approving the purchase up to \$60,000 with Ennis-Flint through June

30, 2025; and,

J. Approving the purchase up to \$100,000 with Ewing Irrigation through June 30, 2025; and,

K. Approving the purchase up to \$100,000 with Ferguson through June 30, 2025; and,

L. Approving the purchase up to \$60,000 with Fisher Scientific through June 30, 2025; and,

M. Approving the purchase up to \$75,000 with Flottweg Separation Technology through June 30, 2025; and,

N. Approving the purchase up to \$150,000 with Golden State Emergency Vehicle through June 30, 2025; and,

O. Approving the purchase up to \$125,000 with GP Norton through June 30, 2025; and,

P. Approving the purchase up to \$50,000 with Grainger through June 30, 2025; and,

Q. Approving the purchase up to \$150,000 with Hach Company through June 30, 2025; and,

R. Approving the purchase up to \$70,000 with Holt of California through June 30, 2025; and,

S. Approving the purchase up to \$115,000 with Horizon Distributors through June 30, 2025; and,

T. Approving the purchase up to \$75,000 with International Coatings through June 30, 2025; and,

U. Approving the purchase up to \$160,000 with Interstate Truck Center through June 30, 2025; and,

V. Approving the purchase up to \$70,000 with Jorgensen & Sons, Inc., through June 30, 2025; and,

W. Approving the purchase up to \$200,000 with Jam Services through June 30, 2025; and,

X. Approving the purchase up to \$150,000 with Kellogg's Supply through June 30, 2025; and,

Y. Approving the purchase up to \$100,000 with Martin Marietta Materials through June 30, 2025; and,

Z. Approving the purchase up to \$75,000 with McCain Traffic Supply through June 30, 2025; and,

AA. Approving the purchase up to \$110,000 with Mclaughlin Waste Equipment through June 30, 2025; and,

AB. Approving the purchase up to \$150,000 with Merced Truck and Trailer through June 30, 2025; and,

AC. Approving the purchase up to \$150,000 with Modesto Industrial Electrical Company through June 30, 2025; and,

AD. Approving the purchase up to \$60,000 with Municipal Maintenance Equipment through June 30, 2025; and,

AE. Approving purchases up to \$100,000 with Nick's Auto Electric dba Carquest of Merced through June 30, 2025; and,

AF. Approving purchases up to \$70,000 with Nutrien Ag Solutions through June 30, 2025; and,

AG. Approving purchases up to \$60,000 with O'Reilly Auto Parts through June 30, 2025; and,

AH. Approving the purchase up to \$115,000 with Platt Electric Supply through June 30, 2025; and,

AI. Approving the purchase up to \$120,000 with PrivITation Consulting Corp through June 30, 2025; and,

AJ. Approving the purchase up to \$125,000 with Razzari Dodge through June 30, 2025; and,

AK. Approving the purchase up to \$55,000 with Razzari Ford through June 30, 2025; and,

AL. Approving the purchase up to \$100,000 with Ron Smith Buick through June 30, 2025; and,

AM. Approving the purchase up to \$125,000 with Ruckstell CA Sales through June 30, 2025; and,

AN. Approving purchases up to \$200,000 with Schoettler Tire through June 30, 2025; and,

AO. Approving purchases up to \$300,000 with Southern Tire Mart through June 30, 2025; and,

AP. Approving the purchase up to \$110,000 with Stockton Tri through June 30, 2025; and,

AQ. Approving the purchase up to \$100,000 with Target Specialty Products through June 30, 2025; and,

AR. Approving the purchase up to \$85,000 with Tesco through June 30, 2025; and,

AS. Approving the purchase up to \$300,000 with Trojan Technologies Group through June 30, 2025; and,

AT. Approving the purchase up to \$115,000 with USA Bluebook through June 30, 2025; and,

AU. Approving the purchase up to \$75,000 with West Coast Materials, LLC, through June 30, 2025; and,

AV. Approving the purchase up to \$85,000 with Wilbur-Ellis Company through June 30, 2025; and,

AW. Approving the purchase up to \$60,000 with Willie Electric Supply Co through June 30, 2025; and,

AX. Approving the purchase up to \$60,000 with YSI, Inc., through June 30, 2025; and,

AY. Authorizing the Finance Officer to make the necessary budget adjustments and authorizing the City buyer to issue the purchase orders; and,

AZ. Authorizing the City Buyer to issue the Purchase Orders.

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

Clerk's Note: Council Member SMITH recused himself due to the applicant being a client at his law firm.

Council and City Attorney Craig CORNWELL discussed the waiving of the competitive bidding process and details of the municipal code.

A motion was made by Mayor Pro Tempore Perez, 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 Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Xiong

No: 0

Absent: 0

Recused: 1 - Council Member Smith

I.8.

SUBJECT: Adoption of a Resolution Approving Street Name Change #24-01 for Stonefield Home, Inc., and Baxter Ranches, LLC, to Rename Catherine A. Hostetler Boulevard to Jema Way, from Bellevue Road to M Street

REPORT IN BRIEF

Considers adopting a Resolution for the Street Name Change #24-01 to rename Catherine A. Hostetler Boulevard to Jema Way, from Bellevue Road M Street.

RECOMMENDATION

A. Approving a Categorical Exemption for Environmental Review #24-19; and,

B. Adopting **Resolution 2024-72**, a Resolution of the City Council of the City of Merced, California, Renaming Catherine A. Hostetler Boulevard between Bellevue Road and M Street as Jema Way.

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

Clerk's Note: Council Member SMITH recused himself due to the applicant being a client at his law firm.

Clerk's Note: There was no Council discussion.

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, that this agenda item be approved. The motion carried by

the following vote:

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Xiong

No: 0

Absent: 0

Recused: 1 - Council Member Smith

I.9.

SUBJECT: Award Bid to Thunderbird Maintenance, Inc. for Graffiti Abatement for a Period of Three Years, in the Amount of \$752,892.66 with the Option to Renew for Two Additional One-Year Periods, for the Cumulative Total Amount of \$1,319,653.38

REPORT IN BRIEF

Considers awarding a Services Agreement for graffiti abatement to Thunderbird Maintenance, Inc for a term of three (3) Years, with the option to renew for two additional one-year periods, for the cumulative total amount of \$1,331,653.38 for the five-year period.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding a Services Agreement for the Graffiti Abatement bid to Thunderbird Maintenance, Inc totaling \$752,892.66 for the three-year period, with option to renew two (2) one-year terms for a cumulative total not to exceed 1,319,653.38; and,

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

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

Mayor SERRATTO pulled this item at the request of Council Member XIONG and resident Adam REED.

Adam REED, Merced - thanked city staff for guiding through the process and City Council for providing the opportunity.

Council Member XIONG stated the services should be provided by city departments and discussed the cost estimate.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, that this agenda item be approved. The motion carried by the

following vote:

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, and Council Member Smith

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

Absent: 0

I.16.

SUBJECT: Approval of Additional Contingency in the Amount of \$13,891.81 for Additional Work Which is Reflected in Change Order 2 with Solitude Lake Management LLC, for the Laura Fountain Repair, Project Number CP220069

REPORT IN BRIEF

Considers approving an increase to the contingency in the amount of \$13,891.81 for Project No. CP220069 - Laura Fountain Repair to execute Change Order 2 with Solitude Lake Management LLC.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving Change Order 2 with Solitude Lake Management LLC, with an increase in contingency of \$13,891.81, for a total contract amount of \$263,891.81; and,

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

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

Mayor SERRATTO pulled this item at the request of Council Member SMITH and resident Gloria SANDOVAL.

Council, City Manager Scott MCBRIDE, and Interim City Engineer Mike WEGLEY discussed details of the project timeline, an estimated completion date, and issues throughout the project.

Gloria SANDOVAL, Merced - asked for clarification on the community group that raised funding for the project and suggested to inform the public of donations.

Mayor SERRATTO shared details of the funding donations from the community.

A motion was made by Mayor Pro Tempore Perez, 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 Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

I.21.

SUBJECT: Second Reading and Final Adoption of an Ordinance Approving Zone Change #434 to Allow the Establishment of Planned Development (P-D) #81 Changing the Land Use Designation From Low Medium Density Residential (R-2) to "Self-Storage" for an Approximately 3.50-Acre Parcel Generally Located on the South Side of Olive Avenue, Approximately 500 Feet West of Oleander Avenue

REPORT IN BRIEF

Second reading and final adoption of an Ordinance approving Zone Change #434 to allow the Establishment of Planned Development (P-D) #81 changing the land use designation from Low Medium Density Residential (R-2) to "Self-Storage" for an approximately 3.50-acre parcel generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2564**, An Ordinance of the City Council of the City of Merced, California, approving Zone Change #434 to allow the Establishment of Planned Development (P-D) #81 changing the land use designation from Low Medium Density Residential (R-2) to "Self-Storage" for an approximately 3.50-acre parcel generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue.

Mayor SERRATTO pulled this item at the request of Council Member XIONG and resident Ashley Marie SUAREZ.

Ashley Marie SUAREZ, Merced - spoke on public input on low income housing and asked Council to encourage affordable housing.

Council discussed details of the public's input.

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, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, and Council Member Smith

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

Absent: 0

J. PUBLIC HEARINGS

J.1.

SUBJECT: Introduction and Waiving of First Reading of Ordinance Adopting Police Department's Military Equipment Policy

REPORT IN BRIEF

Effective January 1, 2022, Assembly Bill (AB) 481 requires law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy by ordinance prior to taking certain actions relating to the funding, acquisition, or use of military equipment.

RECOMMENDATION

City Council - Introduce and waive first reading:

- A. Hold public hearing on Ordinance Adopting Police Department's Military Equipment Policy; and,
- B. Introducing and Waiving of First Reading of **Ordinance 2566**, an Ordinance of the City Council of the City of Merced, California, Adopting a Military Equipment Use Police, Otherwise Referred to Herein as a Specialized Police Equipment Use Policy, Pursuant to Assembly Bill 481 and Government Code Sections 7070, Et Seq.; and,
- C. Authorizing all actions necessary to implement the Police Department's Military Equipment Policy Ordinance.

City Attorney Craig CORNWELL presented Police Department's military equipment policy and the Ordinance adopting the policy.

Mayor SERRATTO opened the Public Hearing at 7:28 PM.

Leo NIEHORSTER-COOK, Merced - spoke in opposition of the Police Department spending city funding on military equipment.

Steven GRAHAM, Merced - spoke on supporting the needs of the Police

Chief as needed for the Police Department.

Police Chief Steven STANFIELD clarified the process to present the Police Department's military equipment policy.

Mayor SERRATTO closed the Public Hearing at 7:33 PM.

Council, City Attorney Craig CORNWELL, City Manager Scott MCBRIDE, and Police Chief Steven STANFIELD discussed transparency, the reading process to adopt an Ordinance, Council's actions for this item, and details of the equipment housed by Merced Police Department.

A motion was made by Mayor Pro Tempore Perez, 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 Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 0

K. BUSINESS

Clerk's Note: Council took a recess at 7:38 PM and reconvened at 7:47 PM.

K.1.

SUBJECT: Mayor Serratto's Request to Discuss Potential Placement of a Transient Occupant Tax Ballot Measure in the November Election

REPORT IN BRIEF

Mayor Serratto's request to discuss potential placement of a Transient Occupant Tax ballot measure in the November election.

RECOMMENDATION

Provide direction to staff on the next steps.

Mayor SERRATTO and City Manager Scott MCBRIDE discussed the potential placement of a Transient Occupancy Tax (TOT) ballot in the November election.

Council discussed raising the TOT percentage.

Edwin KAINTH, President of Hotel Motel Association, Merced - spoke in support of raising the TOT and forming a Tourism Business Improvement District (TBID) to promote.

Colton DENNIS, Merced - spoke on potentially allocating TOT funds to the arts in Merced.

Council, Deputy City Manager Frank QUINTERO, Mr. KAINTH, and City Attorney Craig CORNWELL discussed details of TBID, promoting arts in Merced, the timeline of the Property Based Improvement District PBID, status of TBID, potential percentage for TOT, promoting Merced as destination city, data on tax increases, deadline to add a ballot to the November election, educating the citizens, and potentially providing direction to place the TOT to the November election.

Council agreed to direct staff to come back for options on the placement of the TOT to the November election.

A motion was made by Mayor Pro Tempore Perez, 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 Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

K.2.

SUBJECT: Mayor Serratto and Council Member Smith's Request for Rahilly Park Discussion

REPORT IN BRIEF

Mayor Serratto and Council Member Smith's request for Rahilly Park discussion.

RECOMMENDATION

Provide direction to staff on the next steps.

Mayor SERRATTO and Council Member SMITH discussed the request to have a conversation regarding Rahilly Park.

Council, City Manager Scott MCBRIDE, and Director of Parks and Community Services Christopher JENSEN discussed details of Rahilly Park, potential funding available, details of the Parks and Recreation Open Space Master Plan, potentially creating a Subcommittee, community involvement, allocation of \$50,000 to parks, deciding the priority of parks, and investment of all remaining parks.

A motion was made by Mayor Serratto, seconded by Council Member Smith, to

form a Subcommittee with Mayor Serratto, Council Member Smith, and Council Member Xiong, come back to Council in three to four months with the report and recommendation, and hold two public outreach meetings. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

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.

Clerk's Note: No future items were added.

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.

Mayor Pro Tempore PEREZ thanked the Chief of Police for keeping the citizens safe in the area of West Coast Tires.

Council Member SMITH gave a shoutout to the Police Department and all other agencies for the Law Enforcement Torch Run and the donations received.

Council Member BOYLE wished everyone a happy Fourth of July.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:44 PM.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0