



CITY OF MERCED

Meeting Agenda

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

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

Tuesday, July 6, 2021

6:00 PM

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

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

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

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

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

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

Sai kawg los yog li 72 teev ua ntej kev sab laj ntawm City Council, muaj pob ntawv kom tswj pub rau tib neeg los nyeem hauv City qhov website www.cityofmerced.org los sis tom City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. Tas nrho cov ntaub ntawv teev tseg ntawm zej tsoom ntawm kev sab laj pub rau pej xeem sawv daws los nyeem tom City Clerk's Office thaum lub caij ua hauj lwm. Muaj txhais lus Mev thiab lus Hmoob.

MODIFIED PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK/COMENTARIO DEL PÚBLICO MODIFICADO/ KEV HLOOV RAU TEJ PEJ XEEM TXOG KEV TAWM SUAB, NCAUS LUS:

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium against the right hand side of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

For at risk individuals of those not wanting to attend an in-person meeting during the current Covid-19 pandemic, please submit your public comment to the City Council electronically no later than 1PM on the day of the meeting. Comments received before the deadline will be sent to the City Council and will be part of the record and mentioned as part of the Written Petitions and Communications portion of the agenda.

Material may be emailed to cityclerk@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Closed Session, item # or Oral Communications. Your comments will be presented to the City Council at the appropriate time. Any correspondence received after 1 PM will be distributed to the City Council and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-8688 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be played during the City Council meeting at the appropriate time. For Public Hearing items, if you wish to speak live during the meeting, please leave callback information and you will be contacted with further details.

To view video (if available) or listen to the City Council meeting live, go to the City's website www.cityofmerced.org, Facebook Live, or Comcast Public Access Channel 96.

Los miembros de la audiencia que desea dirigirse al Ayuntamiento deben completar una tarjeta de orador disponible en el podio en el lado derecho de la Cámara del Consejo. Envíe la tarjeta completa al secretario de la ciudad antes de que se llame al artículo, preferiblemente antes de que comience la reunión.

Para las personas en riesgo de aquellos que no quieran asistir a una reunión en persona durante la pandemia actual de Covid-19, envíe su comentario público al Ayuntamiento de forma electrónica a más tardar a la 1:00 p.m. del día de la reunión. Los comentarios recibidos antes de la fecha límite se enviarán al Concejo Municipal y formarán parte del registro y se mencionarán como parte de la sección de Peticiones y comunicaciones escritas de la agenda.

El material puede enviarse por correo electrónico a cityclerk@cityofmerced.org y debe limitarse a 300 palabras o menos. Por favor, especifique qué parte de la agenda está comentando, por ejemplo, Sesión cerrada, artículo # o Comunicaciones orales. Sus comentarios serán presentados al Ayuntamiento en el momento apropiado. Cualquier correspondencia recibida después de la 1 PM se distribuirá al Ayuntamiento y se conservará para el registro oficial.

Puede proporcionar comentarios telefónicos a través del correo de voz llamando al (209) 388-8688 a más tardar a la 1 PM del día de la reunión para que se agreguen al comentario público. Los mensajes de voz estarán limitados a un límite de tiempo de tres (3) minutos. Por favor especifique qué parte de la agenda está comentando, por ejemplo, número de artículo de la audiencia pública, número de artículo de consentimiento o comunicaciones orales. Sus comentarios se reproducirán durante la reunión durante la reunión del Ayuntamiento en el momento adecuado. Para los temas de audiencia pública, si desea hablar en vivo durante la reunión, deje la información de su llamada y lo contactaremos con más detalles.

Para ver el video (si está disponible) o escuchar la reunión del Concejo Municipal en vivo, visite el sitio web de la ciudad www.cityofmerced.org, Facebook Live o Comcast Public Access Channel 96.

Cov pej xeem los koom lub rooj sab laj kws xav tawm suab rau City Council muaj feem los sau ntawv hauv daim ntawv tawm suab nyob ntawm lub sam thiaj hais lus sab xis ntawm Council Chamber. Thov xa daim ntawv tawm suab rau tus City Clerk ua ntej lub sij hawm lub rooj sab laj pib.

Rau cov tib neeg kws tuaj koom tsis tau lub rooj sab laj vim muaj kab mob COVID-19, thov xa koj cov lus tawm suab rau City Council hauv computer los sis hauv xov tooj ua ntej 1 teev tav su hnuv muaj lub rooj sab laj. Cov lus tawm suab txais tau ua ntej lub sij hawm sab laj muab xa rau City Council thiaj muab tso hauv daim ntawv kom tswj.

Tej ntaub ntawv thov muab xa rau cityclerk@cityofmerced.org thiab tsis pub muaj tshaj 300 los lus. Thov qhia qhov twg hauv daim kom tswj koj xav tawm suab rau, piv txwv li, kev sab laj kaws, nqes # los sis kev sib tham ntawm ncauj lus. Koj cov tswv yim muab rau lub rooj sab laj thaum lub sij hawm tsim nyog. Tej ntaub ntawm txais tau tom qab 1 teev tav su mam muab rau City Council thiab tso hauv cov ntaub ntawv teev tseg.

Koj muaj feem tso suab hauv xov toom thaum hu (209) 388-8688 ua ntej 1 teev tav su hnuv sab laj thiaj koj lub tswv yim muab tso hauv daim kom tswj. Tso suab hauv xov tooj tsis pub ntev tshaj (3) feeb. Thov qhia qhov twg hauv daim kom tswj koj xav tawm suab rau, piv txwv li, zej tsoom tawm suab #, khoom tso cai #, los sis kev sib tham ntawm ncauj lus. Cov suab kaws hauv xov mam tso mloog thaum lub caij tsim nyog thaum sab laj. Yog koj xav tawm suab thaum sab laj, thov tso koj tus zauv xov tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (thaum muaj) los sis mloog City Council kev sab laj, ces mus hauv City's website www.cityofmerced.org, Facebook Live, los sis Comcast Public Access Channel 96.

INDIVIDUALS WITH DISABILITIES

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

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

The legislative body shall provide the public with an opportunity to address the body on any item described in Closed Session [Government Code Section 54954.3(a)]. Please see MODIFIED PUBLIC COMMENT for details.

- B.1.** [21-504](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): Travis Lindsey and Janell Van Bindsbergen, Lozano Smith, Attorneys at Law; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703, International Association of Fire Fighters, Local 1479; Merced Police Officers' Association (MPOA); Merced Association of Police Sergeants and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6
- B.2.** [21-503](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Stephanie Dietz; Unrepresented Management AUTHORITY: Government Code Section 54957.6
- B.3.** [21-542](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of Government Code section 54956.9, Name of Case: City of Merced v. Armando Javier Pilola Merced Superior Court Case No. 21CV-00824
- B.4.** [21-556](#) **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT - Title: City Attorney/Interim City Attorney; Authority: Government Code Section 54957

C. CALL TO ORDER

C.1. Invocation - Lamar Henderson, All Dads Matter

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

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

E. REPORT OUT OF CLOSED SESSION

F. CEREMONIAL MATTERS

- F.1. [21-535](#) **SUBJECT:** Proclamation - Parks and Recreation Month

REPORT IN BRIEF

Received by a representative from the Recreation and Parks Department.

G. WRITTEN PETITIONS AND COMMUNICATIONS

H. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Mayor may, at his discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item. Please see MODIFIED PUBLIC COMMENT for details.

I. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Council member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately. Please see MODIFIED PUBLIC COMMENT for details.

- I.1. [21-495](#) **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.

- I.2. [21-283](#) **SUBJECT:** Information-Only Contracts for the Month of June 2021

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$33,000 and of Public Works contracts under \$71,862.

- I.3. [21-485](#) **SUBJECT:** Information Only - Planning Commission Meeting Minutes of May 19, 2021

RECOMMENDATION

For information only.

- I.4. [21-494](#) **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of June 21, 2021

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of June 21, 2021.

- I.5. [21-557](#) **SUBJECT:** First Amendment to the Agreement with Berliner Cohen, LLP. to Allow for Interim City Attorney Legal Services

REPORT IN BRIEF

Considers the approval of the first amendment to the agreement with Berliner Cohen, LLP to allow for Interim City Attorney legal services.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the first amendment to the agreement for Interim City Attorney legal services with Berliner Cohen, LLP, and;
- B. Authorizing the City Manager or designee to execute the first amendment to the agreement for Interim City Attorney legal services with Berliner Cohen, LLP.

- I.6. [21-119](#) **SUBJECT:** Approval of a Lease Agreement in the Amount of \$850.00 Monthly Between REACH Air Medical Services, LLC, and the City of Merced for Merced Yosemite Regional Airport, Maintenance Hangar #16

REPORT IN BRIEF

Considers a twenty-four (24) month lease agreement for maintenance hangar #16 in the amount of \$ 850.00 per month with REACH Air Medical Services, LLC, as recommended by the Merced Yosemite Regional Airport Authority.

RECOMMENDATION

City Council - Adopt a motion approving the lease agreement with REACH Air Medical Services, LLC, for maintenance hangar #16 and, authorizing the City Manager or designee to execute the necessary documents.

I.7. [21-375](#)

SUBJECT: Adoption of a Resolution Approving Final Map 5390 (Cypress Terrace 7, Phase C) for 33 Single-Family Lots, Generally Located South of Gerard Avenue, West of M Street, and the Approval of the Subdivision Agreement for Cypress Terrace 7, Phase C

REPORT IN BRIEF

Considers the approval of Final Map #5390 for 33 single-family lots, generally located south of Gerard Avenue, west of M Street, and the Subdivision Agreement for Cypress Terrace 7, Phase C.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving **Resolution 2021-62**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Cypress Terrace 7, Phase C Subdivision (#5390); and,
- B. Approving the Subdivision Agreement for Cypress Terrace 7, Phase C; and,
- C. Authorizing the City Manager or designee to execute all necessary documents.

I.8. [21-436](#)

SUBJECT: Adoption of a Resolution Approving Final Map 5378 (Lantana Estates, Phase 2) for 50 Single-Family Lots, Generally Located at the Northwest Corner of El Redondo Drive and Cassis Drive, and the Approval of the Subdivision Agreement for the Lantana Estates, Phase 2 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5378 for 50 single-family lots, generally located at the northwest corner of El Redondo Drive and Cassis Drive, and the Subdivision Agreement for the Lantana Estates, Phase 2 subdivision.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2021-63**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Lantana South, Phase 2 Subdivision (#5378); and,
- B. Approving the Subdivision Agreement for the Lantana Estates, Phase 2 subdivision; and,
- C. Authorizing the City Manager or designee to execute all necessary documents.

I.9. [21-437](#)

SUBJECT: Adoption of a Resolution Approving Final Map 5379 (Lantana Estates, Phase 3) for 49 Single-Family Lots, Generally Located at the Southeast Corner of San Augustine Drive and Pettinotti Road, and the Approval of the Subdivision Agreement for the Lantana Estates, Phase 3 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5379 for 49 single-family lots, generally located at the southeast corner of San Augustine Drive and Pettinotti Road, and the Subdivision Agreement for the Lantana Estates, Phase 3 subdivision.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2021-64**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Lantana South, Phase 3 Subdivision (#5379); and,
- B. Approving the Subdivision Agreement for the Lantana Estates, Phase 3 subdivision; and,
- C. Authorizing the City Manager or designee to execute all necessary

documents.

I.10. [21-476](#)

SUBJECT: Administering Agency State Program Supplement No. F-030-Rev. 1 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(049) 119043 Motel Drive Sidewalk Project from Merced Avenue to Carol Avenue

REPORT IN BRIEF

Considers approving a resolution for a California Department of Transportation Program Supplement for extending the Project End Date (PED) from 6/18/2021 to 6/18/2023.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-57**, a Resolution of the City Council of the City of Merced, California, Approving Federal-Aid Projects Program Supplement Agreement No. F-030, Rev. 1; and,

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

I.11. [21-551](#)

SUBJECT: Administering Agency State Program Supplement No. F031 Rev. 1 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(050) 119069 Sidewalk Infill for S. R Street, S. S Street, S. T Street and Stuart Avenue

REPORT IN BRIEF

Considers approving a resolution for a California Department of Transportation Program Supplement for extending the Project End Date (PED) from 5/1/2021 to 5/1/2023.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-58**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement agreement No. F031 Rev. 1; and,

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

I.12. [21-550](#)

SUBJECT: Administering Agency State Program Supplement No. F-032-Rev. 1 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(052) 119070 Sidewalk Infill for 7th Street, 8th Street and Linda Lane

REPORT IN BRIEF

Considers approving a resolution for a California Department of Transportation Program Supplement for extending the Project End Date (PED) from 5/1/2021 to 5/1/2023.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-59**, a Resolution of the City Council of the City of Merced, California, Approving Federal-Aid Projects Program Supplement Agreement No. F-032, Rev. 1; and,

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

I.13. [21-547](#)

SUBJECT: Administering Agency State Program Supplement No. F033 Rev. 1 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(051) 120043 Sidewalk Infill for Olive Avenue, Parsons Avenue and Alexander Avenue

REPORT IN BRIEF

Considers a resolution approving a California Department of Transportation Program Supplement for extending the Project End Date (PED) from 5/1/2021 to 5/1/2023.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-60**, a Resolution of the City Council of the City of Merced, California, Approving Federal-Aid Projects Program Supplement Agreement No. F033, Rev. 1; and,

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

I.14. [21-492](#)

SUBJECT: Award of Bid and Approval of Construction Contract with Agee Construction Corporation, in the Amount of \$558,883.00 for a Measure V and RSTP Funded Project for V Street Improvements 16th Street to 18th Street, Project No. 117038

REPORT IN BRIEF

Considers awarding a construction contract in the amount of \$558,883.00 to Agee Construction Corporation for Project No. 117038 - V Street Improvements 16th Street to 18th Street funded Measure V and RSTP.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding a bid for V Street Improvements 16th Street to 18th Street, Project No. 117038, to Agee Construction Corporation in the amount of \$558,883.00; and,

B. Authorizing the City Manager or designee to execute the necessary documents and to approve change orders not to exceed 10% of the total contract.

I.15. [21-422](#)

SUBJECT: Approval of Third Amendment to Agreement for Professional Services with AECOM Technical Services, Inc., for Well Site Design Services, Project No. 113026 in the Amount of \$32,285, for a Contract Not to Exceed Total of \$332,398

REPORT IN BRIEF

Considers approving an amendment to a contract for well design services for the Well 21 pump station at the intersection of Bellevue Road and G Street, in the amount of \$32,285.

RECOMMENDATION

City Council - Adopt a motion approving a third amendment to an agreement for professional services with AECOM Technical Services, Inc., in the amount of \$32,285 for engineering design services; and, authorizing the City Manager or designee to execute the necessary documents.

I.16. [21-429](#)

SUBJECT: Approval of Two (2) Agreements for Professional Services with Provost and Pritchard Engineering Group, Incorporated, for the PCE Groundwater Project No. 122052

REPORT IN BRIEF

Considers authorizing two separate agreements for environmental remediation services for a combined total of \$294,000.

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 \$230,000 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 \$64,000 for report drafting; and,

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

I.17. [21-478](#)

SUBJECT: Approval of Professional Services Agreement with BSK Analytical for General Laboratory Services in the Total Contract Amount of \$377,706 for a Three (3) Year Agreement with Contract Term Ending June 30, 2024

REPORT IN BRIEF

Considers approving a three-year agreement with BSK Analytical for general laboratory services.

RECOMMENDATION

City Council - Adopt a motion approving an agreement for professional services with BSK Analytical for general laboratory services in the total contract amount of \$377,706 with contract term ending on June 30, 2024; and authorizing the City Manager or designee to execute the necessary documents.

I.18. [21-479](#)

SUBJECT: Award of Bid and Approval of Agreement for Supplies and Services with SNF Polydyne for the Supply and Delivery of Cationic Polymer Emulsion in the Amount of \$321,860 for the Contract Term Ending June 30, 2022

REPORT IN BRIEF

Considers awarding the bid and approving an agreement with SNF

Polydyne for the supply and delivery of cationic polymer emulsion.

RECOMMENDATION

City Council - Adopt a motion awarding the bid and approving the agreement with SNF Polydyne for the supply and delivery of cationic polymer emulsion in the amount of \$321,860 for the contract term ending June 30, 2022; and authorizing the City Manager or designee to execute the necessary documents.

I.19. [21-480](#)

SUBJECT: Approval of Second Amendment to the Agreement with Labworks, LLC, in the Additional Amount of \$21,000 and the Total not to Exceed the Contracted Amount of \$217,200, for Additional Training and Configuration 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 second amendment to the agreement with Labworks, LLC, for an additional amount of \$21,000 and the total contracted amount not to exceed \$217,200 to provide additional training and configuration for the LIMS program for the WWTP Water Quality Control Laboratory.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the second amendment to the professional services agreement with Labworks, LLC, for an amount not to exceed \$21,000 for additional training and configuration; and,

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

I.20. [21-513](#)

SUBJECT: Approval of Professional Services Agreement with McCampbell Analytical, Inc. for Bioassay Laboratory Services in the Total Contract Amount of \$52,959 for a Three (3) Year Agreement with Contract Term Ending June 30, 2024

REPORT IN BRIEF

Considers approving a three-year agreement with McCampbell Analytical, Inc. for bioassay laboratory services.

RECOMMENDATION

City Council - Adopt a motion approving an agreement for professional services with McCampbell Analytical, Inc. for bioassay laboratory services in the total contract amount of \$52,959 with contract term ending on June 30, 2024; and authorizing the City Manager or designee to execute the necessary documents.

I.21. [21-514](#)

SUBJECT: Authorization to Waive the Competitive Bidding Requirements to Allow Cooperative Purchasing Through the Competitively Bid Bay Area Chemical Consortium and Authorization to Purchase Chemicals for Wastewater, Water, and Facilities for a Three (3) Year Term for a Total not to Exceed Amount of \$1,204,000

REPORT IN BRIEF

Authorization to waive competitive bidding requirement to purchase chemicals from the competitively bid Bay Area Chemical Consortium for a three-year term.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement and authorizing the purchase of chemicals for wastewater, water, and facilities from vendors competitively bid through the Bay Area Chemical Consortium for a three-year term for a total amount of \$1,204,000; and

B. Authorizing the City Manager to approve additional expenditures not to exceed 10% of the three-year total for bid pricing changes in year two and three; and,

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

I.22. [21-515](#)

SUBJECT: Approval to Waive the Competitive Bidding Requirements, Authorizing the Purchase of a Replacement Tractor with a Horsepower Range of 300-340 Through the Sourcewell Government Procurement Program with a Total not to Exceed Amount of \$325,000 from the Fleet Capital Replacement Fund 674

REPORT IN BRIEF

Considers authorizing a waiver of competitive bidding requirement to purchase one replacement tractor through the governmental procurement

program Sourcewell and approving a supplemental appropriation of \$169,119 from the Fleet Capital Replacement Fund 674.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the purchase of a replacement tractor with a horsepower range of 300-340 from a vendor competitively bid through the Sourcewell governmental procurement program, with a not to exceed amount of \$325,000; and,

B. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 and authorizing the tractor purchase to be made through Sourcewell; and,

C. Approving a supplemental appropriation in the amount of \$169,119 from the unreserved, unencumbered fund balance of Fund 674-Fleet Replacement Fund to account line 674-1103-633.63-00, project 242115 for the purchase of the tractor; and,

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

I.23. [21-516](#)

SUBJECT: Approval of Supplemental Appropriation in Fund 558 - Refuse Enterprise in the Amount of \$65,100, and Approval of an Agreement for Services with Restore Merced for Litter Abatement Services for a Total Amount not to Exceed \$185,100 per Year for a Two (2) Year Term Ending June 30, 2023, with the Option to Extend for Two (2) Additional One (1) Year Term(s)

REPORT IN BRIEF

Considers approving a supplemental appropriation in Fund 558, and approving a two-year agreement, with option to extend, with Restore Merced for litter abatement services of designated areas, in a total amount not to exceed \$185,100 per contract year.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a supplemental appropriation from the unreserved, unencumbered fund balance for Fund 558 - Refuse Enterprise in the amount of \$65,100; and,

B. Approving an agreement for services with Restore Merced in the amount not to exceed \$185,100 annually for litter abatement services of designated areas for a period of two years, with an option to extend for two additional one-year periods; and,

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

D. Authorizing the City Manager or designee to execute the necessary documents and execute future contract amendments.

I.24. [21-401](#)

SUBJECT: Acceptance of a Type VI Fire Engine and Approval of an Agreement for Temporary Transfer of Vehicular Equipment - Type VI Fire Engine by and Between the State of California Governor's Office of Emergency Services (Cal OES) and the Merced Fire Department

REPORT IN BRIEF

Accept the Type VI fire engine and enter into an "Agreement for Temporary Transfer of Vehicular Equipment - Type VI Fire Engine" by and between the State of California Governor's Office of Emergency Services (Cal OES) and the Merced Fire Department; and Authorize the City Manager to Execute the Agreement to Implement City Council's Actions.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the Cal OES Type VI fire engine; and,

B. Authorizing the City Manager or designee to execute the Agreement for Temporary Transfer of Vehicular Equipment - Type VI Fire Engine between the State of California Governor's Office of Emergency Services (State) and the Merced Fire Department (Transferee) for the transfer of Cal OES Fire Engine No. 5601.

I.25. [21-462](#)

SUBJECT: Adoption of a Resolution to Accept the Grant Award of \$573,636 From the California Highway Patrol Cannabis Tax Fund Grant Program and Authorization for the City Manager to Sign the Grant Award for the Police Department to Conduct Checkpoints, Conduct Saturation Patrols, Conduct Educational Presentations, Attend Court all on Overtime Status, and Attend Training, Issue Press Releases, and Purchase Supplies and Equipment

REPORT IN BRIEF

Considers accepting grant funding from the California Highway Patrol offered to the Merced Police Department in the amount of \$573,636 from the Cannabis Tax Fund Grant Program to conduct checkpoints, conduct saturation patrols, conduct educational presentations, attend court on overtime status, and attend training, issue press releases, and purchase supplies and equipment.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2021-61**, a Resolution of the City Council of the City of Merced, California, to accept grant funds in the amount of \$573,636 from the State of California, Department of California Highway Patrol, CHP Cannabis Tax Fund Law Enforcement Grant Program and approving the grant agreement; and,
- B. Accepting and increasing the revenue budget in account 001-1002-324.02-00 by \$573,636; and,
- C. Appropriating the same amount in Police Operations Division 001-1002; and,
- D. Authorizing the use of pooled cash until reimbursement from the grant is received; and,
- E. Authorizing the City Manager or designee to execute the necessary documents.

I.26. [21-522](#)

SUBJECT: Adoption of a Resolution Approving the First Amendment to the 2020-2021 Master Tow Service Agreement

REPORT IN BRIEF

Considers the extension of the 2020-2021 Merced Police Department Tow Service Agreement that will extend the current agreement 90 days to September 30th, 2021. This will allow ample time for Council to approve the 2021-2022 Tow Service Agreement that will go into effect July 1, 2021 and expire June 30, 2022.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2021-66**, a Resolution of the City Council of the

City of Merced, California, approving the first amendment to the 2020-2021 Master Tow Service Agreement; and,

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

J. PUBLIC HEARINGS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council for discussion and action. Further comment will not be received unless requested by the Council.

- J.1. [21-486](#) **SUBJECT:** Continued Public Hearing to Consider the Introduction of an Ordinance Amending Section 3.38.050 "Citizens Oversight Committee" of the Merced Municipal Code to Facilitate the Consolidation of all Current and Future Tax Oversight Committees into One Oversight Commission and Discussion on Changing the Appointments to Planning Commission and the Recreation and Parks Commission to by District

REPORT IN BRIEF

Considers the introduction of an ordinance to consolidate all current and future tax measure oversight commissions into a single commission and opens the discussion on moving Planning Commission and Recreation and Parks Commission appointments to by district.

RECOMMENDATION

City Council - Adopt a motion:

A. Introducing **Ordinance 2525**, an Ordinance of the City Council of the City of Merced, California, amending section 3.38.050, "Citizens Oversight Committee," of the Merced Municipal Code; and,

B. Providing staff direction on moving forward with ordinances to appoint Planning Commissioners and Recreation and Parks Commissioners by district.

- J.2. [21-530](#) **SUBJECT:** Final Public Hearing for Receipt of Additional Public Comment and Approval of the U.S. Department of Housing and Urban Development (HUD) 2021 Annual Action Plan

REPORT IN BRIEF

Re-open the Public Hearing from June 21, 2021, to receive additional public input regarding the Draft 2021 Annual Action Plan and provide direction to staff regarding any final changes to funding activities or other items; Approval of the 2021 Annual Action Plan; and, Authorizing the City Manager to execute all documents necessary to submit the finalized plan to HUD and to accept the CDBG and HOME grants after approval by HUD.

RECOMMENDATION

City Council -

A. Re-open and conduct the Public Hearing to receive any final public input regarding the Draft 2021 Annual Action Plan; and,

B. Provide direction to staff regarding any final changes to be made to any part of the Draft 2021 Annual Action Plan; and,

And, Adopt a Motion:

C. Adopting **Resolution 2021-65**, A Resolution of the City Council of the City of Merced, California, Approving the 2021 HUD Annual Action Plan, Certifying Compliance with the Requirements of the Community Development Block Grant (CDBG) Program and HOME Investment Partnership (HOME) Program, and Authorizing Staff to Submit All Approved Documents and Certifications to the U.S. Department of Housing and Urban Development; and,

D. Authorizing the City Manager or designee to execute all related documents and allow staff to make any modifications as necessary to submit the Final Draft of the 2021 Annual Action Plan and to accept the CDBG and HOME grants after approval by HUD.

K. REPORTS

K.1. [21-397](#)

SUBJECT: Presentation on the 2020 City of Merced Fire Department Annual Report and a Preliminary Report on the 2021 Illegal Fireworks Efforts by Merced Fire and Merced Police Departments

REPORT IN BRIEF

Fire Chief Derek Parker to provide a presentation on the 2020 City of Merced Fire Department Annual Report. In addition, Chief Parker will provide preliminary data on the 2021 Illegal Fireworks campaign.

RECOMMENDATION

For information only.

K.2. [21-548](#)

SUBJECT: Discussion and Direction on a Proposed Ordinance to Establish a Rental Housing Maintenance and Inspection Program, and Authorization to Set a Public Hearing to Introduce the Ordinance on August 2, 2021

REPORT IN BRIEF

Discussion and direction on a proposed Housing Ordinance to establish a Rental Housing Maintenance and Inspection Program, and authorization to set a Public Hearing to Introduce the Ordinance on August 2, 2021.

RECOMMENDATION

City Council - Adopt a motion establishing a Rental Housing Maintenance and Inspection Program and setting a Public Hearing to introduce the Ordinance for August 2, 2021.

K.3. [21-475](#)

SUBJECT: Report for Council Discussion and Direction on Amending the City of Merced Street and Sidewalk Vendors Ordinance, Chapter 5.54, to Comply with SB 946, Making Sidewalk Vendor and Street Vendor Permitting, Penalties and Hours of Operation the Same and Setting a Public Hearing for August 2, 2021

REPORT IN BRIEF

Council is asked to provide direction to staff on updating the City of Merced Street and Sidewalk Vendor ordinance to reflect changes in State law due to the passage of SB 946, making sidewalk vendor and street vendor permitting, penalties and hours of operation the same, and scheduling a public hearing for August 2, 2021.

RECOMMENDATION

City Council - Provide direction to staff on the revised ordinance and schedule a public hearing for August 2, 2021.

K.4. [21-217](#)

SUBJECT: Report on the Draft 2020 Urban Water Management Plan and Draft Water Shortage Contingency Plan, with the Potential Introduction of an Ordinance Amending Merced Municipal Code Chapter 15.42 - Water Conservation Regulation, Request to Set a Public Hearing for August 2, 2021 for Comments on the Draft Plans and Possible Direction on Future Citywide Conservation Programs and Strategies

REPORT IN BRIEF

Consultant to present the Draft 2020 Urban Water Management Plan and the Draft Water Shortage Contingency Plan. Introduction of an ordinance revising Merced Municipal Code Chapter 15.42-Water Conservation Regulations to comply with the revised California Water Code Section 10631 and guidance by the Department of Water Resources. Request to set a Public Hearing to receive comments on the plans. In addition, staff are seeking direction on future citywide conservation programs and strategy to aide in enhanced water conservation.

RECOMMENDATION

City Council - Adopt a motion:

A. Introducing **Ordinance No. 2526**, an Ordinance of the City Council of the City of Merced, California, amending sections 15.42.050, "*Water conservation levels and prohibitions*," and 15.42.100 "*Prohibited uses - mandatory*" of the Merced Municipal Code; and,

B. Setting a Public Hearing for August 2, 2021 to receive comments on the draft plans.

K.5. [21-490](#)

SUBJECT: Report to Consider Final Pre-Application Process for Annexations Involving Early Consultation with the City Council

REPORT IN BRIEF

Considers approving a new Pre-Application Process for Annexations, which will involve early consultation with the City Council.

RECOMMENDATION

City Council - Adopt a motion approving the new Pre-Application process for Annexations as outlined in the report.

K.6. [21-531](#)

SUBJECT: Consideration of the Merced Regional Airport Authority Recommendation for the Advanced Air-Option 2 (1st Choice), Advanced Air-Option 3 (2nd Choice) and Southern Airlines (3rd Choice) as the Airline Carrier to Serve the Merced Yosemite Regional Airport Under the Essential Air Service and Make a Recommendation to the Department of Transportation

REPORT IN BRIEF

Considers the Merced Regional Airport Authority's recommendation for air carrier service to the U.S. Department of Transportation regarding a

selection of an essential air service carrier provider for the Merced Yosemite Regional Airport.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Regional Airport Authority's recommendation for air carrier service to the U.S. Department of Transportation concerning selection of an essential air service provider by priority as follows:

1. Advanced Air, Option 2 (KLAS/KHHR PC12); or,
2. Advanced Air, Option 3 (KLAS/KLAX PC 12); or,
3. Southern Airways, Option D; and,

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

L. BUSINESS

L.1. [21-511](#)

SUBJECT: Consideration of Draft Policy for the Display of Flags at City Facilities, Provide Direction on Modifications Thereto, if any, and Approve the Policy as Proposed or Modified

REPORT IN BRIEF

Brings back for discussion, consideration, and potential adoption of a policy for display of flags at City facilities.

RECOMMENDATION

City Council - Adopt a motion adopting Administrative Policy C-7 regarding the display of flags at City facilities.

L.2. [21-496](#)

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.

L.3. [21-497](#)

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.

M. ADJOURNMENT