



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

Tuesday, July 6, 2021

6:00 PM

A. CLOSED SESSION ROLL CALL

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

Absent: 1 - Council Member Jesse Ornelas

B. CLOSED SESSION

Mayor Pro Tempore BLAKE called the Closed Session to order at 5:00 PM.

Clerk's Note: Council Member BOYLE arrived at 5:06 PM and Mayor SERRATTO arrived at 5:42 PM.

- B.1.** 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.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Stephanie Dietz; Unrepresented Management AUTHORITY: Government Code Section 54957.6
- B.3.** 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.** SUBJECT: PUBLIC EMPLOYEE APPOINTMENT - Title: City Attorney/Interim City Attorney; Authority: Government Code Section

54957

Clerk's Note: Council adjourned from Closed Session at 5:58 PM.

C. CALL TO ORDER

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

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

The invocation was delivered by Lamar HENDERSON with All Dads Matter.

C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

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

Absent: 1 - Council Member Jesse Ornelas

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

Mayor Pro Tempore BLAKE announced the appointment of Kim FLORES from Berliner Cohen as the Interim City Attorney.

Mayor SERRATTO thanked outgoing City Attorney Phaedra NORTON for her work.

Outgoing City Attorney Phaedra NORTON gave a brief statement thanking the Council for the opportunity to serve the City.

F. CEREMONIAL MATTERS

F.1. **SUBJECT: Proclamation - Parks and Recreation Month**

REPORT IN BRIEF

Received by a representative from the Recreation and Parks Department.

Mayor SERRATTO presented the Parks and Recreation Month proclamation to staff members of the Recreation and Parks Department.

G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Item K.2. - Aaron HILL.

Item K.5. - Sid LAKIREDDY and Stephen PECK.

H. ORAL COMMUNICATIONS

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

Jennifer XIONG, Hlub Hmong Center - commented on a recent trip to a City Fire Station.

I. CONSENT CALENDAR

Items J.14 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, I.16. Approval of Two (2) Agreements for Professional Services with Provost and Pritchard Engineering Group, Incorporated, for the PCE Groundwater Project No. 122052, I.17. 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, I.18. 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, I.20. 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, I.21. 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, I.22. 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, I.23. 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), and I.25. 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; were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 1 - Council Member Ornelas

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 2021**

REPORT IN BRIEF

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

This Consent Item was approved.

I.3. **SUBJECT: Information Only - Planning Commission Meeting**

Minutes of May 19, 2021

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4.

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.

This Consent Item was approved.

I.5.

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.

This Consent Item was approved.

I.6.

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.

This Consent Item was approved.

I.7.

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.

This Consent Item was approved.

- I.8.** 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.

This Consent Item was approved.

- I.9.** 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.

This Consent Item was approved.

I.10.

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.

This Consent Item was approved.

I.11.

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.

This Consent Item was approved.

I.12.

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.

This Consent Item was approved.

I.13.

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.

This Consent Item was approved.

I.15.

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.

This Consent Item was approved.

I.19.

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.

This Consent Item was approved.

I.24.

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.

This Consent Item was approved.

I.26.

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.

This Consent Item was approved.

I.23.

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.

Council Member ECHEVARRIA requested this item be pulled for separate consideration.

Council Member ECHEVARRIA requested equal cleanup in all districts.

City Manager Stephanie DIETZ explained the scope of the contract and target cleanup areas.

Fue XIONG, Merced - questioned the appropriation of funds for the contract from the General Fund.

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

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

No: 0

Absent: 1 - Council Member Ornelas

I.14.

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.

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

Fue XIONG, Merced - questioned the bid process for the contract.

City Engineer Michael BELTRAN explained the bid process for construction projects.

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

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

No: 0

Absent: 1 - Council Member Ornelas

I.16.

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.

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

Fue XIONG, Merced - questioned language in the contracts.

Deputy Public Works Director Joe ANGULO explained the terms of the contracts.

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

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

No: 0

Absent: 1 - Council Member Ornelas

I.17.

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.

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

Fue XIONG, Merced - asked for clarification on the contract totals.

Public Works Director Ken ELWIN clarified the totals.

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

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

No: 0

Absent: 1 - Council Member Ornelas

I.18.

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.

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

Fue XIONG, Merced - asked for clarification on the contract.

Public Works Director Ken ELWIN gave clarification on the contract.

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

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

No: 0

Absent: 1 - Council Member Ornelas

I.20.

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.

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

Fue XIONG, Merced - asked for clarification on the contract.

Public Works Director Ken ELWIN provided clarification on the contract.

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

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

No: 0

Absent: 1 - Council Member Ornelas

I.21.

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.

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

Fue XIONG, Merced - asked for clarification on the contract amount.

Public Works Director Ken ELWIN provided clarification on the contract.

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

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

No: 0

Absent: 1 - Council Member Ornelas

I.22.

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 Sourcwell 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 Sourcwell; 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.

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

Fue XIONG, Merced - asked about the need for the new equipment.

City Manager Stephanie DIETZ clarified the need to meet new state standards.

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

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

No: 0

Absent: 1 - Council Member Ornelas

I.25.

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.

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

Fue XIONG, Merced - questioned the goals of the contract.

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

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

No: 0

Absent: 1 - Council Member Ornelas

J. PUBLIC HEARINGS

J.1.

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.

Assistant City Clerk Jennifer LEVESQUE gave a slideshow presentation on an ordinance to combine the Measure C Oversight Committee with the Tax Transparency Commission and changing the appointment of Recreation and Parks Commissioners and Planning Commissioners from at large to by district.

Mayor SERRATTO opened the Public Hearing at 7:09 PM.

Alejandro CARRILLO, Merced - spoke in opposition to combining oversight committees.

Mayor SERRATTO closed the Public Hearing at 7:13 PM.

Council briefly discussed combining the committees and changing the appointment of the Recreation and Parks Commission and the Planning Commission to by district.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Boyle, to introduce Ordinance 2525. The motion carried by the following vote:

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

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

Absent: 1 - Council Member Ornelas

J.2.

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.

Housing Program Supervisor Kim NUTT gave a slideshow presentation on the U.S. Department of Housing and Urban Development (HUD) 2021

Annual Action Plan.

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

Sheng XIONG, Leadership Council - commented on connecting households in the City's sphere of influence to the water and sewer systems.

Michael BELLUOMINI, Merced - commented on the Sierra Saving Grace mission to alleviate the homeless issue and asked for approval of the requested funding.

Mayor SERRATTO closed the Public Hearing at 7:34 PM.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, to adopt Resolution 2021-65. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Ornelas

K. REPORTS

K.1.

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.

Fire Chief Derek PARKER gave a slideshow presentation updating the Council on the yearly fire statistics, services provided, calls for service, and gave a presentation on the Fourth of July fireworks mitigation and prevention efforts.

Council and Chief PARKER briefly discussed the events of the Fourth of July and Council thanked both the Police and Fire Departments for their efforts.

Marsha VOMASTIC, Merced - commented on illegal fireworks use.

Jermaine PASTER, Merced - commented on illegal fireworks use.

Clerk's Note: No official Council action was taken on this item.

K.2.

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.

Fire Chief Derek PARKER gave a slideshow presentation on a proposed ordinance to establish a Rental Housing Maintenance and Inspection Program including the related costs, timeline to implement the program, and fees to the property owners.

Council discussed the proposed program and fee schedule.

Michael BELLUOMINI, Merced - stated clarification was needed on the units being inspected and the associated fees.

Fue XIONG, Merced - stated support for the program but suggested some language changes.

Diana ODOM GUNN, Merced Downtown Neighborhood Association - stated support for the rental inspection program but suggested all properties be included.

Sheng XIONG, Leadership Council - stated support for the program and suggested outreach to tenants.

Council continued to discuss the fee schedule, inspecting all rental units, and gave general support for option two of the ordinance as presented by

staff.

Clerk's Note: No formal action was taken on this item.

K.3.

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.

Planning Manager Kim ESPINOSA gave a slideshow presentation on amending the City of Merced Street and Sidewalk Vendors Ordinance, Chapter 5.54, bringing sidewalk vendor and street vendor permitting, penalties and hours of operation into compliance with SB 946.

Council briefly discussed the draft ordinance.

A motion was made by Council Member Perez, seconded by Mayor Pro Tempore Blake, to set a Public Hearing for the August 2, 2021 meeting. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Ornelas

K.6.

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.

Clerk's Note: This item was moved up in the agenda at the request of Council Member ECHEVARRIA.

Council briefly discussed any personal meetings held with the respective airlines.

Shawn SIMPSON, Boutique Air - discussed the potential development of Boutique Air's home base in Merced.

Edwin KAINTH, Merced Hotel and Lodging Association - expressed support for Boutique Air.

Levi STOCKTON, Advanced Air - explained the different routes of Advanced Air.

Donny SANDUSKY, Advanced Air - compared pricing between Boutique Air and Advanced Air.

Council briefly discussed the ranking of the providers.

A motion was made by Council Member Echevarria, seconded by Council Member Perez, to rank Boutique Air number one and Advanced Air number two in the recommendation to the Department of Transportation. The motion failed by the following vote:

Aye: 2 - Council Member Echevarria, and Council Member Perez

No: 4 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Shelton, and Council Member Boyle

Absent: 1 - Council Member Ornelas

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Shelton, that Advanced Air be placed as option one (Hawthorne) and Advanced Air as option two (LAX) and Boutique Air as option three. The motion carried by the following vote:

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

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

Absent: 1 - Council Member Ornelas

Clerk's Note: Council Member ECHEVARRIA left the meeting at 9:20 PM.

K.4.

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.

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

Ms. BROWN discussed changes to the existing water conservation ordinance to meet state guidelines.

Council briefly discussed the draft plans and the changes to the ordinance.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, to introduce Ordinance 2526 and set a Public Hearing for August 2, 2021.. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Echevarria, and Council Member Ornelas

Clerk's Note: Mayor Pro Tempore BLAKE left the meeting at 9:45 PM.

K.5.

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.

Planning Manager Kim ESPINOSA gave a slideshow presentation on a final pre-application process for annexations involving early consultation with the City Council.

Sheng XIONG, Leadership Council - requested the City do an analysis of SB 244.

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

Aye: 4 - Mayor Serratto, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 3 - Mayor Pro Tempore Blake, Council Member Echevarria, and Council Member Ornelas

L. BUSINESS

L.1. **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.

Assistant City Clerk Jennifer LEVESQUE gave a brief report on a draft policy for the display of flags at public facilities.

Council and staff briefly discussed different aspects of the policy.

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

Aye: 4 - Mayor Serratto, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 3 - Mayor Pro Tempore Blake, Council Member Echevarria, and Council Member Ornelas

L.2. **SUBJECT:** Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

Council Member SHELTON requested an informational report on

regarding access to City water within the City's sphere of influence for the September 20, 2021 meeting.

L.3. **SUBJECT: City Council Comments**

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Council Member SHELTON commented on attending a Lao Family Association cultural event.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 10:11 PM.

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

Aye: 4 - Mayor Serratto, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 3 - Mayor Pro Tempore Blake, Council Member Echevarria, and Council Member Ornelas