



CITY OF MERCED

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

Minutes

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

Monday, November 7, 2022

6:00 PM

A. CLOSED SESSION ROLL CALL

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

Absent: 1 - Council Member Fernando Echevarria

B. CLOSED SESSION

Mayor Pro Tempore BLAKE called the Closed Session to order at 5:32 PM.

Clerk's Note: Mayor SERRATTO arrived to Closed Session at 5:36 PM.

B.1.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Government Code Section 54956.9: Five (5) Potential Lawsuits

Clerk's Note: Council Member SHELTON recused himself from Closed Session at 5:35 PM due to a conflict of interest.

Council adjourned from Closed Session at 5:47 PM.

C. CALL TO ORDER

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

Invocation - Monika Grasley, Lifeline CDC

The Invocation was delivered by Monika GRASLEY from Lifeline CDC.

Pledge of Allegiance to the Flag

City Employee Military Veterans led the Pledge of Allegiance to the Flag.

Martha ARMAS-KELLY sang the National Anthem.

Tribe Leader Joe RIOS led a prayer.

D. ROLL CALL

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

Absent: 1 - Council Member Fernando Echevarria

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

F.1. **SUBJECT:** Proclamation - School Psychologist Week

REPORT IN BRIEF

Accepted by April De La Cruz, Merced District Representative and Public Relations Chair for Central Valley Affiliate - California Association of School Psychologists, from Merced Union High School District.

Mayor SERRATTO presented the School Psychologist Week Proclamation to April DE LA CRUZ and School Psychologist representatives.

F.2. **SUBJECT:** Proclamation - Native American Heritage Month

REPORT IN BRIEF

Accepted by United Tribes of California.

Martha ARMAS-KELLY, Elder Michael RUNNINGWIND, Elder Buck CRUISE, Wayland COATS (Vice Chair of Southern Sierra Miwuk Nation), and Elder Elli PAINTECROW gave a presentation on Native American Heritage Month, presented the Flags, and shared personal stories and thoughts on Native American Heritage Month.

United Tribes of California honored Mayor SERRATTO and City Manager Stephanie DIETZ.

Mayor SERRATTO presented the Native American Heritage Month Proclamation to representatives of the United Tribes of California.

F.3. **SUBJECT:** Recognition of City of Merced Employee Military Veterans

REPORT IN BRIEF

The City Council will recognize Employee Military Veterans.

Mayor SERRATTO presented Certificates of Recognition to City of Merced Military Veterans.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: There were no emails or voicemails received.

H. ORAL COMMUNICATIONS

Gloria KEENE, Merced - asked Council to invest on South Merced and spoke on the South Merced Community Plan.

Jennifer MCQUEEN, Merced - spoke on the success of the Trick or Treat event and the DiversAbility Resources and Hiring Event.

Necola ADAMS, President of Merced County Nut Festival, Merced - spoke on the success of the Merced Nut Festival and thanked Council for sponsoring this event.

Michael VASQUEZ, Band Director of Golden Valley High School, and Members of the Golden Valley Band, Merced - spoke on the 62nd Annual Central California Band Review being hosted by Golden Valley High School and what they love about the event Central California.

I. CONSENT CALENDAR

Item I.7. Adoption of Resolution Declaring the Intent to Vacate the Eastern Portion of the Arbor Walkway North Easement (Approximately 2,053 Square Feet) Which Would Revert Development Rights Back to the Property Owner of 531 W. Main Street, Merced, Generally Located on the North Side of Main Street, Approximately 150 Feet East of M Street, and Setting a Public Hearing for December 5, 2022 (Vacation #22-03); was pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 1 - Council Member Echevarria

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 October 2022

REPORT IN BRIEF

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

This Consent Item was approved.

I.3.

SUBJECT: Information Only - Site Plan Review Minutes of February 17, 2022, April 14, 2022, April 28, 2022, May 19, 2022, and June 16, 2022

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4.

SUBJECT: Information Only - Planning Commission Minutes of September 21, 2022, and October 5, 2022

RECOMMENDATION

For information only.

This Consent Item was approved.

I.5.

SUBJECT: Approval to Wave the Competitive Bidding Requirement and Approval of a One-Year Contract with PACE Supply Corp in a not to Exceed Amount of \$400,000

REPORT IN BRIEF

Considers waving the competitive bidding requirement and approving a one-year contract with PACE Supply Corp. for a not to exceed amount

of \$400,000. The contract is for the purchase of Water Department maintenance, repair, and operations supplies to restock inventory on a as needed basis, and to place a one-time order for the supplies required for the repairs at the 16th Street bridge.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for annual inventory supplies purchases; and,

B. Approving a one-year contract with PACE for a not to exceed amount of \$400,000; and,

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

This Consent Item was approved.

I.6.

SUBJECT: Approval to Waive the Competitive Bidding Requirement and Approval to Use a Cooperative Purchasing Agreement Through the National Purchasing Partners Government Division, DBA Public Safety GPO, Law Enforcement GPO, First Responders GPO, EMS GPO, and NPPGov (All Collectively Referred to Hereinafter as "NPPGov") Enabling Piggyback Purchasing for Personal Protective Equipment in an Amount not to Exceed \$164,890/Annually; for Firefighting Equipment in an Amount not to Exceed \$155,379/Annually; for Law Enforcement Personal Protective Equipment in an Amount not to Exceed \$10,000/Annually; Through the Term of the Agreements or Until the Cooperative Purchasing Agreements are no Longer Available for Use

REPORT IN BRIEF

Considers the approval to waive the competitive bidding requirement and approval to use a Cooperative Purchasing Agreement through the National Purchasing Partners Government Division, DBA Public Safety GPO, Law Enforcement GPO, First Responders GPO, EMS GPO, and NPPGov (All collectively referred to hereinafter as "NPPGov") enabling piggyback purchasing for personal protective equipment in an amount not to exceed \$164,890/annually; for firefighting equipment in an amount not to exceed \$155,379/annually; for law enforcement personal protective equipment in an amount not to exceed \$10,000/annually;

through the term of the agreements or until the Cooperative Purchasing Agreements are no longer available for use.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for cooperative purchasing; and,

B. Approving to piggyback utilizing the National Purchasing Partners Government Division contracts for personal protective equipment in an amount not to exceed \$164,890/annual; for firefighting equipment in an amount not to exceed \$155,379/annually; for law enforcement personal protective equipment in an amount not to exceed \$10,000/annually; through the term of the agreements or until the Cooperative Purchasing Agreements are no longer available for use; and,

C. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents, the Finance Officer to make the necessary budget adjustments, and the City Purchasing Supervisor to issue the Purchase Order/Change Order(s).

This Consent Item was approved.

I.8.

SUBJECT: Approval of a Professional Services Agreement with Goodwin Consulting Group for the Preparation of the Rate and Method of Apportionment (RMA) for Community Facilities District (CFD) Annexations No. 22 and No. 24

REPORT IN BRIEF

Considers approving a Professional Services Agreement with Goodwin Consulting Group for preparation of the Rate and Method of Apportionment (RMA) for Community Facilities District Annexations No. 22 and No. 24.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an Agreement for Professional Services with Goodwin Consulting Group, Inc. to prepare the rate and method of apportionment for Community Facilities Annexations No. 22 and No. 24 in the amount not to exceed \$20,000; and,

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

This Consent Item was approved.

I.9.

SUBJECT: Award a Professional Services Agreement for Tiny Homes Ordinance and Various Zoning Code Updates to Precision Engineering, Inc.

REPORT IN BRIEF

Considers approving an agreement for Professional Services with Precision Civil Engineering, Inc., for \$93,200 to prepare a Tiny Homes Ordinance and various Zoning Code updates.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an Agreement for Professional Services with Precision Civil Engineering, Inc. (PCE), in the amount of \$93,200 to prepare a Tiny Houses Ordinance and various Zoning Code updates; and,

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

This Consent Item was approved.

I.10.

SUBJECT: Second Amendment to Program Year 2021-22 Subrecipient Agreement with Merced Rescue Mission for the "Hope for Families" Program

REPORT IN BRIEF

Considers further extension of the Term of Performance regarding the existing Agreement with Merced Rescue Mission's "Hope for Families" Program.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Second Amendment to the Agreement between the City of Merced and Merced Rescue Mission for the Community Development Block Grant (CDBG) Acquisition and Rehabilitation of Residential Property "Hope for Families" Program; and,

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

Amendment and all related documents; and,

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

This Consent Item was approved.

I.11.

SUBJECT: Award Bid to Redstone Construction, Inc. for the Congestion Mitigation Air Quality (CMAQ) Grant Multi-Use Pathway on Motel Drive, from Merced Avenue to Carol Avenue, Project Number 119043, in the Amount of \$993,059

REPORT IN BRIEF

Considers awarding a construction contract to Redstone Construction, Inc. in the amount of \$993,059 for the (CMAQ) Multi-Use Pathway on Motel Drive Project.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the (CMAQ) Construct Multi-Use Pathway on Motel Drive Project 119043 to Redstone Construction, Inc., in the amount of \$993,059; and,

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

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

This Consent Item was approved.

I.12.

SUBJECT: Award Bid to Redstone Construction, Inc. for the Congestion Mitigation Air Quality Grant (CMAQ) Sidewalks R Street, S Street, T Street, and Stuart Drive, Project Number 119069, in the Amount of \$832,845

REPORT IN BRIEF

Considers awarding a construction contract to Redstone Construction, Inc. in the amount of \$832,845 for the CMAQ Sidewalks R Street, S Street, T Street, and Stuart Drive Project.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the CMAQ Construct Sidewalks R Street, S Street, T Street, and Stuart Drive, Project 119069 to Redstone Construction, Inc., in the amount of \$832,845; and,

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

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

This Consent Item was approved.

I.13.

SUBJECT: Approval to Accept, Increase Revenue, and Appropriate Partial Payment from McLarens Property Insurance Company for the Stephen Leonard Park Community Center in the Amount of \$412,013

REPORT IN BRIEF

Considers approving a partial payment from McLarens Property Insurance Company for the claim submitted to Alliant Property Insurance for damages caused by the May 17, 2022, fire to the Stephen Leonard Park Community Center.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting a partial payment from McLarens Property Insurance Company; increasing the revenue in Fund 424 - Parks & Community Service CIP in the amount of \$412,013; and,

B. Appropriating the same in Fund 424 - Parks & Community Service CIP in Project #123052 Stephen Leonard Park Community Center; and,

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

This Consent Item was approved.

- I.7. **SUBJECT:** Adoption of Resolution Declaring the Intent to Vacate the Eastern Portion of the Arbor Walkway North Easement (Approximately 2,053 Square Feet) Which Would Revert Development Rights Back to the Property Owner of 531 W. Main Street, Merced, Generally Located on the North Side of Main Street, Approximately 150 Feet East of M Street, and Setting a Public Hearing for December 5, 2022 (Vacation #22-03)

REPORT IN BRIEF

Considers adopting a resolution of intent and set a public hearing for intent to vacate the eastern portion of the Arbor Walkway North easement (approximately 2,503 square feet) which would revert development rights back to the property owner of 531 W. Main Street, Merced, and retain the western portion of the easement as a 52-inch-wide walkway easement.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2022-64**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate the Eastern portion of the Arbor Walkway North easement (approximately 2,053 square feet) which would revert development rights back to the property owner of 531 W. Main Street (Vacation #22-03) and setting time and place for Public Hearing.

Mayor SERATTO pulled this item at the request of Council Member ORNELAS.

Clerk's Note: Council Member ORNELAS recused himself from this Agenda Item due to proximity of his job.

There was no Council discussion.

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

No: 0

Absent: 1 - Council Member Echevarria

Abstain: 1 - Council Member Ornelas

J. BUSINESS

J.1. **SUBJECT: Request to Add Item to Future Agenda**

REPORT IN BRIEF

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

There were no requests from Council Members.

J.2. **SUBJECT: City Council Comments**

REPORT IN BRIEF

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

Council Member ORNELAS spoke on creating an item for Community violence and the Youth Football Champs.

Mayor SERRATTO spoke on the multiple Trick or Treat events, the Haunted House event at Merced Community College and Election Night.

K. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 7:29 PM.

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

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

No: 0

Absent: 1 - Council Member Echevarria