



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

Monday, July 3, 2023

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 públicos 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 yuav tsum yog li 72 teev ua ntej rau txhua lub rooj sib tham ntawm cov Nom Tswv (City Council), yeej muaj tag nrho pob ntawv qhia txog tias rau cov neeg los nyeem hauv lub Nroog (City) qhov website www.cityofmerced.org los sis nyob rau ntawm City Clerk's lub Office, 678 W. 18th Street, Merced, CA 95340. Tas nrho cov ntaub ntawv teev tseg no yuav muab rau cov Nom Tswv ntawm kev sab laj pub rau tsoom pej xeem sawv daws los nyeem nyob rau hauv City Clerk's lub Office thaum lub caij ua hauj lwm. Muaj txhais lus Mev thiab lus Hmoob.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK/COMENTARIO DEL PÚBLICO / 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 in the back of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

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, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be mentioned 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 one (1) minute. 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 deseen dirigirse al Ayuntamiento deben completar una tarjeta de orador disponible en el podio en la parte de atrás de la Cámara del Concejo. Envíe la tarjeta completa al secretario de la ciudad antes de que se llame al artículo, preferiblemente antes de que comience la reunión.

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, # Artículo de la Audiencia pública, # artículo de consentimiento, o Comunicaciones orales. Sus comentarios serán mencionados 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 un (1) minuto. 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 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 Canal

96.

Cov pej xeem los koom lub rooj sib tham uas xav tawm suab rau lub nroog cov Nom Tswv (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 no rau tus City Clerk ua ntej lub sij hawm rooj sab laj pib.

Tej ntaub ntawv thov muab xa rau cityclerk@cityofmerced.org thiab tsis pub muaj tshaj 300 los lus los yog txawg dua. Thov qhia tias qhov twg hauv daim ntawv 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 sib tham thaum lub sij hawm tsim nyog. Tej ntaub ntawm txais tau tom qab 1 teev tav su mam muab rau cov Nom Tswv (City Council) thiab tso hauv cov ntaub ntawv teev tseg.

Koj muaj feem tso suab hauv xov tooj uas yog hu (209) 388-8688 ua ntej 1 teev tav su hnuv sib tham thiaj koj lub tswv yim muab tso hauv daim ntawv tswj. Tso suab hauv xov tooj tsis pub ntev tshaj (1) feeb. Thov qhia qhov twg hauv daim tswj tias 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 tooj mam tso mloog thaum lub caij tsim nyog rau thaum sib tham. Yog koj xav tawm suab thaum sib tham, thov tso koj tus xov tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (thaum muaj) los sis mloog cov Nom Tswv (City Council) kev sib tham, mus saib 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)].

B.1. [23-574](#) **SUBJECT: PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; AUTHORITY: Government Code 54957**

B.2. [23-572](#) **SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4): one (1) Potential Case**

C. CALL TO ORDER

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

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. SPECIAL PRESENTATIONS

F.1. [23-576](#) **SUBJECT:** Presentation from the Merced County Association of Governments (MCAG) Providing an Update to Council

REPORT IN BRIEF

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

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.

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.

I.1. [23-080](#) **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. [23-539](#)

SUBJECT: Information Only Contracts for the Month of June 2023

REPORT IN BRIEF

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

I.3. [23-431](#)

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

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of December 19, 2022.

I.4. [23-581](#)

SUBJECT: Approval of a Retainer Agreement with Marderosian and Cohen to Provide Specialized Legal Services

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Retainer Agreement with Marderosian & Cohen to provide specialized legal services; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

I.5. [23-575](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

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

I.6. [23-559](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

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

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

I.7. [23-537](#)

SUBJECT: Approving the 2023-2024 Master Tow Service Agreement

REPORT IN BRIEF

Considers approving the 2023-2024 Merced Police Department Tow Service Agreement that will go into effect July 1, 2023 and expire June 30, 2024.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the 2023-2024 Master Tow Service Agreement; and,

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

I.8. [23-517](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

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

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

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

I.9. [23-527](#)

SUBJECT: Approval of Agreement for Use of City Right-of-Way with

ATHOULA GROUP, LLC for a Grease Interceptor, Including
Necessary Plumbing in the Alley Behind 443 W. 18th Street

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

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

I.10. [23-513](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

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

I.11. [23-524](#)

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of a Restroom and a Concession/Restroom Building for Project CP220061 - Community Park 42 (CP-42) with CXT Precast Concrete Products in the Amount

of \$628,570.40 Through Sourcewell Cooperative Purchasing Process

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as allowed by Merced Municipal Code Section 3.04.210 to utilize cooperative agreements through Sourcewell, a government procurement program; and,
- B. Approving the purchase of a 11'x 26' Dakota Restroom in the amount of \$172,062.80 through Sourcewell contract # 081721-CXT; and,
- C. Approving the purchase of a custom Santiago concession/restroom building in the amount of \$465,507.60 through Sourcewell contract # 081721-CXT; and,
- D. Authorizing the Finance Officer to make the appropriate budget adjustment for the purchase and approval of any additional change orders and/or price adjustments not to exceed 10% of the purchase price; and,
- E. Authorizing the City Manager or Deputy City Manager to execute any necessary documents as required to purchase the above-described buildings.

I.12. [23-341](#)

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

REPORT IN BRIEF

Considers approving to waive the competitive bid process to allow for the cooperative purchase under State of California Cooperative Agreement 1-22-70-31C (PC Goods - Dell Laptops) and State of

California Cooperative Agreement 1-19-70-19D-1 (Dell/EMC Products - Enterprise Technology) with PC Specialists Inc., dba Technology Integration Group (TIG).in a not to Exceed Amount of \$120,000 in Fiscal Year 2023/2024.

RECOMMENDATION

City Council - Adopt a motion:

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

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

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

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

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

I.13. [23-386](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

A. Approving to waive the competitive bidding requirements due to

cooperative purchasing as stated in Section 3.04.210 of the Merced Municipal Code; and,

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

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

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

I.14. [23-401](#)

SUBJECT: Approval to Waive the Competitive Bid Process to Allow for the Cooperative Purchase with Competitively Bid Contracts; (State of California Cooperative Agreement 1-22-70-37 (PC Goods - Panasonic Rugged Laptops); State of California Cooperative Agreement 1-22-70-08H (Rugged Tablets/Rugged 2-in-1 Devices, Panasonic); State of California Cooperative Agreement 1-19-70-19H-3 (Enterprise Technology(Data Center Equipment) Hewlett Packard Enterprise (HPE) OEM); Monterey County Office of Education CALSAVE #530067; State of Utah Cooperative Online Marketplace Contract MA3458; Sourcewell Contract #081419; NASPO ValuePoint Software Value-Added Reseller ADSP016-130652) with CDW-G in a not to Exceed Amount of \$500,000 in Fiscal Year 2023/2024

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to piggybacking; and,
- B. State of California Cooperative Agreement 1-22-70-37 (PC Goods - Panasonic Rugged Laptops); and,
- C. State of California Cooperative Agreement 1-22-70-08H (Rugged Tablets/Rugged 2-in-1 Devices, Panasonic); and,
- D. State of California Cooperative Agreement 1-19-70-19H-3 (Enterprise Technology(Data Center Equipment) Hewlett Packard Enterprise (HPE) OEM); and,
- E. Monterey County Office of Education CALSAVE #530067; and,
- F. State of Utah Cooperative Online Marketplace Contract MA3458; and,
- G. Sourcewell Contract #081419; and,
- H. NASPO ValuePoint Software Value-Added Reseller ADSP016-130652; and,
- I. Authorizing the City Manager or designee to execute the necessary documents; and,
- J. Authorizing the Finance Officer to make necessary budget adjustments; and,
- K. Authorizing the purchase of \$500,000 of goods through CDW-G.

I.15. [23-403](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to piggybacking; and,
- B. Authorizing the use of 2021 AMS FOCUS Agreement 2021092 051821; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make necessary budget adjustments; and,
- E. Authorizing the purchase of goods through AMS.net in the amount not to exceed \$300,000 for Fiscal Year 2023-24.

I.16. [23-409](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to piggybacking; and,
- B. Authorizing the use of State of California Cooperative Agreement 1-19-70-19B-2 (Data Center Equipment CISCO - OEM); and,
- C. Authorizing the use of State of California Cooperative Agreement 1-19-70-19C-1 (Data Center Equipment Commvault - OEM); and,

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

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

I.17. [23-470](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

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

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

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

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

I.18. [23-516](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for professional services; and,
- B. Approving the Agreement for Professional Services with PrivITation Consulting Corp, in the amount not to exceed \$18,972 for maintenance of the heating and air conditioning systems at City Hall and the Police Central Station; and,
- C. Approving the Agreement for Professional Services with PrivITation Consulting Corp, in the amount not to exceed \$27,132 for maintenance of the heating and air conditioning systems at the Wastewater Treatment Plant; and,
- D. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

I.19. [23-535](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.4.210 for annual supplies and services; and,

- B. Approving the purchase up to \$90,000 with All-Phase Electric Supply through June 30, 2024; and,
- C. Approving the purchase up to \$300,000 with Badger Meter through June 30, 2024; and,
- D. Approving the purchase up to \$115,000 with Brisco Enterprises through June 30, 2024; and,
- E. Approving the purchase up to \$75,000 with Central Valley Trucking through June 30, 2024; and,
- F. Approving the purchase up to \$50,000 with Evantec Supply through June 30, 2024; and,
- G. Approving the purchase up to \$100,000 with Ewing Irrigation through June 30, 2024; and,
- H. Approving the purchase up to \$100,000 with Ferguson through June 30, 2024; and,
- I. Approving the purchase up to \$50,000 with Fisher Scientific through June 30, 2024; and,
- J. Approving the purchase up to \$75,000 with Flottweg Separation Technology through June 30, 2024; and,
- K. Approving the purchase up to \$150,000 with Golden State Emergency Vehicle through June 30, 2024; and,
- L. Approving the purchase up to \$125,000 with GP Norton through June 30, 2024; and,
- M. Approving the purchase up to \$50,000 with Grainger through June 30, 2024; and,
- N. Approving the purchase up to \$150,000 with Hach Company through June 30, 2024; and,
- O. Approving the purchase up to \$115,000 with Horizon Distributors through June 30, 2024; and,
- P. Approving the purchase up to \$150,000 with International Coatings

through June 30, 2024; and,

Q. Approving the purchase up to \$150,000 with Interstate Truck Center through June 30, 2024; and,

R. Approving the purchase up to \$200,000 with Jam Services through June 30, 2024; and,

S. Approving the purchase up to \$150,000 with Kellogg's Supply through June 30, 2024; and,

T. Approving the purchase up to \$75,000 with Martin Marietta Materials through June 30, 2024; and,

U. Approving the purchase up to \$110,000 with Mclaughlin Waste Equipment through June 30, 2024; and,

V. Approving the purchase up to \$150,000 with Merced Truck and Trailer through June 30, 2024; and,

W. Approving the purchase up to \$150,000 with Modesto Industrial Electrical Company through June 30, 2024; and,

X. Approving purchases up to \$100,000 with Nick's Auto Electric dba Carquest of Merced through June 30, 2024; and,

Y. Approving purchases up to \$60,000 with O'Reilly Auto Parts through June 30, 2024; and,

Z. Approving the purchase up to \$115,000 with Platt Electric Supply through June 30, 2024; and,

AA. Approving the purchase up to \$125,000 with Razzari Dodge through June 30, 2024; and,

AB. Approving the purchase up to \$100,000 with Ron Smith Buick through June 30, 2024; and,

AC. Approving the purchase up to \$125,000 with Ruckstell CA Sales through June 30, 2024; and,

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

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

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

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

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

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

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

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

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

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

I.20. [23-484](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Agreement for Professional Services (cleanup contract) with Provost and Pritchard Engineering Group, Incorporated, in the amount of \$240,000 for PCE groundwater cleanup; and,

B. Approving the Agreement for Professional Services (reporting contract) with Provost and Pritchard Engineering Group, Incorporated, in the amount

of \$35,000 for report drafting; and,

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

I.21. [23-500](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing staff to apply for Wastewater Treatment Facility Seismic Improvements, Project GR230015, funding through the California Office of Emergency Services, Hazard Mitigation Grant Program, in an amount of \$29,846,500; and,

B. Adopting **Resolution 2023-56**, A Resolution of the City Council of the City of Merced, California, authorizing the filing of a Hazard Mitigation Assistance Application with the California Office of Emergency Services for seismic upgrades to the Wastewater Treatment Facility, authorizing the maximum amount of any Financing Agreement, designating a source of revenue to pay any Financing Agreement, and designating the City Manager as the Authorized Representative to execute necessary documents; and,

C. Approving an agreement for professional services with Stantec Consulting Services, Inc., in the not to exceed amount of \$72,500; and,

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

I.22. [23-502](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

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

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

I.23. [23-533](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to SNF Polydyne for the supply and delivery of cationic polymer emulsion in the annual not to exceed amount of \$700,000 for Fiscal Years 2023/2024 and 2024/2025; and,

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

I.24. [23-538](#)

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

REPORT IN BRIEF

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

fluoride through June 30, 2024.

RECOMMENDATION

City Council - Adopt a motion

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

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

I.25. [23-590](#)

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

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

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

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

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

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

J. BUSINESS

J.1. [23-540](#) **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.

J.2. [23-542](#) **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.

K. ADJOURNMENT