



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, April 6, 2020

6:00 PM

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

NOTICE TO PUBLIC

Pursuant to Governor Newsom's Executive Order N-29-20, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL

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 held in the Council Chamber.

MODIFIED PUBLIC COMMENT INSTRUCTIONS FOR TELECONFERENCE MEETINGS

Please submit your public comment to the City Council electronically no later than 3 PM on the day of the meeting. Comments received before the deadline will be read as part of the record. Material may be emailed to cityclerk@cityofmerced.org and should be limited to 500 words or less. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to the City Council at the appropriate time. Any correspondence received after 3 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 3:00 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be provided to the City Council at the appropriate time.

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.

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. CALL TO ORDER

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

A.2. Pledge Allegiance to the Flag

B. ROLL CALL

B.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 \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

C. SPECIAL PRESENTATIONS

C.1. COVID-19 Update

D. WRITTEN PETITIONS AND COMMUNICATIONS

E. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may provide email or voicemail comments during this portion of the meeting and should follow the guidelines posted above in the **MODIFIED PUBLIC COMMENT INTRUCTIONS** to do so.

F. 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.

F.1. [19-752](#) **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.

F.2. [20-153](#)

SUBJECT: Information-Only Contracts for the Month of March 2020

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$32,000 and of Public Works contracts under \$70,939.

F.3. [20-154](#)

SUBJECT: Information Only - Traffic Committee Minutes of May 14, 2019 and July 9, 2019

RECOMMENDATION

For information only.

F.4. [20-139](#)

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of March 2, 2020

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 March 2, 2020.

F.5. [20-147](#)

SUBJECT: Adoption of Resolution Certifying the March 3, 2020 Special Municipal Election Returns for City Sponsored Measures K (Mayor's Term), L (Citizens' Stipend Setting Commission) and M (Finance Officer Requirements)

REPORT IN BRIEF

Certifies the March 3, 2020 election returns for City Measures K, L, and M.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-11**, a Resolution of the City Council of the City of Merced, California, reciting the fact of the Special Municipal Election held on March 3, 2020, declaring the result, and declaring such other matters as provided by law for City Measures K, L, and M (Amending City Charter).

F.6. [20-178](#)

SUBJECT: Approval of a Supplemental Appropriation in the Amount of \$150,000 from the Unencumbered, Unreserved General Fund Balance to Cover Expenditures Due to COVID-19

REPORT IN BRIEF

Approving a supplemental appropriation in the amount of \$150,000 from the unencumbered, unreserved General Fund balance to cover expenditures due to COVID-19.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a supplemental appropriation in the amount of \$150,000 from the unencumbered, unreserved General Fund balance to cover expenditures due to COVID-19; and

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

F.7. [20-157](#)

SUBJECT: Approval of First Amendment to the Agreement with McCampbell Analytical, Inc., in the Additional Amount of \$20,500, for a Total Not-to-Exceed Amount of \$68,428, for Additional Accelerated Monitoring Testing

REPORT IN BRIEF

Considers approving a First Amendment with McCampbell Analytical, Inc., for an additional amount of \$20,500 for additional accelerated monitoring testing.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment to Agreement for Professional Services with McCampbell Analytical, Inc., for an additional amount not to exceed \$20,500 for additional accelerated monitoring testing; and,

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

F.8. [20-172](#)

SUBJECT: Adoption of Resolution Setting a Public Meeting and Public Hearing Regarding Maintenance Districts Engineer's Reports and Budgets - Fiscal Year 2020/2021

REPORT IN BRIEF

Considers setting a public meeting for Monday, June 1, 2020, to address the proposed Engineer's Reports and Budgets and a formal public hearing for Monday, June 15, 2020, before a determination is made on the level of assessment to approve.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-12**, a Resolution of the City Council of the City of Merced, California, approving Engineer's Reports on Maintenance Districts and setting a public meeting and a public hearing thereon.

F.9. [20-177](#)

SUBJECT: Approval of Standard Software Maintenance Agreement (SSMA) with Tyler Technology for the Public Safety Software Used by Police and Fire for a Time Period Not to Exceed Five Years; First Year will be \$134,350.27 with a Yearly Increase Not to Exceed 4% Each Year

REPORT IN BRIEF

Authorizes the city to enter into a renewal agreement for the existing SSMA already in force for a period not to exceed five years.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopt a motion approving the maintenance and support agreement with Tyler Technologies for continued maintenance and support for the Public Safety software used by the Police and Fire Departments; and,

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

G. BUSINESS

G.1. [20-150](#)

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.

G.2. [20-151](#)

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.

H. ADJOURNMENT



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item F.1.

Meeting Date: 4/6/2020

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.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item F.2.

Meeting Date: 4/6/2020

Report Prepared by: Kirkland Greene, Records Clerk II

SUBJECT: Information-Only Contracts for the Month of March 2020

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$32,000 and of Public Works contracts under \$70,939.

AUTHORITY

Pursuant to the authority delegated to the City Manager on behalf of the City by Article XI, Section 1109, of the Merced City Charter to execute Public Works contracts under the adjusted FY 2019-2020 threshold of \$70,939.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted FY 2019-2020 threshold of \$32,000.00, the contracts listed on the attached table were entered into by the City.

ATTACHMENTS

1. "Information-Only" Contracts Table for March 2020

Exhibit 1 – Table of Contracts

4/6/2020 City Council Meeting

Page 1 of 2

Department/Division	Vendor	Purpose/Location	Amount
1112 – Public Works - Refuse	San Joaquin County Office of Education (DBA: Greater Valley Conservation Corps)	Memorandum of Understanding (MOU) to Provide Electronic-Waste (E-Waste) Collection, Consolidation, Sorting, Processing, and Transportation of All E-Waste Received at the City's Bulky-Item Drop-Off Site.	(No funds.)
1102 – Public Works - Admin.	AJG Garden Service, LLC	Maintenance District 126 – Mansionette: Replanting and fertilization of 372 plants (of various types and sizes). Statement of Services (PO #137570).	\$ 1,750.00
1102 – Public Works - Admin.	Odyssey Landscaping Company, Inc.	Landscape services at underfunded Maintenance Districts and Community Facilities Districts (CFD's) – Pleasanton Park, Merced Renaissance, Yosemite Village, Paseo, Mission Ranch, Hansen Park. Statement of Services (PO #137753).	\$ 5,160.00
1108 – WWTP	Madera Carports, Inc.	Provide and install one 24' x 26' covered awning for picnic bench area at the Wastewater Treatment Plant Wildlife Management Area. Statement of Services (PO #137782).	\$ 5,921.28
0803 – Engineering	Kleinfelder, Inc.	Drill three exploratory test borings, 10 ft. in depth, adjacent to the bike path bath culvert near Black Rascal Creek on "R" Street north of Loughborough Drive. Statement of Services (PO #137630).	\$ 6,684.00
0204 – City Clerk	Pitney Bowes, Inc.	State and Local Fair Market Value Lease for the <i>SendPro P1000</i> Mailing System (to be installed in the Civic Center Mailroom; five-year term).	\$16,758.60
1001 – Police	Systems & Space, Inc.	Installation of space-saver, high-density mobile shelving and storage racks in the high-security area of the Merced Police Department property and evidence storage location. Statement of Services (PO #137618).	\$28,270.50
1107 – Public Works - Sewers	R & R Construction Co.	Remove and replace ten existing catch basins and replace each with a City Standard S-3 Type C catch basin, including a two-foot (2') sump below insert (five locations). Statement of Services (PO #137752).	\$64,000.00

Copies of all of the contracts listed above are available in the City Clerk's Office.

Exhibit 1 – Table of Contracts (Continued)

4/6/2020 City Council Meeting

Page 2 of 2

Department/Division	Vendor	Purpose/Location	Amount
1106 – Public Works - Water	Calgon Carbon Corporation	Perform disinfection of carbon vessels for Well Site No. 3 (using 80,000 lbs. of granular activated carbon). Statement of Services (PO #137701).	\$70,000.00

Copies of all of the contracts listed above are available in the City Clerk's Office.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item F.3.

Meeting Date: 4/6/2020

Report Prepared by: Nicole Tabares, Administrative Assistant I - Engineering Department

SUBJECT: Information Only - Traffic Committee Minutes of May 14, 2019 and July 9, 2019

RECOMMENDATION

For information only.

ATTACHMENTS

1. Minutes of May 14, 2019
2. Minutes of July 9, 2019

TRAFFIC COMMITTEE

MINUTES

May 14, 2019

A. CALL TO ORDER

The meeting was called to order at 2:00 p.m.

B. ROLL CALL

Present: Chairperson: Michael Beltran, Interim City Engineer

Committee Members: Michael Hren, Planning Manager Designee*
arrived at 2:53 PM

Juan Olmos, Director of Public Works Designee

Dan Dabney, Police Chief Proxy Designee

Absent: Billy Alcorn, Fire Chief

C. ORAL COMMUNICATIONS

None.

D. CONSENT CALENDAR

1. Traffic Committee Minutes of March 12, 2019

RECOMMENDATION:

Approve and file.

Juan Olmos Moved, Dan Dabney Seconded

Vote: 3-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney

Absent: Billy Alcorn, Michael Hren

Clerk's Note: Staff recommendation approved.

E. REPORTS

1. Committee Member Reports
None.

F. BUSINESS

1. Request #18-013 – Re-Address Painting of Red Curb on Kelly Avenue and Bicycle Advisory Commission Recommendations (Michael Hren)
(Item originally requested by Public Works employee due to vehicles parking along the curb and restricting the travel lane. This item was heard at the July 10, 2018, September 11, 2018, November 13, 2018, and March 12, 2019 Traffic Committee meetings.)

Committee members agreed to table this item until Committee Member Michael Hren was available for discussion of Bicycle Advisory Commission recommendations.

MOTION: To table this item until the next Traffic Committee Meeting for input from Michael Hren and Bicycle Advisory Commission.

COUNCIL ACTION REQUIRED: None at this time.

Juan Olmos Moved, Dan Dabney Seconded

Vote: 3-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney

Absent: Billy Alcorn, Michael Hren

Clerk's Note: This item was readdressed after Item F-6.

Committee Member HREN detailed Bicycle Advisory Commission (BAC) recommendations and stated the BAC had no opposition to installation of red curb.

MOTION: To continue with previous Traffic Committee action, approving 100 feet of red curb on the East and West sides of Kelly Avenue.

COUNCIL ACTION REQUIRED: Approves amending the current ordinance to add the no parking zones.

Juan Olmos Moved, Dan Dabney Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

2. Request #18-016 – Re-Address Request for Intersection of West 21st & K Streets be Reinstated to 4-way Stop (Wayne Eisenhart)
(Citizen requests the intersection of West 21st & K Street be reinstated to a 4-way stop to assist students walking to John Muir Elementary School and to reduce vehicle accidents. Citizen requests crosswalks be added as well. This item was previously heard at the September 11, 2018 Traffic Committee meeting.)

Citizens Wayne Eisenhart and Diana Odom Gunn expressed their concerns over the removal of the four way stop intersection at 21st & K Streets.

Committee Members discussed the history of the intersection and traffic warrants for installation of stop signs. Chairperson BELTRAN stated the Engineering Department will need to review traffic warrants for this intersection.

MOTION: To table this item until the next Traffic Committee Meeting pending review of traffic warrants.

COUNCIL ACTION REQUIRED: None at this time.

Dan Dabney Moved, Juan Olmos Seconded

Vote: 3-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney

Absent: Billy Alcorn, Michael Hren

3. Request #18-022 – Re-Address Request to Stripe Double Left-Turn Lanes on Yosemite Avenue Turning onto M Street (Christopher Butler)
(Citizen requests street striping of the double left-turn lanes onto M Street from Yosemite Avenue to guide drivers and prevent lane merging while making a left-turn. This item was previously heard at the November 13, 2018 and March 12, 2019 Traffic Committee Meetings.)

Citizen Christopher Butler expressed his concerns with the lack of striping at the intersection.

Committee Member OLMOS stated the signage at the intersection was recently changed to better guide drivers.

Committee Member DABNEY stated he would review the accident history in more detail. Chairperson BELTRAN requested associated cost for striping and accident history due to turning movements in order to better determine whether addition of striping would be beneficial.

MOTION: To table this item pending review of cost and accident history.

COUNCIL ACTION REQUIRED: None at this time.

Dan Dabney Moved, Juan Olmos Seconded

Vote: 3-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney

Absent: Billy Alcorn, Michael Hren

4. Request #19-004 – Request to add Rapid Flashing Beacon to Crosswalk at the Intersection of Martin Luther King Jr Way and West 12th Street (Vonia Sneed)
(Citizen request to install a Rapid Flashing Beacon to the crosswalk at the intersection of Martin Luther King Jr Way and West 12th Street to alert drivers of pedestrian crossing.)

Chairperson BELTRAN stated Martin Luther King Jr Way is Caltrans

jurisdiction.

MOTION: To refer to Caltrans.

COUNCIL ACTION REQUIRED: None at this time.

Michael Beltran Moved, Dan Dabney Seconded

Vote: 3-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney

Absent: Billy Alcorn, Michael Hren

5. Request #19-005 & 19-006 - Request to add Stop Signs at the Intersections of West 21st and P Street and West 21st and Q Streets (Gwen Hagaman, Lance Abbott)
(Citizen traffic concerns at the intersections of West 21st & P Streets and West 21st & Q Streets due to vehicle accidents at the uncontrolled intersections.)

Citizens Gwen Hagaman, Lance Abbott and Diana Odom Gunn expressed their concerns with speeding and traffic accidents in the area of West 21st and P Streets and West 21st and Q Streets.

Committee Members discussed potential traffic calming measures, warrants for stop signs, and the City's Traffic Calming Guidelines.

MOTION: To table this item for next meeting pending review of traffic warrants and the City's Traffic Calming Guidelines.

COUNCIL ACTION REQUIRED: None at this time.

Juan Olmos Moved, Dan Dabney Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

Clerk's Note: Committee Member HREN arrived at 2:53 PM.

6. Request #19-007 – Request to Install Crosswalk and Rapid Flashing Beacon at the Intersection of El Portal Drive and Parsons Avenue (Gwen Marshall)

(Citizen request to install crosswalk and a rapid flashing beacon at the intersection of El Portal Drive and Parsons Avenue to alert drivers of pedestrian crossing.)

Committee Members discussed the intersection and were in agreement that installation of crosswalks was not necessary at this time.

MOTION: To deny the request for crosswalks and rapid flashing beacon.

COUNCIL ACTION REQUIRED: None at this time.

Dan Dabney Moved, Michael Beltran Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

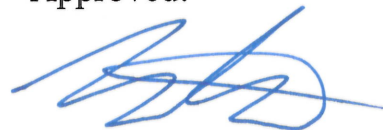
G. ADJOURNMENT

The meeting was adjourned at 3:20 p.m.

By: 
for Tania Olmos

Tania Olmos
Recording Secretary

Approved:



Michael Beltran
Chairperson

TRAFFIC COMMITTEE

MINUTES

July 09, 2019

A. CALL TO ORDER

The meeting was called to order at 2:00 p.m.

B. ROLL CALL

Present: Chairperson: Michael Beltran, Interim City Engineer

Committee Members: Michael Hren, Planning Manager Designee
Billy Alcorn, Fire Chief
Corey Plagenza, Director of Public Works
Proxy Designee
Dan Dabney, Police Chief Proxy Designee

Absent: None

C. ORAL COMMUNICATIONS

Diana Odom Gunn spoke representing Gwen Hagaman to question why her Request was not added to the July 9, 2019 agenda.

D. CONSENT CALENDAR

1. Traffic Committee Minutes of May 14, 2019

RECOMMENDATION:

Approve and file.

Dan Dabney Moved, Corey Plagenza Seconded

Vote: 5-0

Voting Aye: Michael Beltran, Dan Dabney, Billy Alcorn, Michael Hren, Corey Plagenza

Absent: None

Clerk's Note: Staff recommendation approved.

E. REPORTS

1. Committee Member Reports
None.

F. BUSINESS

1. Request #18-016 – Re-Address Request for Intersection of West 21st & K Streets be Reinstated to 4-way Stop (Wayne Eisenhart)
(Citizen requests the intersection of West 21st & K Street be reinstated to a 4-way stop to assist students walking to John Muir Elementary School and to reduce vehicle accidents. Citizen requests crosswalks be added as well. This item was previously heard at the September 11, 2018 and May 14, 2019 Traffic Committee meeting.)

Chairperson Beltran asked when the stop signs had been removed. Committee Member Dabney provided the three year accident report from 2016-2019. According to the accident report there had been 7 collisions at this intersection. Four of these accidents were failure to yield, 2 were pedestrian accidents, 4 accidents resulted in injuries but none resulted in fatalities. Chairperson Beltran stated that this intersection does not meet warrant to install additional stop signs.

MOTION: To deny.

COUNCIL ACTION REQUIRED: None at this time.

Dan Dabney Moved, Michael Hren Seconded

Vote: 5-0

Voting Aye: Michael Beltran, Dan Dabney, Billy Alcorn, Michael Hren, Corey Plagenza

Absent: None

2. Request #19-008 – Citizen Traffic Concerns on West 26th Street between M and O Streets (Gary Sandino)
(Citizen suggests the installation of speed bumps or stop signs on West 26th Street to reduce the amount of speeding vehicles and prevent accidents.)

Committee Member Hren stated speed bumps are not a way to implement speed control and suggested review of warrants at 26th and O Streets. Chairperson Beltran ask to table this item for a future meeting.

MOTION: To deny request for speed bumps and table request for stop signs to review 3 year accident history.

COUNCIL ACTION REQUIRED: None at this time.

Michael Hren Moved, Corey Plagenza Seconded

Vote: 5-0

Voting Aye: Michael Beltran, Dan Dabney, Billy Alcorn, Michael Hren, Corey Plagenza

Absent: None

3. Request #19-009 – Request for Installation of Crosswalks on Loughborough Drive between M and R Streets (Sheri Villagrana)
(Citizen requests to install one to two crosswalks on Loughborough Drive between M and R Streets to alert drivers of pedestrians crossing the street.)

Chairperson Beltran stated that a mid-block crossing is difficult, often times crosswalks are not used properly. Sheri Villagrana, who works at 3199 M Street, stated her concerns about not being able to see pedestrians crossing on Loughborough Drive. Committee Member Hren expressed his concerns on whether crosswalks are used appropriately. Committee Member Dabney stated Loughborough Drive is a wide street with an excess of 50 feet; the installation of a crosswalk could give pedestrians a false sense of security.

Committee Member Plagenza suggested education for the pedestrians living in the apartment complexes. Committee Member Dabney suggested police enforcement and education to The Bus.

MOTION: To request increased enforcement and education to pedestrian traffic by Police Department.

COUNCIL ACTION REQUIRED: None at this time.

Michael Hren Moved, Dan Dabney Seconded

Vote: 5-0

Voting Aye: Michael Beltran, Dan Dabney, Billy Alcorn, Michael Hren, Corey Plagenza

Absent: None

4. Request #19-010- Request for On-Street Disabled Persons Parking at 66 West Swallow Street (Alfonso Green)
(Citizen requests the installation of on-street disabled persons parking at 66 West Swallow Street.)

Citizen Alfonso Green was present and explained his concerns with parking. Committee member Hren discussed ADA compliance and suggested Police enforcement. Committee member Dabney suggested the resident contact Police Department for parking enforcement. Chairperson Beltran also discussed ADA standards.

MOTION: To deny handicap request. Provide police enforcement for parking.

COUNCIL ACTION REQUIRED: None at this time.

Michael Hren Moved, Corey Plagenza Seconded

Vote: 5-0

Voting Aye: Michael Beltran, Dan Dabney, Billy Alcorn, Michael Hren, Corey Plagenza

Absent: None

5. Request #19-011- Request to Extend Handicap Parking at 260-262 West 19th Street (Debra Toy)

(Citizen requests to extend existing on-street disabled persons parking at 260-262 West 19th Street to accommodate parking two vehicles.)

Committee member Hren suggested a study for removal of all unused or non ADA compliant residential handicap parking. Chairperson Beltran was not in favor of extending this handicap parking due to ADA regulations.

MOTION: To deny request to extend existing on-street disabled persons parking and table study for additional on-street disabled persons parking locations in the City for the November 12, 2019 meeting.

COUNCIL ACTION REQUIRED: None at this time.

Michael Hren Moved, Dan Dabney Seconded


Vote: 5-0

Voting Aye: Michael Beltran, Dan Dabney, Billy Alcorn, Michael Hren, Corey Plagenza

Absent: None

G. ADJOURNMENT

The meeting was adjourned at 2:56 p.m.

By: 
for Tania Olmos

Tania Olmos
Recording Secretary

Approved:



Michael Beltran
Chairperson



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item F.4.

Meeting Date: 4/6/2020

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of March 2, 2020

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 March 2, 2020.

ALTERNATIVES

1. Approve as recommended; or,
2. Approve, subject to amendments.

ATTACHMENTS

1. Minutes of March 2, 2020



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, March 2, 2020

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Mike Murphy, Mayor Pro Tempore Matthew Serratto, Council Member Kevin Blake, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Delray Shelton

Absent: 1 - Council Member Fernando Echevarria

B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:30 PM.

Clerk's Note: Council Member MARTINEZ arrived at 5:57 PM.

B.1.

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organizations: Merced Association of Police Sergeants. AUTHORITY: Government Code Section 54957.6

Clerk's Note: Council adjourned from Closed Session at 5:57 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:01 PM.

C.1. Invocation - Carol Madruga, Congregation of Etz Chaim

The invocation was delivered by Carol MADRUGA from Congregation of Etz Chaim.

C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

Present: 6 - Mayor Mike Murphy, Mayor Pro Tempore Matthew Serratto, Council Member Kevin Blake, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Delray Shelton

Absent: 1 - Council Member Fernando Echevarria

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 \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

F.1. **SUBJECT:** Certificate of Recognition to Brianna Martinez for Her Boxing Achievements

REPORT IN BRIEF

Accepted by Brianna Martinez.

Council Member MARTINEZ presented a Certificate of Recognition to Brianna MARTINEZ for her boxing achievements.

F.2. **SUBJECT:** Certificates of Appreciation for the 2020 State of the City Sponsors

REPORT IN BRIEF

Certificates of appreciation for the following 2020 State of the City sponsors; Seritage, Educational Employees Credit Union, Central Valley Community Bank, and Merced Irrigation District.

Mayor MURPHY presented Certificates of Recognition to representatives from Seritage, Educational Employees Credit Union, Central Valley Community Bank, and Merced Irrigation District for their contribution to the 2020 State of the City.

G. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office received 22 letters of opposition regarding item J.1. Public Hearing to Consider Rate Increases to Solid, Organic, and Recycle Waste Collection and Other Related Services Rates Over a Five Year Period Beginning July 1, 2020 and Introduction of an Ordinance to Amend Chapter 8.04 - Garbage and Rubbish, that were placed at the dais and are available for review in the Clerk's Office.

H. ORAL COMMUNICATIONS

Dennis EVANS, Merced - spoke on turning wastewater into a resource.

Cathie LANCASTER and Nancy BERGMAN, Merced - spoke on the CASA program and their fundraiser event.

Courtney STEE, Merced - spoke on lack of youth centers.

I. CONSENT CALENDAR

Clerk's Note: No items were pulled.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Martinez, Council Member McLeod, and Council Member Shelton

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 February 2020

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$32,000 and of Public Works contracts under \$70,939.

This Consent Item was approved.

I.3. **SUBJECT:** Information Only - Traffic Committee Minutes of January 14, 2020, September 10, 2019 (Corrected), September 24, 2019, and November 12, 2019

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 January 27, 2020 and February 3, 2020

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 January 27, 2020 and February 3, 2020.

This Consent Item was approved.

I.5.

SUBJECT: Approval of the 2019/2020 Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Report Pursuant to Federal Requirements Set Forth by Title II of the ADA and Section 504 of the Rehabilitation Act of 1973

REPORT IN BRIEF

Present the ADA Self-Evaluation and Transition Plan (referred to as Plan) for the 2019/2020 years as required by Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. This Plan is an update from the previous 2015/2016 years report. The Plan includes evaluations for all City owned buildings, streets, parks, programs and services for compliance with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973.

RECOMMENDATION

City Council - Adopt a motion accepting and filing the 2019/2020 Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Report

This Consent Item was approved.

I.6.

SUBJECT: Acceptance of a Petition to Annex into Community Facilities District (CFD) No. 2003-2 (Services) and Approval of a

Deposit and Reimbursement Agreement with 59 Petroleum, LLC

REPORT IN BRIEF

Considers accepting the petition to annex into CFD No. 2003-2 (Services) from 59 Petroleum, LLC, and approve a deposit and reimbursement agreement for the costs of annexing into the CFD for the commercial development generally located at the northwest corner of North Hwy 59 and Santa Fe Drive.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the petition to annex from 59 Petroleum, LLC, for annexation into Community Facilities District (CFD) No. 2003-2 (Services); and,
- B. Approving the deposit and reimbursement agreement, increasing revenue account in the amount of \$25,000 and appropriating the same in Fund 150 to reimburse the City for the cost of Community Facilities District formation and related expenditures; and,
- C. Authorizing the City Manager or the Assistant City Manager to execute the Agreements.

This Consent Item was approved.

I.7.

SUBJECT: Waiver of the Competitive Bidding Requirement for Professional Services and Approval of a Three (3) Year Agreement for Professional Services with THOR, Inc. for AS/400 Programming Consulting Services and to Assist with Central Square Data Migration in the Amount not to Exceed \$534,000

REPORT IN BRIEF

Considers the approval of a three (3) year agreement for professional services with THOR, Inc. for AS/400 programming consulting services and to assist with central square data migration in the amount not to exceed \$534,000.

RECOMMENDATION

City Council - Adopt a motion waiving the competitive bidding requirement, approving the agreement with THOR, Inc., authorizing the City Manager or the Assistant City Manager to execute the necessary

documents and authorizing the Finance Officer to make the necessary budget adjustments.

This Consent Item was approved.

I.8.

SUBJECT: Approval of Purchase for a Three (3) Year License of Bluebeam Studio Prime from CADD Microsystems Inc. for \$7,020

REPORT IN BRIEF

Considers the purchase of a three (3) year license of Bluebeam Studio Prime from CADD Microsystems Inc for \$7,020.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving acquisition of the license of BlueBeam Studio Prime software and authorizing the City Manager or the Assistant City Manager to execute the necessary documents; and,

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

This Consent Item was approved.

I.9.

SUBJECT: Waiver of Competitive Bidding Requirement for Professional Services and Approval of Five Year Agreement with SDI Presence LLC for Project Management and Ad Hoc Advisory Services in an Amount not to Exceed \$251,250

REPORT IN BRIEF

Considers waiving of the Competitive Bidding Requirement for Professional Services Agreement with SDI Presence LLC for \$251,250

RECOMMENDATION

City Council - Adopt a motion:

A. Approving waiving of the competitive bidding requirement; and

B. Approving the agreement with SDI Presence LLC. in the amount of \$251,250 and authorizing the City Manager or the Assistant City Manager to execute the necessary documents; and,

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

This Consent Item was approved.

I.10.

SUBJECT: Second Reading and Final Adoption of Ordinance Amending Chapter 2.52, "Bicycle Advisory Commission" of the Merced Municipal Code to Expand the Role of the Bicycle Advisory Commission to Include all Modes of Active Transportation

REPORT IN BRIEF

Second reading and final adoption of an Ordinance expanding the Merced Bicycle Advisory Commission's scope to include all modes of Active Transportation, in accordance with the recommendations made in the City's adopted Active Transportation and Safe-Routes-to-School Plan.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2513**, an Ordinance of the City Council of the City of Merced, California, amending Chapter 2.52, "Bicycle Advisory Commission" of the Merced Municipal Code.

This Consent Item was approved.

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing to Consider Rate Increases to Solid, Organic, and Recycle Waste Collection and Other Related Services Rates Over a Five Year Period Beginning July 1, 2020 and Introduction of an Ordinance to Amend Chapter 8.04 - Garbage and Rubbish

REPORT IN BRIEF

Hold a Public Hearing to consider approving rate increases to the solid, including green and organic waste, and recycling rates for all customer classes including residential, commercial, and industrial and related services.

RECOMMENDATION

City Council - Adopt a motion approving the proposed Solid Waste Collection and Related Services Rates and introducing **Ordinance 2514**, an Ordinance of the City Council of the City of Merced, California,

Amending Chapter 8.04, "Garbage and Rubbish," of the Merced Municipal Code.

Recycling Coordinator Monique GAMA and R3 Consulting Group Consultant Carrie BAXTER gave a slide show presentation on the Refuse Rate Study.

Mayor MURPHY opened the Public Hearing at 6:36 PM.

John ANASTOS, Merced - requested more options in the rate system.

David TATUM, Merced - spoke on the proposed increase in refuse rates and his concern on the increase. He also asked about the justification of the twenty percent increase.

Ralph GLADWIN, Merced Walks, Merced - spoke in support of the increase in refuse rates and suggested the funds to go towards the large item drop-off location and for the reduction of encampments.

Casey STEED, Merced - suggested Council review the financial impact.

Mayor MURPHY closed the Public Hearing at 6:45 PM.

Council, Ms. BAXTER, and Director of Public Works Ken ELWIN discussed funding for the expansion of the Public Works Corporate Yard and future rate adjustments.

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

Aye: 5 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member McLeod, and Council Member Shelton

No: 1 - Council Member Martinez

Absent: 1 - Council Member Echevarria

K. REPORTS

K.1.

SUBJECT: Report to the City Council on the Current Measure C Educational Efforts and an Update on Next Steps for Conducting a Feasibility Survey Regarding a Potential November 2020 Ballot Measure

REPORT IN BRIEF

Report to the City Council on the current Measure C educational efforts and

an update on next steps for conducting a feasibility survey regarding potential November 2020 ballot measures.

RECOMMENDATION

City Council - Adopt a motion providing staff direction to continue existing Measure C educational efforts and to return to the City Council with the results of the Feasibility Survey for further direction.

Assistant City Manager Stephanie DIETZ gave a slide show presentation updating Council on the Current Measure C Educational Efforts and Next Steps for Conducting a Feasibility Survey for a Potential November 2020 Ballot Measure.

Clerk's Note: No formal vote was taken.

K.2.

SUBJECT: Award of Request for Proposal and Approval of a Five (5) Year \$4,526,455 Contract With an Additional \$452,645 Contingency to Tyler Technologies for an Enterprise Resource Planning System, Hosting, Hardware, Technical Support, Data Migration, Travel, Training, and Implementation Services

REPORT IN BRIEF

Authorizes the execution of a five (5) year \$4,526,455 contract and a \$452,645 Contingency to Tyler Technologies for an Enterprise Resource Planning System, Hosting, Hardware, Technical Support, Data Migration, Travel, Training, and Implementation Services.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding the RFP, Approving the Agreement with Tyler Technologies and authorizing the City Manager or the Assistant City Manager to execute the necessary documents; and,
- B. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- C. Authorizing the City Manager or the Assistant City Manager to execute zero dollar future contract amendments with Tyler Technologies; and,
- D. Authorizing the City Manager or the Assistant City Manager to execute future contract amendments with Tyler Technologies within a 10% contingency; and,

F. Authorizing the City Manager or the Assistant City Manager to execute future contract amendment and encumbrance of funds for the performance bond in year three, four, and five of the contract; and,

G. Authorizing the City Manager or the Assistant City Manager to execute future contract amendments to procure optional items listed in the Investment Summary if funding is approved in the adopted budget; and,

H. Authorizing the Finance Officer to make the necessary budget adjustments for future contract amendments.

Director of Information Technology Jeff BENNYHOFF gave a slide show presentation on the Enterprise Resource Planning System.

Council Member MCLEOD and Mr. BENNYHOFF discussed staff hours, cost savings, and data migration.

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

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 1 - Council Member Echevarria

L. BUSINESS

L.1. SUBJECT: Setting the FY 2020-2021 City Council Goals and Priorities

REPORT IN BRIEF

Setting the FY 2020-2021 City Council's goals and priorities.

RECOMMENDATION

For information only.

City Manager Steve CARRIGAN and Assistant City Manager Stephanie DIETZ gave a slide show presentation on Setting the FY 2020/2021 City Council Goals and Priorities.

Council and Staff discussed prioritizing investment in downtown, youth activities, Fahrens Park Bike Project, CP-42, the Block Party Trailer, available basketball courts, City beautification, neighborhood improvement project, and Climate Action Plan. They also discussed opportunity zones, the Arts District, rebranding South Merced, park upgrades, partnering with

Merced County Association of Governments to alleviate parking issues in the downtown, and Measure C transition and expansion.

Ralph GLADWIN, Merced - spoke on broadening the contact with County officials to fight blight.

Sheng XIONG, Merced - spoke on opportunity zones and affordable housing.

Clerk' Note: No formal vote was taken.

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.

There were no items added.

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 MARTINEZ reported on attending a play performed by Weaver Elementary School students.

Council Member MCLEOD thanked residents for participating in the Town Hall meetings.

Council Member BLAKE reported on attending a tour of downtown Fresno with the Council Downtown Subcommittee.

Council Member SHELTON reported on attending Caring for Black Children event at Merced College, the Boards and Commissions recognition ceremony by BHC, the Town Hall meetings, and the Infinity Tour.

Mayor MURPHY reported on attending a High Speed Rail Hearing in Sacramento, the Lao Family Thank you Dinner, the Rotary Crab Feed

Dinner, the Merced County Association of Governments meeting, a lecture at UC Merced, giving a presentation to the UC Trustees, and speaking to the school district leadership group.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 7:59 PM.

A motion was made by Council Member Blake, seconded by Council Member Shelton, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 1 - Council Member Echevarria



ADMINISTRATIVE REPORT

Agenda Item F.5.

Meeting Date: 4/6/2020

Report Prepared by: John Tresidder, Assistant City Clerk, City Clerk's Office

SUBJECT: Adoption of Resolution Certifying the March 3, 2020 Special Municipal Election Returns for City Sponsored Measures K (Mayor's Term), L (Citizens' Stipend Setting Commission) and M (Finance Officer Requirements)

REPORT IN BRIEF

Certifies the March 3, 2020 election returns for City Measures K, L, and M.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-11**, a Resolution of the City Council of the City of Merced, California, reciting the fact of the Special Municipal Election held on March 3, 2020, declaring the result, and declaring such other matters as provided by law for City Measures K, L, and M (Amending City Charter).

AUTHORITY

California Elections Code Sections 10262 through 10264 and the Merced City Charter Section 1003-Procedure for Holding Elections.

DISCUSSION

The California Elections Code requires that the City Council receive and act upon the returns or results of each municipal election. The City Council placed the City sponsored Measure K (Mayor's Term Amendment), Measure L (Citizens' Stipend Setting Commission Amendment), and Measure M (Finance Officer Requirements Amendment) on the ballot.

The Merced County Registrar of Voters Barbara J. Levey recently certified the election returns for all votes cast in the March 3, 2020 election within Merced County. It is now appropriate for the City Council to take action to finalize these returns for City purposes. This action is required under the California Elections Code.

The attached resolution provides a breakdown of all votes cast for each measure.

ATTACHMENTS

1. Resolution 2020-11

RESOLUTION NO. 2020-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
RECITING THE FACT OF THE SPECIAL
MUNICIPAL ELECTION HELD ON MARCH 3,
2020, DECLARING THE RESULT, AND
DECLARING SUCH OTHER MATTERS AS
PROVIDED BY LAW FOR CITY MEASURES K, L,
AND M (AMENDING CITY CHARTER)**

WHEREAS, A Special Municipal Election was held and conducted in the City of Merced, California, on Tuesday, March 3, 2020 as required by law;

WHEREAS, Notice of the election was given in the time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in the time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities and consistent with Section 1001 and 1003 of the Charter; and,

WHEREAS, The County Election Department has canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the measure (Measure K) voted upon at the election is as follows:

"Shall the measure to amend the Merced City Charter to impose a four year term for Mayor be adopted?"

SECTION 2. That the measure (Measure L) voted upon at the election is as follows:

“Shall the measure to amend the Merced City Charter to establish a Citizens’ Stipend Setting Commission to set, recommend, and limit the maximum stipend the City Council, including the Mayor, may adopt and receive be adopted?”

SECTION 3. That the measure (Measure M) voted upon at the election is as follows:

“Shall the measure to amend the Merced City Charter to impose budget and reporting requirements by the Finance Officer to the City Council be adopted?”

SECTION 4. That the number of votes given at each precinct and the number of votes given in the City for and against each measure are as listed in Exhibit “A” attached.

SECTION 5. The City Council does declare and determine that:

A. As a result of the election, a majority of the voters voting on Measure K did vote in favor of it, and that Measure K was carried, and Section 400 and 1051 of the Merced City Charter is amended by changing the Mayor’s term length from two-years to four years and changing the “election cycle” from two years to four years.

B. As a result of the election, a majority of the voters voting on Measure L did vote in favor of it, and that measure L was carried, and Section 402 of the Merced City Charter is amended by adding a Citizens’ Stipend Setting Commission to recommend to the City Council a monthly stipend deemed appropriate for the City Council and for the Mayor.

C. As a result of the election, a majority of the voters voting on Measure M did vote in favor of it, and that Measure M was carried, and Section 604 of the Merced City Charter is amended by imposing budget and reporting requirements by the Finance Officer to the City Council.

SECTION 6. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election showing the whole number of the ballots cast in the City.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2020, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:


Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 3.20.2020
City Attorney Date



STATEMENT OF VOTE
PRESIDENTIAL PRIMARY ELECTION
MARCH 3, 2020



BARBARA J. LEVEY
REGISTRAR OF VOTERS



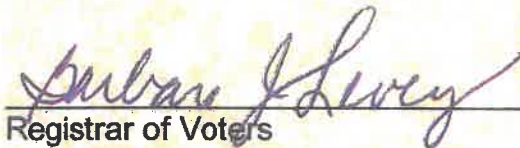
HELP AMERICA VOTE ACT OF 2002 CERTIFICATION OF ELECTIONS OFFICIAL

STATE OF CALIFORNIA }
COUNTY OF MERCED } ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. §15483),

I, **Barbara J. Levey**, Registrar of Voters for the **County of Merced**, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the **3rd day of March 2020**, in the **County of Merced**, State of California, and all elections consolidated therewith.

I hereby set my hand and official seal this **27th day of March, 2020** at the **County of Merced**.



Registrar of Voters
County of Merced
State of California

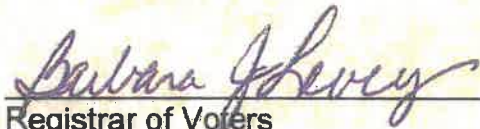


**CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS
OF THE RESULTS OF THE CANVASS
OF THE MARCH 3, 2020,
PRESIDENTIAL PRIMARY ELECTION**

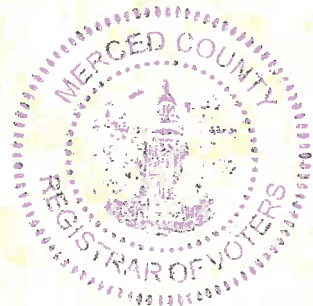
STATE OF CALIFORNIA }
COUNTY OF MERCED } ss.

I, **Barbara J. Levey**, County Clerk/Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the **Presidential Primary Election** held in said County on **March 3, 2020**, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this **27th** day of **March, 2020** at the **County of Merced**.



Registrar of Voters
County of Merced
State of California



Summary Results Report
 Presidential Primary Election
 March 3, 2020

Final Certified Results

Merced County

Measure P - El Nido Elementary School - 55% Vote Required

Vote For 1

	TOTAL
Bonds Yes	101
Bonds No	61
Total Votes Cast	162
Overvotes	0
Undervotes	3
Contest Totals	165

Measure Q - El Nido Elementary School - 55% Vote Required

Vote For 1

	TOTAL
Bonds Yes	93
Bonds No	66
Total Votes Cast	159
Overvotes	0
Undervotes	6
Contest Totals	165

Measure R - Le Grand High School - 55% Vote Required

Vote For 1

	TOTAL
Bonds Yes	571
Bonds No	489
Total Votes Cast	1,060
Overvotes	0
Undervotes	22
Contest Totals	1,082

Measure K - City of Merced - Majority Vote Required

Vote For 1

	TOTAL
Yes	8,693
No	4,632
Total Votes Cast	13,325
Overvotes	1
Undervotes	922
Contest Totals	14,248

Measure L - City of Merced - Majority Vote Required

Vote For 1

	TOTAL
Yes	8,382
No	4,873
Total Votes Cast	13,255
Overvotes	4
Undervotes	989
Contest Totals	14,248

Summary Results Report
Presidential Primary Election
March 3, 2020

Final Certified Results

Merced County

Measure M - City of Merced - Majority Vote Required

Vote For 1

	TOTAL
Yes	10,766
No	2,556
Total Votes Cast	13,322
Overvotes	2
Undervotes	924
Contest Totals	14,248

Measure O - City of Atwater- 2/3 Vote Required

Vote For 1

	TOTAL
Yes	3,130
No	2,124
Total Votes Cast	5,254
Overvotes	2
Undervotes	103
Contest Totals	5,359



ADMINISTRATIVE REPORT

Agenda Item F.6.

Meeting Date: 4/6/2020

Report Prepared by: Venus Rodriguez, Finance Officer

SUBJECT: Approval of a Supplemental Appropriation in the Amount of \$150,000 from the Unencumbered, Unreserved General Fund Balance to Cover Expenditures Due to COVID-19

REPORT IN BRIEF

Approving a supplemental appropriation in the amount of \$150,000 from the unencumbered, unreserved General Fund balance to cover expenditures due to COVID-19.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a supplemental appropriation in the amount of \$150,000 from the unencumbered, unreserved General Fund balance to cover expenditures due to COVID-19; and
- B. Authorizing the Finance Officer to make any necessary budget adjustments necessary.

ALTERNATIVES

- 1. Approve, as recommended by staff; or,
- 2. Approve subject to other than recommended by staff (identify specific findings and or conditions amended to be addressed by City Council motion); or,
- 3. Deny; or,
- 4. Refer back to staff for reconsideration of specific items (specific items to be addresses in the motion); or
- 5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Merced City Charter, Section 1105

CITY COUNCIL PRIORITIES

City Council ratified Local Emergency due to COVID-19 on March 16,2020 with Resolution 2020-10

DISCUSSION

Background

The novel coronavirus outbreak began in Wuhan China in 2019 and spread across the globe and into

the United States. As of 8 a.m. Friday, March 23, 2020, there is one positive case of COVID-19 in Merced County, and 1,816 in California with 35 deaths.

Friday, March 13, 2020, the President of the United States declared a national emergency due to the outbreak. Also, on Friday, Merced County declared a state of emergency. This followed the March 4, 2020 state of emergency that was declared by Gov. Newsom. The City of Merced City Manager also declared a local emergency as the Director of Emergency Services.

On March 18th, 2020, the City of Merced moved to a Level 2 Emergency Operations Center (EOC) activation. This decision was made due to the number of resources (personnel) that were currently working on the incident. The decision was made to move the EOC to the secondary location of Sam Pipes room, located on the first floor of City Hall due to the ability to expand as needed while maintaining the appropriate social distancing requirements. This also provided the ability to utilize the fire departments training room as a secondary dispatch center or call taking facility, should the need arise.

The EOC is currently utilizing the Incident Command System (ICS) and has a fully established management and general staff. The management staff consists of the EOC Director - Steve Carrigan, EOC Coordinator - Billy Alcorn, Safety Officer - Jeff Hakola/Rosa Winzer, Information Officer - Mike Conway/Jim Evans/Nate Frankhauser, Liaison Officer - Stephanie Dietz/Mickey Brunelli, and Legal Officer - Phaedra Norton. The general staff consists of the Planning Section - Casey Wilson/Scott McBride, Logistics Section - Jeremy Franklin/Frank Quintero, Operations Section - Tom England/Ken Elwin, and the Finance Section - Venus Rodriguez/Julie Trujillo.

Within each of these sections is multiple divisions, branches, or groups that have employees working within their section to accomplish the EOC's management and control objectives. As this event expands, more employees will be called in to work as needed and fulfill the additional positions within the ICS structure.

One of the items to consider under the logistics section is procurement. Procurement is tasked with purchasing items needed for or associated with the event. Each of the requests being sent to procurement are necessary items, but unexpected therefore, unbudgeted in the current fiscal year's budget. Due to the complexity and proposed duration of this incident, we anticipate numerous unbudgeted costs, including employee overtime and supplies.

City employees are tracking time and expenses so when Federal and/or State government provides information regarding potential reimbursement for COVID-19 emergency costs, we will be ready to submit our request based on allowable costs. It is unlikely we will receive 100% reimbursement of City costs but will continue to monitor the information as it is provided.

IMPACT ON CITY RESOURCES

A supplemental appropriation in the amount of \$150,000 is needed from the unreserved, unencumbered General Fund balance in order to cover unexpected and unbudgeted costs due to COVID-19.



ADMINISTRATIVE REPORT

Agenda Item F.7.

Meeting Date: 4/6/2020

Report Prepared by: Jeremy Geiger, Water Quality Control Division Supervisor

SUBJECT: Approval of First Amendment to the Agreement with McCampbell Analytical, Inc., in the Additional Amount of \$20,500, for a Total Not-to-Exceed Amount of \$68,428, for Additional Accelerated Monitoring Testing

REPORT IN BRIEF

Considers approving a First Amendment with McCampbell Analytical, Inc., for an additional amount of \$20,500 for additional accelerated monitoring testing.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the First Amendment to Agreement for Professional Services with McCampbell Analytical, Inc., for an additional amount not to exceed \$20,500 for additional accelerated monitoring testing; and,
- B. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

ALTERNATIVES

- 1. Approve, as recommend by Staff; or,
- 2. Approve, subject to other than recommended by Staff; or,
- 3. Deny; or,
- 4. Refer to Staff for reconsideration of specific items; or,
- 5. Continue to a future meeting.

AUTHORITY

Merced Municipal Code Title 3, Chapter 3.04, Article III - Purchases Over Twenty-Five Thousand Dollars.

CITY COUNCIL PRIORITIES

As provided for in the 2019-20 Adopted Budget.

DISCUSSION

The Wastewater Treatment Facility (WWTF) operates under a National Pollutant Discharge Elimination System (NPDES) Permit. The NPDES requires the WWTF to conduct chronic whole effluent toxicity testing to comply with the Basin Plan's narrative toxicity objective. In addition, the

WWTF is required to investigate the cause of any toxicity and identify corrective actions to reduce or eliminate effluent toxicity.

The NPDES permit further states that should the numeric toxicity monitoring trigger be exceeded, the WWTF would be required to initiate accelerated monitoring within 14 days. If the numeric toxicity monitoring trigger is exceeded during accelerated monitoring, the WWTF will then be required to initiate a Toxicity Reduction Evaluation (TRE) work plan.

The chronic toxicity monitoring results in October 2019 were reported as having a contributing toxicity effect on the receiving water with a "fail" result for Ceriodaphnia dubia reproduction. This triggered the WWTF to initiate accelerated monitoring. The cost for accelerated monitoring was not included in the original contract.

A chronic toxicity test for Ceriodaphnia dubia, including reference toxicity and courier services cost a total of \$2,050. Accelerated monitoring requires four consecutive tests with a "pass" result. If one of the accelerated monitoring tests results in a "fail", an additional four consecutive tests would need to be performed with a "pass" result for each test. Potentially up to ten (10) sample events could occur at \$2,050 per test equaling \$20,500.

History and Past Actions

On June 17, 2019, City Council approved an agreement with McCampbell Analytical, Inc., to conduct bioassay laboratory services for a two-year period ending on June 30, 2021, for an annual cost of \$23,964.

IMPACT ON CITY RESOURCES

There are sufficient funds available in 553-1108-532-17.00 Professional Services account line.

ATTACHMENTS

1. First Amendment to the Professional Services Agreement

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into this ____ day of _____, 2020, by and between the City of Merced, a California Charter Municipal Corporation ("City"), and McCampbell Analytical Incorporated, a California Corporation, whose address of record is 1534 Willow Pass Road, Pittsburg, California 94565, ("Consultant").

WHEREAS, City is undertaking additional services to conduct accelerated monitoring of *Ceriodaphnia dubia*; and,

WHEREAS, City and Consultant have previously entered into an Agreement for Professional Services ("Agreement") dated June 17, 2019; and,

WHEREAS, City and Consultant desire to amend said Agreement to provide for additional services in connection with said project.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. Section 22, "ADDITIONAL WORK," is hereby added to the Agreement to read as follows:

"SECTION 22. ADDITIONAL WORK. Consultant shall perform the additional accelerated bioassay testing as detailed in Exhibit "1" attached hereto.

2. Section 23, "ADDITIONAL COMPENSATION," is hereby added to the Agreement to read as follows:

"SECTION 23. ADDITIONAL COMPENSATION. City shall pay to Consultant the not to exceed additional sum of up to Twenty Thousand Five Hundred Dollars (\$20,500.00) for the additional work described in the proposal attached hereto as Exhibit "1" and in accordance with the rates set forth on Exhibit "1."

3. Except as herein amended, the Agreement dated June 17, 2019, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to Agreement to be executed on the date first above written.

CITY OF MERCED
A California Charter Municipal
Corporation

BY: _____
City Manager

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: Shweta A. Noh 2-20-2020
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

CONSULTANT
MCCAMPBELL ANALYTICAL
INCORPORATED,
A California Corporation

BY: 
(Signature)

Andrew Gantner
(Typed Name)

Its: Aquatic Toxicology Director
(Title)

BY: _____
(Signature)

(Typed Name)

Its: _____
(Title)

Taxpayer I.D. No. 680252953

ADDRESS: 1534 Willow Pass Road
Pittsburg, CA 94565

TELEPHONE: 925-252-9262

FAX: _____

E-MAIL: drew.gantner@mccampbell.com

The Wastewater Treatment Facility (WWTF) operates under a National Pollutant Discharge Elimination System (NPDES) Permit. The NPDES requires the WWTF to conduct chronic whole effluent toxicity testing to comply with the Basin Plan's narrative toxicity objective. In addition, the WWTF is required to investigate the cause of any toxicity and identify corrective actions to reduce or eliminate effluent toxicity.¹

The NPDES permit further states that should the numeric toxicity monitoring trigger be exceeded, the WWTF would be required to initiate accelerated monitoring within 14 days. If the numeric toxicity monitoring trigger is exceeded during accelerated monitoring, the WWTF will then be required to initiate a Toxicity Reduction Evaluation (TRE) work plan.

The chronic toxicity monitoring results in October 2019 were reported as having a contributing toxicity effect on the receiving water with a "fail" result for Ceriodaphnia dubia reproduction. This triggered the WWTF to initiate accelerated monitoring. The costs for accelerated monitoring were not included in the original contract.

A chronic toxicity test for Ceriodaphnia dubia, including reference toxicity and courier services cost a total of \$2,050. Accelerated monitoring requires four consecutive tests with a "pass" result. If one of the accelerated monitoring tests results in a "fail", an additional four consecutive tests would need to be performed with a "pass" result for each test. Potentially up to ten (10) sample events could occur at \$2,050 per test equaling \$20,500.

1. (NPDES Order Number R5-2014-0096, VI Provisions, C. Special Provisions, 2. Special Studies, Technical Reports, and Additional Monitoring Requirements.

EXHIBIT 1



McC Campbell Analytical, Inc.
"When Quality Counts"

1534 Willow Pass Road, Pittsburg, CA 94565-1701
Toll Free Telephone: (877) 252-9262 / Fax: (925) 252-9269
http://www.mcccampbell.com / E-mail: main@mcccampbell.com

QUOTATION for ANALYTICAL SERVICES

Requested By: Jeremy J Geiger
City of Merced Public Works (COME)
10260 Gove Road

Merced, CA 95340
(209) 564-0386
geigerj@cityofmerced.org

Project:

Quote ID: 192768

Prepared DATE: June 25, 2019

Expiration DATE: August 23, 2021

Assigned PM: Drew Gantner

Prepared By: Drew Gantner

Test Name	Test Method	TAT	Matrix	Qty	Unit Price	Total
Tests:						
Acute 96-hr Static 48-hr Renewal Screen w/ FHM	EPA 2000.0	10 Days	W	1	\$357.00	\$357.00
Chronic Selenastrum capricornutum 100% Conc.	EPA 1003.0	12 Days	E	1	\$695.00	\$695.00
Chronic Selenastrum capricornutum Ref Tox	EPA 1003.0	12 Days	W	1	\$420.00	\$420.00
Chronic Ceriodaphnia dubia 100% Concentration	EPA 1002.0	12 Days	E	1	\$795.00	\$795.00
Chronic Ceriodaphnia dubia Ref Tox	EPA 1002.0	12 Days	W	1	\$760.00	\$760.00
Chronic Fathead Minnow 100% Concentration	EPA1000.0	12 Days	E	1	\$825.00	\$825.00
Chronic Fathead Minnow Ref Tox	EPA1000.0	12 Days	W	1	\$600.00	\$600.00
Fix-Rate Items:						
Courier Trip				1	\$165.00	\$165.00

Tests SubTotal: \$4,452.00

Fix-Rate Items SubTotal: \$165.00

TOTAL: \$4,617.00

Comments:

Courier fee should be applied for each day of sample delivery



Credit & Payment

- To establish an account with McC Campbell Analytical, Inc. (MAI), first time clients must submit a completed credit application. Credit applications may take up to two or more weeks to process. Pre-payment of analytical results will be required for release of results if credit has not been established prior to the completion of the data. If a client does not wish to submit a credit application, a payment authorization form will need to be submitted at the time of sample submission.
- MAI accepts payment by check, cash, VISA, MASTERCARD, AMEX and DISCOVER.
- Third party billing is only permitted with written authorization from the sample submitting client stating that they will be responsible for payment should the third party be delinquent. MAI reserves the right to refuse any third party billing request.

Terms of Payment

- Upon credit approval MAI will not accept "pay when paid" terms without a written contract or payment plan in place.
- Orders from customers with invoices that are ninety (90) days or more overdue (i.e., not paid within 90 days of invoice date) will only be accepted on a C.O.D. basis until credit can be re-established to MAI's satisfaction.
- MAI reserves the right to withhold reporting of results if a client fails to pay on any invoice beyond 90 days. In accordance with FTC guidelines, a finance charge of 1.50% per month will be assessed on balances not paid within the due date of the invoice. Unpaid invoices of more than one year overdue may be subject to collections and collection fees at the sole discretion of MAI. Overdue accounts are responsible for all legal and collection fees.

Expedited Turnaround Times

- Standard turnaround time (TAT) for laboratory service is 5 business days for most analyses. Expedited turnaround times are available for most analyses. Please contact MAI in advance of sample delivery for rush TAT availability. Completion of any services purchased is subject to MAI's availability schedule. MAI shall make every reasonable effort to meet expected completion date(s) quoted or acknowledged. However, in the case of an unforeseen event, rush turnaround times may not be achievable even after acknowledgement. MAI will contact the client ASAP upon knowledge of the analytical data delays and adjust the invoice accordingly should delays occur.

MAI's expedited turnaround time surcharges for most tests are as follows, sub-contracted laboratory surcharges may vary:

• SAME DAY - 150% • 1 DAY TAT - 100% • 2 DAY TAT - 50% • 3 DAY TAT - 25% • 4 DAY TAT - 10%

Cancellation & Changes

- In the event that a sample submission cancellation is necessary, rush samples must be cancelled within 3 hours after laboratory receipt. Standard TAT samples are to be cancelled within one day after sample receipt. All samples cancelled after the above mentioned time frame will be subject to either an extraction &/or analytical fee depending how far along samples have been processed within the lab.
- Samples placed on hold after the above time frame will be subject to either an extraction or analytical fee depending how far along samples have been processed.
- Additions to the scope of work may prolong the turnaround time. The turnaround times for all additions start on the date that the changes have been initiated in writing. All changes/amendments to a Work order must be provided to MAI in writing, preferably via email.

Courier Service & Sample Pick-Up

- MAI will pick up samples or drop off supplies during normal business hours, free of charge within an 80 mile radius for events that are a minimum of \$150 of analytical services &/or equipment. Courier services beyond those parameters outlined are available at an additional cost and are subject to availability. In the event that the invoice is less than \$150, the invoice will be adjusted with a \$50 courier fee. MAI requires that all pickup & sample bottle requests be forwarded to our Sample Reception department 24 hours in advance for pickup &/or delivery. MAI makes every effort possible to accommodate our client's pickup & delivery needs; however, MAI is not responsible for expired hold times while on route. A 3- hour window is required for all pickups &/or deliveries. If samples require expedited TATs, sample deliver is strongly recommended. Turn-around time begins when the laboratory receives the samples.

Sample Receiving

- MAI is open to receive samples Monday through Friday; 8am– 9pm. Samples received after 5pm will be considered as received on the following business day. Turnaround time starts when the clients' samples are relinquished to MAI via the chain of custody and after any/all questions regarding the samples &/or COC desires have been resolved. MAI encourages clients to drop-off rush samples directly to our lab; alternatively, MAI can hire a private courier at client's expense in an effort to expedite the timely processing of these samples since our couriers cannot guarantee that they will arrive back to our lab by 5pm. MAI will not be liable for any rush samples that do not arrive to our lab via MAI courier by 5pm.





Sample Container Shipping

- MAI provides high quality sampling containers and ice chest cooler(s) upon request to our clients. These container and cooler costs are included within the quoted analytical pricing. Containers will be shipped via UPS ground or delivered by MAI couriers upon arrangement. A minimum of 1 week's advance notice is required in order to facilitate shipment of items by ground shipping. Shipments requiring priority deliver due to short notice will be billed to the client or charged to client's shipping account. Client is responsible for the cost of return shipment of samples to the laboratory unless otherwise arranged with MAI.

Cooler Policy / Rental Equipment

- Failure to return MAI cooler(s) within 30 days of receipt or if the cooler(s) is returned in an unusable condition, a \$50 per cooler fee will be invoiced. Pre-arranged storm water clients may retain MAI cooler(s) for up to 90 days.
- Failure to return rented sampling media within 30 days of receipt or return of damaged media, including dented summa canisters, will result in invoicing of the replacement cost. MAI will charge a cleaning fee that is equal to 25% of the analytical cost for summa canisters and refrigerant gas tubes that are returned as unused. No disassembly of manifolds or refrigerant gas sampling equipment is permitted, charges will incur if disassembled.

Sample Storage & Disposal

- Soil samples are discarded 60 days after results are reported unless other arrangements are made in advance. Water samples are disposed 30 days after results are reported. Known hazardous samples will be returned to the client or disposed of at client's expense. Samples held for a period over 60 days may incur additional storage fees.

Reporting & Data Archiving

- MAI delivers completed reports by electronic email (Adobe PDF©). Upon request MAI can delivery analytical data via EDD, Write On, WaterTrax, Equis, GIS-Key, EDF, fax, or send hardcopies via USPS. Additional charges may apply.
- Reporting of MDL (J flag) is not standard and will only be reported upon request.
- Data and reports are archived for a minimum of five (5) years from reporting date.

Multiple Dilutions Analyzed

- On multi-target analyte lists, MAI will report the analytical run containing the highest concentration component/analyte in the sample within the calibrated (quantifiable) range. Analytical screening runs are not reported. The laboratory will generally not be able to attempt greater than 10-fold more concentrated analysis than the standard dilution. Additional dilutions requested to be analyzed and reported can be provided at 50% of the analytical cost for "prepped" analyses and 70% of the analytical cost for all others. These additional dilutions will only be attempted if deemed not to pose a risk to analytical instrumentation. Please contact your Project Manager to inquire about the availability of this service for your project.

Custom Analyses

- Analytical set-up fees are non-refundable regardless of outcome. Time frames for method set-ups are subject to instrument and product availability. Please contact your Project Manager to inquire about the availability of this service for your project.

Quotes

- Project specific bids / quotes are recommended and available upon request. All quotes are confidential. Quoted pricing is valid through dates specified on quote or specific to the length of the project / contracts. Analyses not listed under these contracts will be charged at our standard rates.
- Surcharges may apply for higher-level than Level II data deliverables, expedited turnaround times, and custom electronic formats.
- MAI routinely accepts projects requiring extensive Research and Development (R&D). R&D studies will be quoted on a case by case basis and are subject to a surcharge of 15% of the total invoice or 25% surcharge on the analytical unless otherwise contracted. Quotes are subject to client approval prior start date.

Limitation of Liability / Waiver

- MAI will perform requested analyses based on the standard methods but may have to deviate from these methods when necessary, based on reasonable judgement. Should any dispute arise between MAI and client, MAI is limited in liability to damages no greater than the cost of the analytical testing.
- The failure by MAI to enforce at any time any terms or conditions herein or to exercise any right or privilege will not in any way be construed as a waiver of such provisions.

Acceptance of Terms & Conditions

- Submittal of sample(s) for analysis under Chain of Custody with authorizing signature will indicate acceptance of requirements set forth in these Terms and Conditions.





ADMINISTRATIVE REPORT

Agenda Item F.8.

Meeting Date: 4/6/2020

Report Prepared by: Ken Elwin, P.E., Director of Public Works

SUBJECT: Adoption of Resolution Setting a Public Meeting and Public Hearing Regarding Maintenance Districts Engineer's Reports and Budgets - Fiscal Year 2020/2021

REPORT IN BRIEF

Considers setting a public meeting for Monday, June 1, 2020, to address the proposed Engineer's Reports and Budgets and a formal public hearing for Monday, June 15, 2020, before a determination is made on the level of assessment to approve.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-12**, a Resolution of the City Council of the City of Merced, California, approving Engineer's Reports on Maintenance Districts and setting a public meeting and a public hearing thereon.

ALTERNATIVES

1. Adopt Resolution reviewing the Engineer's Reports and Budgets on the various Maintenance Districts; set a public meeting for Monday, June 1, 2020, and a public hearing for Monday, June 15, 2020; and,
2. Return to Staff with specific direction; or,
3. Deny.

AUTHORITY

Chapter 26 of Part 3 of Division 7 of the State of California Streets and Highways Code provides the applicable general law for Maintenance Districts; and,

Article I (alternative method for the levy of benefit assessments) of Title 13, Division VIII, of the Merced Municipal Code (MMC) dealing with Maintenance Districts, provides for subsequent modifications to existing Maintenance Districts; and,

Initiative Measure (Proposition 218, Sections 2, 3, 4, 5, and 6) approved at the November 5, 1996, election and also known as the "Right to Vote on Taxes Act," provides for assessment ballot proceedings.

CITY COUNCIL PRIORITIES

Addresses Fiscal Year 2020/2021 City Administrative Priority for Maintenance District Funding.

DISCUSSION

The Fiscal Year 2020/2021 budgets and engineer's reports on the various Maintenance Districts are complete and expenses are balanced with available revenue. They are available upon request for review and have been submitted to the City Clerk's office, as required by MMC Sections 13.62.130 and 13.62.150.

Attachment 1 is a summary of the budgets, assessment levies, and abeyances.

Several Districts will continue to benefit from existing operating reserve funds, as well as a consumer price index (CPI) increase adjustment of 2.8%.

Fahrens Park II

The budget includes \$20,000 in continued funding for eucalyptus tree maintenance and beautification. Trees will be identified for inspection, pruning, and removal as necessary. They are located on the north and south sides of Buena Vista Drive, between North Highway 59 and Lago Court, including the bike paths along Fahrens and Black Rascal Creeks.

The goal each year is to ensure these trees are safe and healthy to minimize conflicts with pedestrians, vehicle traffic, and dwellings. Also, it will enhance the existing character and beauty of the area and naturalistic scenic bike pathways.

This work will begin prior to the start of the winter season with all dead, diseased, and hazardous trees or branches removed to include undergrowth and debris.

This project will be a partnership with the California Department of Forestry/Mount Bullion Conservation Camp, private landscape contractor, and Public Works staff.

Downtown

Funding in the amount of \$20,000, has been included for the repair of the historic clock at Bob Hart Square.

Replanting of flowers, trees, shrubs, and other vegetation on Main Street will continue throughout the fiscal year. This annual change out is essential in maintaining a healthy, esthetically pleasing landscaped environment to this vibrant section of the city.

Campus North

Bi-weekly landscape service will continue at Campus North through the fiscal year. This District benefitted from irrigation services that were temporarily turned off, which ultimately increased the Fund reserve.

Hansen Park, Olivewood, and Pleasanton Park

Landscape maintenance services at these particular Districts will continue to be completed on a will-call basis, commensurate with available funding. Due to the quantity of mature landscape within these Districts, and the disparity between expenditures and revenue, maintaining existing vegetation within available funding continues to be a challenge. Staff will continue to explore ways of reducing expenditures, as well as being proactive in maximizing revenues. As in year's past staff will explore the availability of partnering with volunteer service groups for future landscape activities.

Abeyances

At the Council meeting held on February 17, 2015, Council approved the Maintenance District Operating and Capital Reserve Fund policy to determine appropriate reserve levels; and, determine appropriate benefit assessment abeyances for Districts that have reserve balances above that required by the Fund Balance policy.

The maximum reserve necessary to ensure continued operations, improvements, and repairs for individual Districts shall be calculated by adding the following:

1. An amount equal to one-year operating reserves; and,
2. An amount equal to that necessary to replace foreseeable losses of capital equipment, exclusive of any storm pump specific items contained within the District; and,
3. An amount equal to that necessary to complete any future (unbuilt) planned capital improvement projects.

Maintenance District Name	Reserve Fund Balance	Recommended 5-Year Abeyance	Reserve Balance After Abeyance	Annual Assessment Per Unit Without Abeyance	Annual Assessment Per Unit With Abeyance	
Glenhaven Park	\$39,305	\$15,168	\$24,137	\$36.82	\$7.36	
Quail Run	\$97,893	\$21,758	\$76,135	\$21.59	\$12.59	
Sequoia Hill	\$78,075	\$11,200	\$66,875	\$152.82	\$123.73	
SkyMoss	\$69,416	\$10,701	\$58,715	\$204.79	\$165.33	1
				\$214.70	\$173.33	2

Note 1: SkyMoss Zone 1, Storm Drain Public Improvements

Note 2: SkyMoss Zone 2, Storm Drain and Landscape Public Improvements

Districts receiving abeyances will be for a period of one (1) to five (5) years and not to exceed 80% of the current assessment levy. The four (4) Districts that abeyances are recommended for will require approximately five (5) years to reach appropriate reserve levels.

History and Past Actions

Maintenance Districts were originally established to pay for the operation and maintenance costs associated with maintaining storm drainage systems, street lighting, and aesthetically pleasing landscaping to open spaces such as park strips and street center-islands.

Property owners within these identified Districts are levied annual assessments against each lot or parcel of land to cover these expenses.

Proposition 218, enacted by the voters in 1996, requires the City to conduct an assessment ballot proceeding in order to levy increased assessments, beyond the allowed adjustment, based on the United States Department of Labor's All Urban Consumers-Western Region CPI report.

Each year City Council must hold both a public meeting and public hearing on the various Maintenance Districts' budgets for the coming fiscal year, before final adoption of the budget.

The approval process for Districts with no increase in assessment above the allowable CPI is as follows:

- Public Works Department determines annual budget costs by District;
- Engineer prepares annual report and assessment spread;
- Council adopts resolution approving Engineer's Reports and sets dates for public meeting and public hearing;
- Council seeks public input at public meeting, but takes no other action;
- Following a public hearing, Council adopts resolution approving, confirming, and adopting Engineer's Reports.

The approval process for Districts with an increase in assessment above the allowable CPI is as follows:

- Public Works Department determines annual budget costs by District;
- Engineer prepares annual report and assessment spread;
- If the proposed increase in annual assessments is greater than the amount allowed under Proposition 218, then an assessment ballot proceeding must be held. Assessments remain at the previous year's rate, until the legal ballot process is followed;
- Notices and ballots are mailed 45-days prior to the scheduled public hearing;
- Council holds a public hearing to determine voter approval of increased assessments and the public hearing is continued to a subsequent meeting to allow time to open and tally the sealed ballots;
- Following the "continued" public hearing, Council adopts a resolution approving, confirming, and adopting the Engineer's Reports based on the results of the ballots.

In closing, operating budgets are balanced with available revenue and/or fund balance reserves. The CPI adjustment increase to budgets with previously held successful ballot proceedings will be 2.8%.

The City Attorney's office has prepared the necessary resolution setting a public meeting and public hearing for the various budgets and reports (Attachment 2).

Council will have the opportunity to consider a motion on the various budgets following the close of the public hearing scheduled for Monday, June 15, 2020.

IMPACT ON CITY RESOURCES

The Finance Department has confirmed each Districts' operational and maintenance expenses are balanced with available revenue and/or fund balance reserves.

ATTACHMENTS

1. Budget Summary Report
2. Resolution 2020-12

		Fiscal Year 2019/2020						Fiscal Year 2020/2021										
Fund #	District Name	Service Type	Approved Budget	Approved Assessment	Proposed Abeyance	City Share	Fund Balance Used	Estimated Ending Balance 6/30/20	City Share	Proposed Assessment	Revenue Budget	Expense Budget	Engineer's Estimated Ending Balance as of 6/30/21	Proposed Abeyance	Fund Balance Used	Projected Pump Reserve as of 3/5/20	Prop 218 Ballot Fiscal Year	Comments: CPI shown for Successful Ballots
100	Quail Creek	L	\$ 44,956.00	\$ 42,500.00			\$ 2,456.00	\$ 38,807.00		43,700	43,700	44,664	37,843		964	N/A	03/04	CPI on 3/1/03 was 188.1
101	West Creek Homes 1	B	14,847.54	14,847.54			0.00			15,199	15,199	15,199					00/01	CPI on 3/1/00 was 173.4
	West Creek Homes 2	SD	2,169.46	2,169.46			0.00	58,594.00		2,218	2,218	2,218	58,594		-	25,185	00/01	CPI on 3/1/00 was 173.4
102	Silverado #1	B	60,210.00	60,210.00			0.00	95,595.00		56,786	56,786	56,786	95,595		-	19,584	00/01	CPI on 3/1/00 was 173.4
103	Oakmont No 3	L	29,000.00	29,000.00			0.00	9,275.00		29,168	29,168	29,168	9,275		-	N/A	17/18	CPI on 2/1/17 was 252.5
104	Northwood Village	L	12,290.00	6,629.00			5,661.00	2,428.00		6,629	6,629	8,895	162		2,266	N/A	N/A	Ballot Failed 3/19/18
105	Village Landing	L	9,561.00	9,561.00			0.00	18,965.00		9,691	9,691	9,691	18,965		-	N/A	03/04	CPI on 3/1/03 was 188.1
106	Village West	SD	9,282.00	5,191.00			4,091.00	25,104.00		5,191	5,191	9,048	21,247		3,857	24,261	N/A	No Previous Ballot
107	E College Homes	SD	3,681.00	3,262.00			419.00	817.00		3,262	3,262	3,915	164		653	21,003	N/A	Ballot Failed 3/19/18
108	Sunset West	B	23,115.00	23,115.00			0.00	71,326.00		21,829	21,829	21,829	71,326		-	27,985	01/02	CPI on 3/1/01 was 180.1
109	Glenhaven Park	SD	3,792.00	758.40	3,033.60		0.00	30,336.60		758	758	3,792	27,303	3,034	(0)	22,571	N/A	No Previous Ballot
110	Oakbrook	SD	10,923.00	8,299.00			2,624.00	8,294.00		8,299	8,299	11,794	4,799		3,495	22,437	N/A	No Previous Ballot
111	Moss Landing	SD	8,170.00	8,170.00			0.00	6,849.00		8,300	8,300	8,300	6,849		-	22,220	18/19	CPI on 3/1/18 was 260.9
113	Yosemite Village	SD	7,993.00	4,505.00			3,488.00	7,951.00		4,505	4,505	7,078	5,378		2,573	24,036	N/A	Ballot Failed 2/13
114	Oakmont Village	SD	9,293.00	9,293.00			0.00	19,737.00		9,828	9,828	9,828	19,737		-	16,805	00/01	CPI on 3/1/00 was 173.4
115	Pleasanton Park	L	5,934.00	4,843.00			1,091.00	2,568.00		4,843	4,843	6,022	1,389		1,179	N/A	12/08	Failed 12/1/08 and 6/19/17
116	Deer Park 1&2	SD	4,023.00	4,023.00			0.00	33,665.00		4,023	4,023	4,268	33,420		245	24,398	N/A	No Previous Ballot
117	Merced Auto Center	B	15,286.00	3,855.00		9,635.00	1,796.00	735.00	8,443	3,855	12,298	12,833	200		535	3,457	12/08	Ballot Failed 12/1/08
118	Quail Run	SD	10,435.00	6,083.00	4,352.00		0.00	88,132.00		6,083	6,083	10,435	83,780	4,352	-	32,749	98/99	CPI on 2/1/98 was 163.2
119	Landscape District 1	L	992.00	992.00			0.00	36,393.00		991	991	991	36,393		-	N/A	N/A	No Previous Ballot
120	Downtown Area 1	L	119,730.00	119,730.00			0.00	45,460.00		119,730	119,730	137,051			26,360	N/A	N/A	Ballot Failed 6/7/04
	Downtown Area 2	L	62,481.00	62,481.00			0.00	920.00		62,481	62,481	71,520	19,100		-	23,257	N/A	Ballot Failed 3/19/18
121	Ridgeview Meadows	B	11,464.00	11,464.00		0.00	0.00	920.00		11,464	11,464	11,464	920		-	23,257	N/A	Ballot Failed 3/19/18
122	Fahrens Park	B	31,128.00	5,400.00		19,877	5,851	44,290	20,267	5,400	25,667	30,115	39,842		4,448	23,297	N/A	No Previous Ballot
123	Villa Santa Fe	SD	571.00	571.00			0.00	9,861.00		571	571	571	9,861		-	N/A	N/A	No Previous Ballot
124	Olivewood	B	7,119.00	1,532.86		4,455.78	1,130.36	1,245.00	4,653	1,533	6,186	6,874	557		688	9,273	12/08	Failed 12/1/08 & 2/7/17
125	Campus North	B	17,469.00	12,000.00			5,469.00	9,018.00		12,400	12,400	16,818	4,600		4,418	9,213	99/00	Failed 12/1/08 & 2/7/17
126	Mansionette	B	27,500.00	27,500.00			0.00	26,074.00		27,537	27,537	27,537	26,074		-	2,829	17/18	CPI on 2/1/17 was 252.5
127	Hansen Park	B	4,177.00	4,177.00			0.00	1,667.00		4,177	4,177	4,177	1,667		-	3,798	01/02	Failed 12/1/08 and 6/19/17
132	Cypress Terrace	SD	3,702.09	3,702.09			0.00			2,309	2,309	2,309			-		02/03	CPI on 8/1/02 was 185.8
	Cypress Terrace	B	36,625.91	36,625.91			0.00	55,370.00		39,292	39,292	39,292	55,370		-	10,635	02/03	CPI on 8/1/02 was 185.8
136	Las Brisas	B	48,255.00	48,255.00			0.00	131,667.00		48,194	48,194	48,194	131,667		-	16,294	98/99	CPI on 7/1/98 was 164.3
139	Paulson Place Zone 1	B	9,286.00	7,800.00			1,486.00			7,800	7,800	9,468					00/01	CPI on 3/1/00 was 173.4
	Paulson Place Zone 2	SD	1,010.00	1,010.00				25,250.00		1,052	1,052	1,052	23,582		1,668	14,094	00/01	CPI on 3/1/00 was 173.4
140	Ronnie	SD	5,526.00	5,526.00			0.00	66,847.00		7,009	7,009	7,009	66,847		-	18,727	00/01	CPI on 8/1/00 was 175.9
	Fahrens Pk 2 Zone 1	B	127,551.10	127,551.10			0.00			127,638	127,638	127,638			-		00/01	CPI on 8/1/00 was 175.9
141	Fahrens Pk 2 Zone 2	SD	1,739.90	1,739.90			0.00	464,299.00		1,684	1,684	1,684	464,299		-	31,036	00/01	CPI on 8/1/00 was 175.9
142	LaBella Vista	B	29,920.00	29,920.00			0.00	49,124.00		29,218	29,218	29,218	49,124		-	9,187	02/03	CPI on 5/1/02 was 185.0
	Davenport Ranch	B	2,574.24	2,574.24			0.00			2,439	2,439	2,439			-		02/03	CPI on 7/1/02 was 184.7
	Davenport Ranch	B	1,930.68	1,930.68			0.00			1,829	1,829	1,829			-		02/03	CPI on 7/1/02 was 184.7
	Davenport Ranch	B	59,851.08	59,851.08			0.00	86,209.00		56,699	56,699	56,699	55,370		-	6,034	02/03	CPI on 7/1/02 was 184.7
144	Sequoia Hill	B	11,767.00	9,527.00	2,240.00		0.00	81,313.00		9,527	9,527	11,767	79,073	2,240	-	10,484	02/03	CPI on 8/1/02 was 185.8
	Skymoss	SD	4,020.50	3,245.87			0.00			3,247	3,247	4,022			-		03/04	CPI on 9/1/03 was 189.6
145	Skymoss	B	7,086.50	5,721.13	2,140.00		0.00	69,822.00		5,720	5,720	7,085	67,682	2,140	-	7,210	03/04	CPI on 9/1/03 was 189.6
148	Lowe's	B	16,757.00	16,757.00			0.00	44,348.00		16,601	16,601	16,601	44,348		-	6,287	05/06	CPI on 3/1/04 was 192.2
	Yosemite Gateway 1	B	25,891.75	25,891.75			0.00			25,887	25,887	25,887			-		05/06	CPI on 1/1/04 was 189.0
151	Yosemite Gateway 2	B	14,701.25	14,701.25			0.00	52,525.00		14,698	14,698	14,698	52,525		-	1,452	05/06	CPI on 1/1/04 was 189.0
153	Vist Del Sol	B	18,209.00	18,209.00			0.00	80,846.00		17,375	17,375	17,375	80,846		-	9,186	05/06	CPI on 3/1/04 was 192.2
N/A	Total	N/A	\$ 993,997.00	\$912,701.26	\$11,765.60	\$33,967.78	\$35,562.36	\$ 1,901,726.60	\$ 33,363	\$ 908,669	\$ 942,032	\$ 1,007,147	\$ 1,805,773	\$ 11,766	\$ 53,349	\$ 498,984	N/A	N/A

RESOLUTION NO. 2020_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING ENGINEER'S REPORTS ON
MAINTENANCE DISTRICTS AND SETTING A
PUBLIC MEETING AND A PUBLIC HEARING
THEREON**

THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY
RESOLVE AS FOLLOWS:

SECTION 1. The Engineer's reports on Campus North, Cypress Terrace, Davenport Ranch, Deer Park Storm Drainage, Downtown Landscape, East College Homes Storm Drainage, Fahrens Park, Fahrens Park #2, Fairview Storm Drainage, Glenhaven Storm Drainage, Hansen Park, Landscape District No. 1, LaBella Vista, Las Brisas, Mansionette, Lowe's, Merced Auto Center, Moss Landing Storm Drainage, Northwood Village No. 1, Phase 2 Landscape, Oakbrook Storm Drainage, Oakmont No. 3 Landscape, Oakmont Village Storm Drainage, Olivewood Storm Drainage, Paulson Place, Pleasanton Park No. 2 Landscape, Quail Creek Landscape, Quail Run Storm Drainage, Ridgeview Meadows, Ronnie, Sequoia Hill, Silverado, Skymoss, Sunset West Storm Drainage, Villa Santa Fe Storm Drainage, Village Landing Landscape, Village West Storm Drainage, Vista Del Sol, West Creek Homes, Yosemite Gateway, and Yosemite Village Storm Drainage Maintenance Districts, prepared in accordance with Section 13.62.150 of the Merced Municipal Code and filed with the City Clerk, are approved as filed.

SECTION 2. The Public Meeting on said report is hereby set for June 1, 2020, and the Public Hearing on said reports is hereby set for June 15, 2020, at the hour of 6:00 p.m. in the Council Chambers at the Civic Center, 678 West 18th Street, Merced, California. Said hearing may be postponed or continued.

SECTION 3. The City Clerk is directed to publish, mail and post notice of the hearing in accordance with Section 13.62.190 of the Merced Municipal Code.

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PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2020 by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Frederic A. Nimm 3-17-2020
City Attorney Date



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item F.9.

Meeting Date: 4/6/2020

Report Prepared by: Marvin Dillsaver, Communications Systems Supervisor

SUBJECT: Approval of Standard Software Maintenance Agreement (SSMA) with Tyler Technology for the Public Safety Software Used by Police and Fire for a Time Period Not to Exceed Five Years; First Year will be \$134,350.27 with a Yearly Increase Not to Exceed 4% Each Year

REPORT IN BRIEF

Authorizes the city to enter into a renewal agreement for the existing SSMA already in force for a period not to exceed five years.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopt a motion approving the maintenance and support agreement with Tyler Technologies for continued maintenance and support for the Public Safety software used by the Police and Fire Departments; and,
- B. Authorizing the City Manager or the Assistant City Manager to execute any necessary documents.

ALTERNATIVES

1. Approve as recommended by staff; or,
2. Refer back to staff for reconsideration of specific items as requested by Council; or,
3. Take no action.

AUTHORITY

Charter of the City of Merced, Section 200 et seq.

Chapter 3.04, Section 3.14.120, of the Merced Municipal Code requiring Council approval for contracts involving professional services exceeding \$32,780 dollars.

CITY COUNCIL PRIORITIES

Enhance the efficiency and productivity of public safety staff by using technology to operate in a more resourceful manner.

DISCUSSION

The Police Department uses public safety software developed and sold by Tyler Technologies of Troy, Michigan. The existing software is maintained under a (SSMA) which is set to expire June 30,

2020. The new SSMA and software license agreement is attached.

The proposed SSMA will provide maintenance and support service on an annual basis. The initial term of the agreement will start on July 1, 2020 and will remain in effect for two years. After such time, the contract may be renewed for an additional two years ("First Renewal Term") upon mutual agreement between both parties. After the initial term and the first renewal term, the agreement may be renewed for an additional one year upon mutual agreement of both parties for a total of five years of support.

The SSMA fees for the first year of the Initial Term will be \$134,350.27

The funds for this current year's maintenance have already been procured. The funding for the following years will be procured through budget. As outlined in the contract the maintenance and support fees will not increase by more than 4% over the prior year.

The purpose of the SSMA is to ensure that our public safety software is kept up to date as federal and state reporting requirements change. The SSMA also provides for software enhancements, phone support, 24 hour coverage for our Computer Aided Dispatch (CAD) software, and our ongoing participation in the annual New World Systems user group meetings.

The term for the new agreement is for a term not to exceed five years, July 1, 2020 to June 30, 2025. Tyler Technologies will bill the City of Merced each year on or near June 15th for the ensuing year.

IMPACT ON CITY RESOURCES

No appropriation of funds are necessary. The funds for the SSMA are in our CORE budget every year under account 001-1006-522-24-00.

ATTACHMENTS

1. Tyler Technologies Software Support and Maintenance Agreement



Support Agreement

This Support Agreement is made, as of the date set forth below (the "Effective Date") by and between Tyler Technologies, Inc. with offices at 840 West Long Lake Road, Troy, MI 48098 ("Tyler") and the client identified below ("Client").

WHEREAS, New World Systems Corporation ("New World") and Client are parties to an original agreement ("Agreement") under which Client licensed the New World software itemized therein; and

WHEREAS, Tyler and New World merged effective November 16, 2015, with Tyler as the surviving entity; and

WHEREAS, Tyler and Client desire to update the applicable maintenance and support services terms;

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and Client agree as follows:

1. The New World software Client licensed under the Agreement, and on which Client has paid maintenance and support fees through the Effective Date, shall mean the "Tyler Software" for purposes of this Support Amendment.
2. Tyler shall provide maintenance and support services on the Tyler Software according to the terms of Exhibit 1 to this Support Amendment.
3. For the term specified in the applicable invoice, Client shall remit to Tyler maintenance fees in the amount set forth therein. Payment is due within thirty (30) days of the invoice date.
4. This Support Agreement shall be governed by and construed in accordance with the terms and conditions of the Agreement.
5. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Support Agreement as of the dates set forth below.

Tyler Technologies, Inc.

City of Merced, CA

By: _____

By: _____

Name: Bryan Proctor

Name: _____


Title: President, Public Safety Division

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:



SCHUYLER A. CAMPBELL
Deputy City Attorney

3/8/20
Date



Exhibit 1

Maintenance and Support Agreement

Tyler ("we") will provide Client ("you") with the following maintenance and support services for the Tyler Software listed in Schedule B. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Support Agreement.

1. **Term.** We provide maintenance and support services on an annual basis. The initial term commences on July 1, 2020 and remains in effect for two (2) years ("Initial Term"). The term may renew for an additional two (2) years upon mutual agreement of the parties ("First Renewal Term"). After the Initial Term and the First Renewal Term, the term may renew for additional one (1) year terms upon mutual agreement of the parties. Client may indicate its agreement to renew by timely payment of a renewal invoice issued by Tyler.
2. **Maintenance and Support Fees.** Your maintenance and support fees for the Initial Term for the Tyler Software will be \$134,350.27 during the first year of the Initial Term. For the second year of the initial term and, if applicable, the First Renewal Term, your maintenance and support fees will not increase by more than 4% over the prior year. Your fees for each subsequent term, if any, will be at our then-current rates. We reserve the right to suspend maintenance and support services if you fail to pay undisputed maintenance and support fees within thirty (30) days of our written notice. We will reinstate maintenance and support services only if you pay all past due maintenance and support fees, including all fees for the periods during which services were suspended.
3. **Maintenance and Support Services.** As long as you are not using the Help Desk as a substitute for our training services on the Tyler Software, and you timely pay your maintenance and support fees, we will, consistent with our then-current Support Call Process:
 - 3.1 perform our maintenance and support obligations in a professional, good, and workmanlike manner, consistent with industry standards, to resolve Defects, as defined in the Agreement, in the Tyler Software (limited to the then-current version and the immediately prior version); provided, however, that if you modify the Tyler Software without our consent, our obligation to provide maintenance and support services on and warrant the Tyler Software will be void;
 - 3.2
 - a) provide telephone support during our established support hours, currently Monday through Friday from 8:00 a.m. to 9:00 p.m. (Eastern Time Zone).
 - b) emergency 24-hour per day telephone support, for New World CAD only, seven (7) days per week for Licensed Standard Software. Normal service is available from 8:00 a.m. to 9:00 p.m. (Eastern Time Zone). After 8:00 p.m., the New World CAD phone support will be provided via pager and a support representative will respond to CAD service calls within 30 minutes of call initiation.
 - 3.3 maintain personnel that are sufficiently trained to be familiar with the Tyler Software and third party software, if any, in order to provide maintenance and support services;
 - 3.4 provide you with a copy of all major and minor releases to the Tyler Software (including updates and enhancements) that we make generally available without additional charge to customers who have a maintenance and support agreement in effect; and

3.5 provide non-Defect resolution support of prior releases of the Tyler Software in accordance with our then-current release life cycle policy.

4. Client Responsibilities. We will use all reasonable efforts to perform any maintenance and support services remotely. Currently, we use a third-party secure unattended connectivity tool called Bomgar, as well as GotoAssist by Citrix. Therefore, you agree to maintain a high-speed internet connection capable of connecting us to your PCs and server(s). You agree to provide us with a login account and local administrative privileges as we may reasonably require to perform remote services. We will, at our option, use the secure connection to assist with proper diagnosis and resolution, subject to any reasonably applicable security protocols. If we cannot resolve a support issue remotely, we may be required to provide onsite services. In such event, we will be responsible for our travel expenses, unless it is determined that the reason onsite support was required was a reason outside our control. Either way, you agree to provide us with full and free access to the Tyler Software, working space, adequate facilities within a reasonable distance from the equipment, and use of machines, attachments, features, or other equipment reasonably necessary for us to provide the maintenance and support services, all at no charge to us. We strongly recommend that you also maintain a VPN for backup connectivity purposes.
5. Hardware and Other Systems. If in the process of diagnosing a software support issue it is discovered that one of your peripheral systems or other software is the cause of the issue, we will notify you so that you may contact the support agency for that peripheral system. We cannot support or maintain third party products except as expressly set forth in the Agreement.

In order for us to provide the highest level of software support, you bear the following responsibility related to hardware and software:

- (a) All infrastructure executing Tyler Software shall be managed by you;
 - (b) You will maintain support contracts for all non-Tyler software associated with Tyler Software (including operating systems and database management systems, but excluding Third-Party Software, if any); and
 - (c) You will perform daily database backups and verify that those backups are successful.
6. Other Excluded Services. Maintenance and support fees do not include fees for the following services: (a) initial installation or implementation of the Tyler Software; (b) onsite maintenance and support (unless Tyler cannot remotely correct a Defect in the Tyler Software, as set forth above); (c) application design; (d) other consulting services; (e) maintenance and support of an operating system or hardware; (f) support outside our established support hours; or (g) installation, training services, or third party product costs related to a new release. Requested maintenance and support services such as those outlined in this section will be billed to you on a time and materials basis at our then current rates. You must request those services with at least one (1) weeks' advance notice.
 7. Current Support Call Process. Our current Support Call Process for the Tyler Software is provided Schedule A to Exhibit 1.



Exhibit 1 Schedule A Support Call Process

If, after you have cut over to live production use of the Tyler Software, you believe that the Tyler Software is Defective, as "Defect" is defined in the Agreement, then you will notify us by phone, in writing, by email, or through the support website. Please reference the applicable Customer Support page at www.tylertech.com/client-support for information on how to use these various means of contact.

Documented examples of the claimed Defect must accompany each notice. We will review the documented notice and when there is a Defect, we shall resolve it at no additional cost to you beyond your then-current maintenance and support fees.

In receiving and responding to Defect notices and other support calls, we will follow the priority categorizations below. These categories are assigned based on your determination of the severity of the Defect and our reasonable analysis. If you believe a priority categorization needs to be updated, you may contact us again, via the same methods outlined above, to request the change.

In each instance of a Priority 1 or 2 Defect, prior to final Defect correction, the support team may offer you workaround solutions, including patches, configuration changes, and operational adjustments, or may recommend that you revert back to the prior version the Tyler Software pending Defect correction.

- (a) **Priority 1:** *A Defect that renders the Tyler Software inoperative; or causes the Tyler Software to fail catastrophically.*

After initial assessment of the Priority 1 Defect, if required, we shall assign a qualified product technical specialist(s) within one business (1) hour. The technical specialist(s) will then work to diagnose the Defect and to correct the Defect, providing ongoing communication to you concerning the status of the correction until the Tyler Software is operational without Priority 1 defect.

The goal for correcting a Priority 1 Defect is 24 hours or less.

- (b) **Priority 2:** *A Defect that substantially degrades the performance of the Tyler Software, but does not prohibit your use of the Tyler Software.*

We shall assign a qualified product technical specialist(s) within four (4) business hours of our receipt of your notice. The product technical specialist will then work to diagnose and correct the Defect. We shall work diligently to make the correction, and shall provide ongoing communication to you concerning the status of the correction until the Tyler Software is operational without Priority 2 Defect.

The goal for correcting a Priority 2 event is to include a correction in the next Tyler Software release.

- (c) **Priority 3:** *A Defect which causes only a minor impact on the use of the Tyler Software.*

We may include a correction in subsequent Tyler Software releases.



Exhibit 1
Schedule B
Customer Software Inventory

Customer Software Inventory	Initial Term Amount
Combined LE/Fire/EMS CAD Enterprise.NET	\$21,879.65
CAD Mapping Enterprise.NET	\$0.00
E-911 Interface Enterprise.NET	\$2,217.60
CAD Pager Interface Enterprise.NET	\$2,217.60
CAD Auto Routing Enterprise.NET	\$2,217.60
CAD AVL Enterprise.NET	\$2,217.60
Service Vehicle Rotation Enterprise.NET	\$2,217.60
On-Line CAD Interface to State/NCIC	\$4,435.20
Fire Records Interface Enterprise.NET	\$4,435.20
Additional LE CAD Enterprise Workstation	\$4,032.00
Web CAD Monitor Enterprise.NET	\$6,048.00
LE Records Multi-Jurisdictional Base MSP	\$13,837.82
LE Records Federal & State Compliance MSP	\$4,032.00
Field Investigations MSP	\$2,016.00
Case Management MSP	\$2,016.00
Bicycles MSP	\$2,016.00
Pawn Shops MSP	\$2,016.00
Alarms Tracking and Billing MSP	\$3,024.00
Activity Reporting and Scheduling MSP	\$2,016.00
Property Room Bar Coding MSP	\$2,016.00
Career Criminal Registry MSP	\$2,016.00
Additional Records MSP Users	\$604.80
Additional Records MSP View/Inquiry Users	\$5,846.40
State/NCIC Interface MSP	\$8,467.20
On-Line Wants & Warrants Interface to State/NCIC	\$0.00
On-Line Pawn Shops Interface to State/NCIC MSP	\$0.00
On-Line Global Subjects Interface to State/NCIC	\$0.00
Citizens Reporting Interface MSP	\$3,628.80
Decision Support Software	
Analysis Base With Two Applications	\$0.00
LE Management Data Mart	\$4,032.00
LE Management Dashboard	\$3,225.60
CAD Enterprise Dashboard	\$3,225.60
CAD Enterprise Data Mart	\$4,032.00
LE State/NCIC via Switch	\$0.00
Drivers License Mag Stripe Reader Interface	\$423.36
LE CAD Via Switch	\$0.00
Mugshot Images Download	\$1,290.24
In Car Mapping	\$1,512.00
New World AVL	\$756.00
In-Car Routing	\$1,008.00

Base Message Switch to NCIC	\$0.00
New World CAD Interface for Aegis/400	\$0.00
MDT/MCT Base CAD/RMS Interface	\$0.00
Mobile In-Car Mapping Integration	\$1,512.00
Mobile In-Car Routing Integration	\$2,520.00
ArcGIS Standard Enterprise Server Integration	\$5,342.40
TOTAL	\$134,350.27



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item G.1.

Meeting Date: 4/6/2020

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.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

Agenda Item G.2.

Meeting Date: 4/6/2020

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.