



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