



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, August 6, 2018

6:00 PM

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

Closed Session at 5:00 PM / Regular Meeting at 6:00 PM

NOTICE TO PUBLIC

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.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

- B.1.** [18-353](#) **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): (1) case
- B.2.** [18-354](#) **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organizations: Merced Police Officers' Association (MPOA); Merced Association of Police Sergeants. AUTHORITY: Government Code Section 54957.6

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Mayor may, at his discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

I. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Council member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

I.1. [18-347](#) **SUBJECT:** Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

I.2. [18-389](#) **SUBJECT:** Information-Only Contracts

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$30,000 and of Public Works contracts under \$67,779.

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 2017-2018 threshold of \$67,779.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted FY 2017-2018 threshold of \$30,000.00, the contracts listed on the attached table were entered into by the City.

I.3. [18-372](#) **SUBJECT:** Information Only - Traffic Committee Meeting Minutes of May 8, 2018

RECOMMENDATION

For information only.

I.4. [18-373](#)

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of July 2, 2018

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 July 2, 2018.

I.5. [18-361](#)

SUBJECT: Correct Typographical Error on Fiscal Year 2018-19 Annual Special Tax Rates (Exhibit A) for Community Facilities District (CFD) No. 2003-2 (Services) of the City of Merced

REPORT IN BRIEF

Considers amending Exhibit A of Resolution No. 2018-38, authorizing the establishment of Annual Special Tax Rates for Fiscal Year 2018-19 to correct Special Tax Rates typographical error for Improvement Area 35.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-53**, a Resolution of the City of Merced, California, acting as the Legislative Body of the Community Facilities No. 2003-2 (Services) of the City of Merced, amending Resolution No. 2018-38 to correct Exhibit A thereto related to the Annual Special Tax Rates for said district for Fiscal Year 2018-19.

I.6. [18-383](#)

SUBJECT: Proposed Facility Use Agreement (Parking Agreement) Between the Regents of the University of California, on Behalf of its Merced Campus, and City of Merced

REPORT IN BRIEF

Proposed Agreement to lease 125 parking spaces in the Merced Center Garage to the Regents of the University of California, Merced campus, for the University of California Merced Downtown Campus Center.

RECOMMENDATION:

Parking Authority - Adopt a motion approving the Facility Use

Agreement (Parking Agreement) with the Regents of the University of California; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

I.7. [18-378](#)

SUBJECT: City-Owned Real Property Request #18-11 for Use of Bob Hart Square (Merced Center for the Performing Arts and Playhouse Merced)

REPORT IN BRIEF

Consider allowing the use of Bob Hart Square from 8:00 a.m. to 11:30 p.m. on Saturday, August 18, 2018, by Playhouse Merced for the Playhouse Merced 2018 Gala and fundraising dinner (including the serving of alcohol).

RECOMMENDATION

City Council - Adopt a motion approving the use of Bob Hart Square from 8:00 a.m. to 11:30 p.m. on Saturday, August 18, 2018, for a fundraiser gala and dinner, to include the serving of alcohol; subject to the conditions outlined in the administrative staff report.

I.8. [18-178](#)

SUBJECT: Agreement with the Merced Irrigation District for Well Site 20 Storm Water Discharge to Hartley Canal, Project No. 107033

REPORT IN BRIEF

Authorizes an agreement with the Merced Irrigation District (MID) to discharge storm water from the new Well 20 pump station site to the adjacent Hartley Canal.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a water drainage agreement with the Merced Irrigation District and payment of the associated fees; and,

B. Approving an amendment to an Agreement for Professional Services with Luhdorff and Scalmanini Consulting Engineers Inc., in the amount of \$32,440 for engineering design services; and,

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

I.9. [18-379](#)

SUBJECT: Right-of-Way Dedication for Tyler Road and Mission Avenue

REPORT IN BRIEF

Consider dedicating to the public a portion of City owned property along Tyler Road and Mission Avenue for road and public utility purposes.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-54**, a Resolution of the City Council of the City of Merced, California, approving dedication of road right-of-way and public utility easement along Tyler Road and Mission Avenue for public road use.

I.10. [18-351](#)

SUBJECT: Agreement for Use of City Right-of-Way with County of Merced for Fence, Landscape, and Irrigation on 13th Street and 15th Street

REPORT IN BRIEF

Considers approving the agreement for use of City right-of-way with the County of Merced to allow fencing, landscape, and irrigation in the City right-of-way near the new County mental health building.

RECOMMENDATION

City Council - Adopt a motion approving the agreement for use of City right-of-way with the County of Merced; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

I.11. [18-381](#)

SUBJECT: Administering Agency State Program Supplement No. 012-N1 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(029) - Project 111066 Westerly Bike Path Connection

REPORT IN BRIEF

Consider a resolution approving a California Department of Transportation Program Supplement for the use of \$996,000 in CMAQ Grant funding for construction engineering and project construction of the Westerly Bike Path Connection.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2018-55**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. 012-N1; and,

B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321.32-00 by \$996,000 and appropriating the same to account 450-1104-637.65-00-111066 for construction engineering and project construction of the Westerly Bike Path Connection; and,

C. Approving the use of pooled cash until reimbursement is received from the grant; and,

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

J. PUBLIC HEARINGS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council for discussion and action. Further comment will not be received unless requested by the Council.

J.1. [18-279](#) **SUBJECT: Public Hearing- Amendment to Merced Municipal Code Section 10.44, "Bicycles"**

REPORT IN BRIEF

The Bicycle Advisory Commission has recommended the amendment of the Merced Municipal Code Section 10.44, "Bicycles," to modernize the bicycle registration process while continuing to preserve the Police Department's enforcement ability.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2491**, an Ordinance of the City Council of the City of Merced, California, amending Section 10.44, "Bicycles," of the Merced Municipal Code.

K. REPORTS

K.1. [18-392](#) **SUBJECT: Update on Celebrate Safe Illegal Fireworks Enforcement and Public Outreach Campaign**

REPORT IN BRIEF

Provides an update on the 2018 Fourth of July Celebrate Safe Campaign and efforts to address illegal fireworks within the City.

RECOMMENDATION

It is recommended that the City Council accept the report and provide staff with recommendations and direction for addressing issues related to the use of illegal fireworks for next year's Fourth of July holiday.

K.2. [18-104](#)

SUBJECT: Discussion on the Speed Zone Study and Request to Set a Public Hearing Regarding the Speed Zone Ordinance

REPORT IN BRIEF

Requests the City Council to set a public hearing for August 20, 2018, to consider amending Merced Municipal Code Section 10.16.010- Speed Limits to implement recommendations made in the speed zone study.

RECOMMENDATION

City Council - Adopt a motion setting a public hearing for Monday, August 20, 2018 at 7:00 PM to consider amending the Speed Zone Ordinance.

L. BUSINESS

L.1. [18-393](#)

SUBJECT: Continued Discussion on a Volunteer Recognition Program

REPORT IN BRIEF

This item is in response to Mayor Murphy's request to discuss a volunteer recognition program pursuant to City Council Administrative Policies and Procedures C-1 with examples from other municipalities.

RECOMMENDATION

It is requested Council give staff further direction on this item.

L.2. [18-370](#)

SUBJECT: Appointment - Recreation and Parks Commission

REPORT IN BRIEF

Considers accepting nominations and appointing one individual to the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing one individual to serve on the Recreation and Parks Commission, with a term date of July 1, 2022.

L.3. Request to Add Item to Future Agenda

L.4. City Council Comments

M. ADJOURNMENT

Adjourn to August 20, 2018 at 7:00 PM for the next Regular Meeting.



CITY OF MERCED

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ADMINISTRATIVE REPORT

Agenda Item B.1.

Meeting Date: 8/6/2018

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): (1) case



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ADMINISTRATIVE REPORT

Agenda Item B.2.

Meeting Date: 8/6/2018

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



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ADMINISTRATIVE REPORT

Agenda Item B.3.

Meeting Date: 8/6/2018

SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager; Authority: Government Code Section 54957



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item F.1.

Meeting Date: 8/6/2018

SUBJECT: Recognition of Outgoing City Commission Members

REPORT IN BRIEF

Certificates for City Board, Committee, or Commission Members who have completed their terms.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item F.2.

Meeting Date: 8/6/2018

SUBJECT: Proclamation - National Health Center Week

REPORT IN BRIEF

Presented to Tony Weber and Jennifer Henson, Golden Valley Health Centers.

ATTACHMENTS

1. Proclamation



Proclamation

WHEREAS, For over 50 years, Community Health Centers have provided high-quality, affordable, comprehensive primary and preventive health care in our nation's underserved communities, delivering value to, and having a significant impact on America's health care system. Locally Golden Valley Health Centers has been serving our communities since 1972; and

WHEREAS, As the country's largest primary care network, Health Centers are the health care home for 27 million Americans in over 10,000 communities across the nation. One in every twelve people in the United States gets their care in a community health center; and

WHEREAS, Health Centers are a critical element of the health system, serving both rural and urban populations, and often providing the only accessible and dependable source of primary care in their communities. Nationwide, Health Centers serve one in every six residents of rural areas; and

WHEREAS, Every day, Health Centers develop new approaches to integrating a wide range of services beyond primary care, including oral health, vision, behavioral health, and pharmacy services, to meet the needs and challenges of their communities; and

WHEREAS, Health Centers are governed by patient-majority boards, ensuring that the patients of each Health Center are engaged in their own health care decisions; and

WHEREAS, Health Centers are locally owned and operated small businesses that serve as critical economic engines, helping to power local economies by generating \$45.6 billion in economic impact in some of the country's most economically deprived communities; and

WHEREAS, Health Centers are on the front lines of emerging health care crises, providing access to care for our nation's veterans, homeless communities, addressing the opioid epidemic, and responding to public health threats in the wake of natural disasters.

NOW, THEREFORE, I, MIKE MURPHY, Mayor of the City of Merced, do hereby proclaim August 12-18, 2018, as National Health Center Week. I encourage every resident to visit Golden Valley Health Centers and celebrate the important partnership between America's Health Centers and the communities they serve.

Signed this 6th day of August.

Mike Murphy, Mayor of Merced



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ADMINISTRATIVE REPORT

Agenda Item I.1.

Meeting Date: 8/6/2018

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.



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Merced Civic Center
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ADMINISTRATIVE REPORT

Agenda Item I.2.

Meeting Date: 8/6/2018

Report Prepared by: Kirkland Greene, Records Clerk II

SUBJECT: Information-Only Contracts

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$30,000 and of Public Works contracts under \$67,779.

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 2017-2018 threshold of \$67,779.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted FY 2017-2018 threshold of \$30,000.00, the contracts listed on the attached table were entered into by the City.

ATTACHMENTS

1. "Information-Only" Contracts Table for July 2018

Exhibit 1 – Table of Contracts

8/6/2018 City Council Meeting

(Page 1 of 2)

Department/Division	Vendor	Purpose/Location	Amount
1201 – Recreation and Parks	Merced County, on Behalf of First 5	Joint Funding Partnership Agreement to Accept a \$3,000 Contribution for Swimming Lessons. (Program duration: June 18, 2018 – August 2, 2018.)	(No funds.)
0403 – Information Technology	California Dept. of General Services (through PC Specialists, Inc., DBA: Technology Integration Group [TIG])	Procurement Contract to Provide Dell PC Servers at Contracted Pricing for State and Local Government Agencies (Contract No. 1-15-70-03B, effective 6/3/2015).	(No funds.)
0901 – Fire	Santa Barbara County	Post-Event Memorandum of Agreement for Reimbursement of All Reasonable Costs Associated With the Thomas Fire/Storm Incident, in Response to Emergency Assistance Provided (January 12 -17, 2018).	(No funds.)
0402 – Personnel	A-Check America, Inc. (DBA: A-Check Global, Inc.)	Master Services Agreement to Provide Credit Checks and Screening Reports for Job Applicants (three-year term).	\$ 500.00
1201 – Recreation and Parks	Ashley Lyons	Leisure Class Agreement for Independent Contractor Services to Conduct Hip-Hop Fitness Classes (from July 1, 2018 through June 30, 2019).	\$ 1,000.00
0803 – Engineering	Bovee Environmental Management, Inc.	Labor and materials to test for asbestos (at 1800 Stretch Rd., for the Parsons Avenue Corridor Project No. 107023). Statement of Services (PO #131357).	\$ 1,100.00
0402 – Personnel	Liebert Cassidy Whitmore	Agreement for Supervisory Personnel Training Services With the San Joaquin Valley Employment Relations Consortium to Assist in Workforce Management and Employee Relations for Fiscal Year 2018-2019.	\$ 3,490.00
0403 – Information Technology	Iron Mountain Information Management Services, Inc.	Framework Agreement for Managed Services and Pricing Schedule for Iron Cloud "Seven10 Gateway" Data Storage and Services.	\$ 3,686.40
2002 – Economic Development	Gil Gomez-Sereno (DBA: Gil's Lawn Service)	Agreement for Professional Services for Grounds and Facility Maintenance at the Transportation Center (710 W. 16th St., from August 1, 2018 through June 30, 2019).	\$ 3,850.00
1205 – Zoo	Jon Klingborg, DVM (DBA: Valley Animal Hospital)	Second Amendment to Agreement for Veterinary Services at Applegate Park Zoo (services for July and August 2018).	\$ 5,000.00

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

Exhibit 1 – Table of Contracts (Continued)

8/6/2018 City Council Meeting

(Page 2 of 2)

0201 – City Manager	Healthy House Within a Match Coalition, Inc.	Agreement for Professional Services for Language Translation and Interpretation at City Council Meetings, Etc. (two-year term, for FY 2018-19 and for FY 2019-20).	\$ 6,000.00
1201 – Recreation and Parks	Mobley Enterprises, Inc. (DBA: Valley Commercial Services)	Agreement for Janitorial Services at the Merced Senior Community Center for Fiscal Year 2018-2019.	\$ 8,052.00
0409 – Insurance	Starr Indemnity & Liability Company	Fiscal Year 2018-2019 Program Renewal for CALIP Airport Liability and Hangar Keeper’s Insurance.	\$ 8,285.00
1119 – Public Works - Facilities	Specialty Roofing of California, Inc.	Repair 3,681 sq. ft. of roof area at the Central Police Station, with polyurethane foam and general coatings. Statement of Services (PO #131281).	\$14,995.00
2006 – Welcome Center	Merced Main Street Association (MMSA)	Agreement to Provide Oversight of the Quarterly Downtown Merced Art Hop Events (to be held in July and October 2018 and in January and April 2019).	\$15,000.00
0701 – Finance	Local Government Consultants, LLC	Agreement for Professional Services for Preparation of State-Mandated Cost Claims in Regards to SB 90 (two-year extension for Fiscal Years 2018-19 and 2019-20).	\$18,000.00
1301 – Housing	Dalen Unruh (DBA: Unruh Bobcat Service)	Agreement for Professional Services to Perform Grounds and Landscape Maintenance at Various City-Owned Properties (Fiscal Year 2018-2019).	\$29,820.00

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 I.3.

Meeting Date: 8/6/2018

Report Prepared by: Nancy Lee, Secretary II, Engineering Division

SUBJECT: Information Only - Traffic Committee Meeting Minutes of May 8, 2018

RECOMMENDATION

For information only.

ATTACHMENTS

1. Minutes of May 8, 2018

TRAFFIC COMMITTEE

MINUTES

May 8, 2018

A. CALL TO ORDER

The meeting was called to order at 2:01 p.m.

B. ROLL CALL

Present: Chairperson: Steven Son, City Engineer

Committee Members: Michael Hren, Planning Manager Designee
Juan Olmos, Director of Public Works Designee
Michael Wilkinson, Fire Chief

Absent: Jacob Struble, Police Chief Designee

C. ORAL COMMUNICATIONS

None.

D. CONSENT CALENDAR

1. Traffic Committee Minutes of March 13, 2018

RECOMMENDATION:

Approve and file.

Michael Wilkinson Moved, Michael Hren Seconded

Vote: 4-0

Voting Aye: Steven Son, Juan Olmos, Michael Hren, Michael Wilkinson

Absent: Jacob Struble

Clerk's Note: Staff recommendation approved.

E. REPORTS

1. Committee Member Reports

(At this time, it is appropriate for any Committee Member to give an informational report of any work completed, training, or other item to share with other members. Please be brief, and no action may be taken on these items.)

2. Update on Red Curb Ordinance (Steven Son)

Chairperson SON indicated that Staff will draft the new ordinance pertaining to all curbs except red curbs at this time and will then submit it to the City Attorney's Office for review and approval. Staff will work with the Fire Department to update the red curb ordinance at a later date.

F. BUSINESS

1. Request #18-006 – Request for Installation of Speed Bumps on 25th Street, Between M and R Streets (Joshua Eber)

(Citizen requests the installation of speed bumps on 25th Street, near Applegate Park for the safety of children at play. Vehicles consistently speed through area.)

ATHENA GONZALES, who reside near the vicinity of Applegate Park, was present to speak on behalf of Applicant Joshua Eber. Ms. GONZALEZ stated that heavy traffic occurs on 25th Street; drivers use 25th Street as a detour when a train is crossing the nearby railroad tracks and they speed through at a rate between 40 – 45 mph. Ms. GONZALES also indicated that neighborhood residents have tried placing safety cones out on the street to slow down traffic and protect children at play, however it has not been successful; drivers still speed through the area creating a safety hazard.

Chairperson SON informed that a traffic study is in progress and based on the traffic study, there are approximately 50 vehicles traveling in the area per hour. Mr. SON also informed that speed bumps will be ineffective due to the fact that vehicles will maneuver around the speed bumps or slow down when going over the speed bumps and then accelerate when they have passed the speed bumps.

Committee Member HREN agreed that speed bumps will be ineffective. Mr. HREN provided Ms. GONZALES a copy of the “Summary of

Neighborhood Traffic Calming Guidelines Process”. Mr. HREN also specified that the Committee is familiar with the noted issues on 25th Street as the subject has been brought up in past Traffic Committee meetings. Mr. HREN also indicated that the neighborhood traffic calming guidelines require the neighborhood to pay for any kind of traffic calming that is approved.

Mr. SON stated that increased police enforcement in the area would be an appropriate resolution until the current speed study is completed.

Ms. GONZALES concluded that a resolution needs to be done to slow down traffic in the area and it needs to be done for the children, especially near the park.

MOTION: To take no action until a speed study is completed.

COUNCIL ACTION REQUIRED: None at this time.

Michael Hren Moved, Juan Olmos Seconded

Vote: 4-0

Voting Aye: Steven Son, Juan Olmos, Michael Hren, Michael Wilkinson

Absent: Jacob Struble

2. Request #18-007 – Request for Improvement of Pedestrian Crosswalk in the Intersection of 16th and Canal Streets Crosswalk (Cecilio Solano)
(Citizen requests the alteration of a regular pedestrian crosswalk to “controlled” crosswalk for pedestrian safety in heavily-trafficked intersection.)

CECILIO SOLANO was present at the meeting. Mr. SOLANO voiced that there needs to be some sort of protection for pedestrians who are attempting to cross the busy intersection at 16th and Canal St. He indicated that many drivers do not stop for pedestrians making it complicated for pedestrians to cross safely; many times pedestrians run across barely reaching the other side of the street, and some pedestrians are disabled therefore getting across is more of a challenge for them. Mr. SOLANO suggested installing flashing lights on the pedestrian crosswalk to alert

drivers to stop for pedestrians.

Committee Member JUAN OLMOS responded that installing a lighted crosswalk is not going to fix the problem; it creates a false security for pedestrians and places them in greater danger because drivers do not always stop when they see the flashing lights. Mr. OLMOS also indicated that the safest option for pedestrians is to cross at a signal light.

Mr. SOLANO responded that the crosswalk is in constant use; nothing flags a driver now and he has witnessed numerous distracted drivers - this is always going to be an issue and improvement is warranted.

Chairperson SON recommended the Public Works Streets Division repaint the crosswalk with high-visibility/thermoplastic paint.

MOTION: To repaint the crosswalk on Canal and 16th St. with high-visibility/thermoplastic paint.

COUNCIL ACTION REQUIRED: None at this time.

Steven Son Moved, Michael Hren Seconded

Vote: 4-0

Voting Aye: Steven Son, Juan Olmos, Michael Hren, Michael Wilkinson

Absent: Jacob Struble

3. Request #18-008 – Request to Post “No Parking” Signs in the Alley Behind Merced City Hall (Steven Son)
(Deputy Director of Public Works / Interim City Engineer Steven Son requests the posting of “No Parking” signs due to vehicles blocking access to City Hall.)

Chairperson SON discussed the issue of vehicles impeding the alley way behind City Hall and blocking the fire lane. Mr. SON advised that with the Downtown structural improvements, now is the time to install “No Parking” signs and paint red curbs where necessary.

Committee Member OLMOS identified that the Municipal Code exclusively lists the alley way as a loading/unloading zone.

MOTION: To install “No Parking” signs at both entrances of the alley way behind City Hall.

COUNCIL ACTION REQUIRED: None at this time.

Michael Hren Moved, Michael Wilkinson Seconded

Vote: 3-0

Voting Aye: Juan Olmos, Michael Hren, Michael Wilkinson

Abstain: Steven Son

Absent: Jacob Struble

G. ADJOURNMENT

The meeting was adjourned at 2:37 p.m.

By:



Nancy Lee
Recording Secretary

Approved:



Steven Son
City Engineer/Chairperson



CITY OF MERCED

Merced Civic Center
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ADMINISTRATIVE REPORT

Agenda Item I.4.

Meeting Date: 8/6/2018

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of July 2, 2018

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 July 2, 2018.

ALTERNATIVES

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

ATTACHMENTS

1. Minutes of July 2, 2018



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, July 2, 2018

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Council Member Michael Belluomini, Council Member Anthony Martinez, Mayor Pro Tempore Jill McLeod, Council Member Joshua Pedrozo, Council Member Matthew Serratto, Mayor Mike Murphy, and Council Member Kevin Blake

Absent: 0

B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:33 PM.

Clerk's Note: Council Member SERRATTO arrived to the Closed Session at 5:34 PM.

B.1.

SUBJECT: PUBLIC EMPLOYMENT - Title: City Attorney/Interim City Attorney; Authority: Government Code Section 54957

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

C. CALL TO ORDER

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

C.1. Invocation - Pastor Greg Boyd, Calvary Chapel of Merced

The invocation was delivered by Pastor Greg BOYD from Calvary Chapel of Merced.

C.2. Pledge of Allegiance to the Flag

Mayor Pro Tempore MCLEOD led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Council Member Michael Belluomini, Council Member Anthony Martinez, Mayor Pro Tempore Jill McLeod, Council Member Joshua Pedrozo, Council Member Matthew Serratto, Mayor Mike Murphy, and Council Member Kevin Blake

Absent: 0

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

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

REPORT IN BRIEF

Presented to a representative from the Recreation and Parks Department.

Mayor MURPHY presented the Parks and Recreation Month Proclamation to Jeremy JENKINS and Justin ANDERSON from the Recreation and Parks Commission.

F.2. SUBJECT: Certificate of Recognition for Lorena Ewing

REPORT IN BRIEF

Mayor Murphy will present a certificate of recognition to interpreter Lorena Ewing for assisting the Council to be inclusive of Spanish speaking residents.

Mayor MURPHY presented Lorena EWING with a Certificate of Recognition for assisting the Council to be inclusive of Spanish speaking residents.

G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

H. ORAL COMMUNICATIONS

Jason CASTRO, Merced - spoke on the homeless issue at the Smart and Final Shopping Center.

I. CONSENT CALENDAR

Items I.2. Information-Only Contracts, I.14. Administering Agency State Program Supplement No. 030-F and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for the Motel Drive Sidewalks, and I.15. Administering Agency State Program Supplement No. 029-F and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(048) for the John Muir School Sidewalks; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Mayor Pro Tempore McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Council Member Blake

No: 0

Absent: 0

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.3. SUBJECT: Information Only - Planning Commission Meeting Minutes of May 23, 2018

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4. SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of June 4, 2018 and June 12, 2018

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of June 4, 2018 and June 12, 2018.

This Consent Item was approved.

- I.5. **SUBJECT: Agreement for Professional Services with THOR, Inc. for AS/400 Programming Services**

REPORT IN BRIEF

Authorizing a Professional Services Agreement with THOR, Inc. for \$176,000 for AS/400 programming services to support SunGard application suite.

RECOMMENDATION

City Council - Adopt a motion approving Professional Services Agreement with THOR, Inc.; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

- I.6. **SUBJECT: Amendment to Agreement with Van Dermynen Maddox Corporation for Complaint Investigation Legal Services**

REPORT IN BRIEF

Considers Amending an Agreement with Van Dermynen Maddox Corporation to the not to exceed amount of \$70,000.

RECOMMENDATION

City Council - Adopt a motion approving an amendment to the agreement with the Van Dermynen Maddox Law Corporation for Complaint Investigation Legal Services not to exceed the amount of \$70,000, and authorize the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

- I.7. **SUBJECT: Agreement with Berliner Cohen, LLP. for Interim City Attorney Legal Services**

REPORT IN BRIEF

Considers Approving an Agreement with Berliner Cohen, LLP for continued Interim City Attorney Legal Services

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Agreement for Interim City Attorney Legal Services

with Berliner Cohen, LLP, and;

B. Authorizing the City Manager or Assistant City Manager to execute the Second Amendment to the Agreement for Interim Legal Services with Berliner Cohen, LLP, and;

C. Approving a Supplemental Appropriation in the amount of \$57,000 from the General Fund to account 001-0301-512.17-00 City Attorney Professional Services.

This Consent Item was approved.

I.8.**SUBJECT: Certification of June 5, 2018 Special Municipal Election Returns**

REPORT IN BRIEF

Certifies the June 5, 2018 election returns for City Measure Y.

RECOMMENDATION

City Council - Adopt **Resolution 2018-52**, a Resolution of the City Council of the City of Merced, California, reciting the fact of the Special Municipal Election held on June 5, 2018, declaring the result, and declaring such other matters as provided by law for Measure Y (Commercial Cannabis Business Tax).

This Consent Item was approved.

I.9.**SUBJECT: Approval of Resolutions to Call for a General Municipal Election on November 6, 2018 to be Consolidated with the Gubernatorial General Election**

REPORT IN BRIEF

Consideration of Resolutions calling a November 6, 2018 General Municipal Election for the Mayor and three members of the City Council by district and requesting the County Board of Supervisors consolidate the City's election with the Gubernatorial General Election being held on the same date.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2018-39**, a Resolution of the City Council of the City of Merced, California, calling a General Municipal Election for the election of the Mayor and three members of the City Council at the

General Municipal Election to be held on November 6, 2018; and,

B. Adopting **Resolution 2018-40**, a Resolution of the City Council of the City of Merced, California, requesting that the Board of Supervisors of the County of Merced, California provide for the consolidation of a General Municipal Election with the Gubernatorial General Election to be held on November 6, 2018, direct the filing of a Notice of Election with the Registrar of Voters, submit an Incumbent List and Terms of Office, provide that candidate's statements are to be paid by candidate, and determine that a coin toss is the tie-breaking method; and,

C. Directing the City Manager/City Clerk and the City Attorney's Office to execute documents appropriate to carry out the tasks necessary for the General Municipal Election and to take actions related thereto.

This Consent Item was approved.

I.10. This item has been moved to a future agenda.

I.11. SUBJECT: Compensation Plan for Management Employees

REPORT IN BRIEF

Considers approving Compensation Plan for Management Employees.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2018-50**, a Resolution of the City Council of the City of Merced, California, adopting a compensation plan for the executive management, middle management, supervisory management, and confidential management employees; and,

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

This Consent Item was approved.

I.12. SUBJECT: Agreement for Labor Relations Consulting, Labor Contract Negotiations and Employee Related Legal Services with Law Firm Liebert Cassidy Whitmore

REPORT IN BRIEF

Considers approving an agreement for labor relations consulting, labor

contract negotiations and employee related legal services with the law firm Liebert Cassidy Whitmore in the amount not to exceed \$100,000.

RECOMMENDATION

City Council - Adopt a motion approving an agreement for professional services with Leibert Cassidy Whitmore for labor relations consulting, labor contract negotiations, and employee related matters in an amount not to exceed \$100,000 and authorizing the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.13.

SUBJECT: Two Amendments to Agreements for Professional Services with Provost and Pritchard Engineering Group, Incorporated, Project No. 119049

REPORT IN BRIEF

Considers authorizing two separate agreements for environmental remediation services for a combined total of \$288,500.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Second Amendment to Agreement for Professional Services (cleanup contract) with Provost and Pritchard Engineering Group, Incorporated, in the amount of \$230,000 for groundwater cleanup; and,

B. Approving the Second Amendment to Agreement for Professional Services (reporting contract) with Provost and Pritchard Engineering Group, Incorporated, in the amount of \$58,500 for report drafting; and,

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

This Consent Item was approved.

I.16.

SUBJECT: Administering Agency - State Master Agreement for Federal-Aid Projects - Program Master Agreement No. 10-5085F15

REPORT IN BRIEF

Considers approving the Administering Agency - State Master Agreement for Federal-Aid

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2018-51**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Master Agreement No.10-5085F15.

This Consent Item was approved.

I.17.

SUBJECT: Approval of Agreement with PredPol, Inc., for Predictive Policing Software Subscription

REPORT IN BRIEF

Considers approving an agreement with Predpol, Inc. to provide predictive policing software that will assign probabilities and locations of future crimes.

RECOMMENDATION

City Council - Adopt a motion approving the contract with Predpol, Inc., and; authorizing the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.18.

SUBJECT: Fiscal Year 2017 State Homeland Security Grant Program (SHSGP)

REPORT IN BRIEF

Considers accepting Fiscal Year (FY) 2017 State Homeland Security Grant Program (SHSGP) funds to purchase Bomb Unit (EOD) equipment for the Merced Police Department Bomb Team

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting FY 2017 SHSGP grant funds in the amount of \$3,000.00 as revenue in account 001-1002-324-02-00; and,

B. Appropriating \$3,000.00 to Machinery/Equipment expense account 001-1002-523-43-00; and,

C. Approving the use of pooled cash until reimbursement from the grant is received; and,

D. Authorizing the City Manager or Assistant City Manager to execute the

necessary documents.

This Consent Item was approved.

I.19.

SUBJECT: Acceptance of Fiscal Year 2017 State Homeland Security Grant Program Funds to Purchase Additional License Plate Reader Equipment; Waiver of the Competitive Bidding Requirement

REPORT IN BRIEF

Considers accepting Fiscal Year (FY) 2017 State Homeland Security Grant Program (SHSGP) funds in the amount of \$48,000 to purchase additional automated license plate reader cameras with a request to waive the competitive bidding process.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting FY 2017 SHSGP grant funds and increasing revenue budget in the amount of \$48,000; in account 001-1002-324-02-00 and,

B. Appropriating \$48,000.00 to Machinery/Equipment expense account 001-1002-523-43-00; and,

C. Approving the use of pooled cash until reimbursement from the grant is received; and,

D. Waiving the competitive bidding requirements, as stated in Section 3.04.210 of the Merced Municipal Code, and authorizing the City to Sole Source purchase the requested license plate reader equipment and its installation through Lehr Auto for an amount not to exceed \$55,505.19; and,

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

This Consent Item was approved.

I.20.

SUBJECT: Purchase and Installation of New Motorola Radio Base Stations and Voting Receivers for the Police Department and Waiving the Competitive Bidding Requirement

REPORT IN BRIEF

Considers authorizing the purchase (including installation costs) of new Motorola radio base stations and voting receivers for the Police Department using revenue currently available and waives the competitive

bidding requirement for the purchase.

RECOMMENDATION

City Council - Adopt a motion waiving the competitive bidding requirements, as stated in Section 3.04.210 of the Merced Municipal Code, and authorizing the City to purchase the requested radio equipment through J's Communications, Inc. for equipment and installation costs not to exceed \$90,206.

This Consent Item was approved.

I.2.

SUBJECT: Information-Only Contracts

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$30,000 and of Public Works contracts under \$67,779.

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 2017-2018 threshold of \$67,779.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted FY 2017-2018 threshold of \$30,000.00, the contracts listed on the attached table were entered into by the City.

Council Member BELLUOMINI pulled this item to ask for clarification on the RSG Inc. and Thomas Carpenter Contracts.

Council Member BELLUOMINI and staff discussed the scope of services of both contracts.

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Mayor Pro Tempore McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Council Member Blake

No: 0

Absent: 0

I.14.

SUBJECT: Administering Agency State Program Supplement No. 030-F and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for the Motel Drive

Sidewalks

REPORT IN BRIEF

Considers a resolution approving a California Department of Transportation Program Supplement for the use of \$53,983 in CMAQ Grant funding for Preliminary Engineering for the Motel Drive Sidewalk from Merced Avenue to Carol Avenue.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2018-49**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. 030-F; and,
- B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321.32-00 by \$53,983 and appropriating the same to account 450-1104-637.65-00 (Project No. 119043) for preliminary engineering costs associated with design of sidewalk on Motel Drive; and,
- C. Approving the use of pooled cash until reimbursement is received from the grant; and,
- D. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

Council Member BELLUOMINI pulled this item along with Item I.15. to highlight the sidewalk improvement projects.

Council Member MARTINEZ and staff discussed drainage on Motel Drive.

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Mayor Pro Tempore McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Council Member Blake

No: 0

Absent: 0

I.15.

SUBJECT: Administering Agency State Program Supplement No. 029-F and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(048) for the John Muir School Sidewalks

REPORT IN BRIEF

Considers a resolution approving a California Department of Transportation Program Supplement for the use of \$67,906 in CMAQ Grant funding for Preliminary Engineering for the sidewalks near John Muir School.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2018-48**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. 029-F; and,
- B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321-32-00 by \$67,906 and appropriating the same to account 450-1104-637-65 (Project No. 119042) for preliminary engineering costs associated with design of sidewalk near John Muir School; and,
- C. Approving the use of pooled cash until reimbursement is received from the grant; and,
- D. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Mayor Pro Tempore McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Council Member Blake

No: 0

Absent: 0

J. PUBLIC HEARINGS

- J.1. **SUBJECT: Ordinance Establishing an Arts and Culture Advisory Commission for the City of Merced**

REPORT IN BRIEF

Asking the City Council to establish a Public Arts and Culture Advisory Commission in the City of Merced.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2489**, an Ordinance of the City Council of the City of Merced, California, adding Chapter, 2.54 "Arts and Culture Advisory Commission," to the Merced Municipal Code.

Assistant City Manager Stephanie DIETZ gave a slide show presentation on Establishing an Arts and Culture Advisory Commission for the City of Merced.

Mayor MURPHY opened and subsequently closed the Public Hearing at 6:28 PM due to lack of public comment.

Ms. DIETZ stated that there were typos that would be amended in the Ordinance when it is brought back for a second reading.

A motion was made by Council Member Martinez, seconded by Council Member Pedrozo, that this agenda item be approved as amended. The motion carried by the following vote:

Aye: 7 - Council Member Belluomini, Council Member Martinez, Mayor Pro Tempore McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Council Member Blake

No: 0

Absent: 0

K. REPORTS

K.1. SUBJECT: Update on Commercial Cannabis Business Permits

REPORT IN BRIEF

City Staff will update the City Council on the status of the Commercial Cannabis Business Permit applications.

RECOMMENDATION

For information only.

Planning Manager Kim ESPINOSA gave a slide show presentation updating the Council on the Commercial Cannabis Business Permits. She noted that applications were in review and will be scheduled at upcoming Planning Commission meetings.

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

K.2. **SUBJECT: Update on Public Facilities Bond Measure Survey Results**

REPORT IN BRIEF

City Staff will provide an update to the City Council on the results of a recent survey conducted to test the viability of a Public Facilities Bond Measure on the November 2018 ballot.

RECOMMENDATION

Provide staff direction on next steps for pursuing Public Facilities financing options.

Assistant City Manager Stephanie DIETZ, Finance Officer Venus RODRIGUEZ, and Director of Economic Development Frank QUINTERO gave a slide show presentation on the Public Facilities Bond Measure Survey Results.

Council and staff discussed the needs assessment, Public/Private Partnership, ballot survey results, and financing for the fire stations, Corporate Yards, and facilities.

Council Member BELLUOMINI gave an example of a needs assessment.

Police Chief Christopher GOODWIN discussed what the new police station would entail.

Mayor Pro Tempore MCLEOD and Police Chief GOODWIN discussed the impact a new Police Station would have on the officers and the public.

A majority of Council agreed the Bond Measure should not go on the November Ballot but a possible future ballot.

Council directed staff to proceed with the needs assessment and give Council updates in the process.

Council Member BELLUOMINI suggested directing staff to reduce the cost of placing only the Police Station on the November ballot.

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

L. BUSINESS

L.1. **SUBJECT: Boards and Commissions Reappointments - Recreation and Parks Commission (2)**

REPORT IN BRIEF

Consider reappointing currently seated individuals to an additional term.

RECOMMENDATION

City Council - Adopt a motion reappointing qualified individuals who are eligible for, and interested in, an additional term on the Recreation and Parks Commission.

Assistant City Clerk John TRESIDDER gave a brief report on this item.

A motion was made by Council Member Pedrozo, seconded by Council Member Belluomini, to reappoint Yesenia Curiel and Jeremy Jenkins to the Recreation and Parks Commission. The motion carried by the following vote:

Aye: 7 - Council Member Belluomini, Council Member Martinez, Mayor Pro Tempore McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Council Member Blake

No: 0

Absent: 0

L.2.

SUBJECT: City Council/Merced City School District Joint Meeting Request

REPORT IN BRIEF

The Merced City School District Board of Education has invited the City Council to hold a joint meeting to discuss items of mutual interest.

RECOMMENDATION

Provide staff direction on holding a joint meeting and possible dates and times that would work best for the Council.

Assistant City Manager Stephanie DIETZ gave a brief report on the City Council/Merced City School District Joint Meeting.

Council set a tentative date of August 9th for the joint meeting.

L.3. Request to Add Item to Future Agenda

Council Member SERRATTO requested to add an item on safe driving public information campaign to a future meeting.

Council Member BLAKE requested to add an item on street lights on Oleander Avenue to a future meeting.

Council Member BELLUOMINI requested to add an item on a complete

parks resolution for the August 6th meeting. He also requested to add an item on safe routes to school for the August 6th meeting.

Mayor MURPHY requested to add an item on a policy to release body cam footage to a future meeting.

L.4. City Council Comments

Council Member MARTINEZ reported on attending the California League of Cities conference in Monterey.

Council Member SERRATTO reported on attending the California League of Cities conference in Monterey.

Council Member BLAKE reported on attending the California League of Cities conference in Monterey.

Council Member PEDROZO reported on attending a Civil Liberties panel at the Multicultural Arts Center.

Mayor MURPHY spoke on the Summer at City Hall program. He also reported on attending the Merced County Association of Governments, a roundtable luncheon, the Greater Merced Chamber of Commerce Installation Dinner, the City County Dinner, the Merced Boosters meeting, and a ribbon cutting.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:19 PM.

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Mayor Pro Tempore McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Council Member Blake

No: 0

Absent: 0



ADMINISTRATIVE REPORT

Agenda Item I.5.

Meeting Date: 8/6/2018

Report Prepared by: Faye S. Law, Accountant III

SUBJECT: Correct Typographical Error on Fiscal Year 2018-19 Annual Special Tax Rates (Exhibit A) for Community Facilities District (CFD) No. 2003-2 (Services) of the City of Merced

REPORT IN BRIEF

Considers amending Exhibit A of Resolution No. 2018-38, authorizing the establishment of Annual Special Tax Rates for Fiscal Year 2018-19 to correct Special Tax Rates typographical error for Improvement Area 35.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-53**, a Resolution of the City of Merced, California, acting as the Legislative Body of the Community Facilities No. 2003-2 (Services) of the City of Merced, amending Resolution No. 2018-38 to correct Exhibit A thereto related to the Annual Special Tax Rates for said district for Fiscal Year 2018-19.

ALTERNATIVES

1. Approve, as recommended by staff; or
2. Approve, subject to other than recommended by staff (identify); or
3. Deny.

AUTHORITY

Correct a typographical error in Exhibit A of Resolution No. 2018-38, which sets the Annual Special Tax Rates for fiscal year 2015-16 for Community Facilities District No. 2003-2 (Services) (the "District") pursuant to Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code (the "Act"), commonly known as the "Mello-Roos Community Facilities Act of 1982."

CITY COUNCIL PRIORITIES

As provided for in the FY2018-19 Adopted Budget.

DISCUSSION

Pursuant to the Mello-Roos Community Facilities District Act of 1982 and City's Ordinance No. 2144, specifies that the City Council by resolution annually set the special tax rates. The rates of the special taxes may increase each year by the average of the Consumer Price Index, Urban Wage Earners, and the Clerical Workers category for the San Francisco Oakland, San Jose and the United States' City averages. The rates were to be set at the maximum taking into account the 3.068% allowable

increase from Fiscal Year 2017-18 levels.

On June 4, 2018, Council adopted Resolution No. 2018-38, Authorizing the Establishment of an Annual Special Tax Rates for Community Facilities District (CFO) No. 2003-2 (Services) for Fiscal Year 2018-19 including Exhibit A. However, there is a typographical error for Improvement Area 35 Single Family rate in Exhibit A. The Special Tax Rate for Improvement Area 35 Single Family should have read \$734.52 instead of \$735.52 referenced therein. It is appropriate to correct Fiscal Year 2018-19 Special Tax Rates (Exhibit A) by amending Resolution No. 2018-38.

IMPACT ON CITY RESOURCES

Not applicable.

ATTACHMENTS

1. Resolution 2018-53 (new resolution to correct error on Resolution No. 2018-38)
2. Resolution 2018-38

RESOLUTION NO. 2018-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA, ACTING
AS THE LEGISLATIVE BODY OF THE
COMMUNITY FACILITIES DISTRICT NO. 2003-2
(SERVICES) OF THE CITY OF MERCED,
AMENDING RESOLUTION NO. 2018-38 TO
CORRECT EXHIBIT A THERETO RELATING TO
THE ANNUAL SPECIAL TAX FOR SAID
DISTRICT FOR FISCAL YEAR 2018-2019**

WHEREAS, the City Council (the “Legislative Body”) of the City of Merced, California (the “City”) had previously initiated proceedings, held public hearings, conducted elections and received a favorable vote from the qualified electors to authorize the levy of special taxes in and for the Community Facilities District No. 2003-2 (Services) of the City of Merced (the “District”), including Annexation Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, all as authorized pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”); and

WHEREAS, on June 4, 2018, the Legislative Body of the City adopted Resolution No. 2018-38 authorizing the establishment of an annual special tax for Fiscal Year 2018-2019 at the tax rate set forth in Exhibit A, attached to said Resolution; and

WHEREAS, due to a typographical error on Exhibit A relating to Improvement Area 35, it is necessary to correct the Exhibit to reflect the correct special tax rate.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MERCED, ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2003-2 (SERVICES) OF THE CITY OF MERCED, AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. In accordance with the Act and the Ordinance, there is hereby levied upon all parcels within the District, which are not otherwise exempt from taxation under the Act or the Ordinance, the special taxes for Fiscal Year 2018-

2019 at the tax rate set forth in the Exhibit “A” (Corrected), which rates do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, the District may make any necessary modifications to these special taxes to account for any unforeseen circumstances; provided, however, that any such modifications shall not result in an increase in the tax applicable to a category and can only be made prior to the submission of the Fiscal Year 2018-2019 Certified List to the County Auditor.

SECTION 3. The Finance Officer is hereby authorized and directed to prepare or cause the preparation of the Fiscal Year 2018-2019 Certified List and to submit such list to the County Auditor on or before August 10th or such later date to which the County Auditor may agree.

SECTION 4. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 5. It is hereby further directed that a certified copy of this Resolution, together with the Certified List for Fiscal Year 2018-2019, also be filed with the County Auditor.

SECTION 6. The County Auditor is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected in a space marked “public services, special tax” or by any other suitable designation, the installment of the special tax.

SECTION 7. The County Auditor shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 8. This Resolution shall become effective upon its adoption.

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PASSED, APPROVED AND ADOPTED this _____ day of _____
2018, by the following 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:



City Attorney 7-11-2018
Date

**EXHIBIT A (Corrected)
FISCAL YEAR 2018-19
SPECIAL TAX RATES**

**COMMUNITY FACILITIES DISTRICT NO. 2003-2 (SERVICES)
OF THE CITY OF MERCED**

	Type of Property					
	Single Family Residential (per Unit)	Multi-Family Residential (per Unit)	Retail (per 1,000 sq.ft.)	Office (per 1,000 sq.ft.)	Industrial (per 1,000 sq.ft.)	Other (per 1,000 sq.ft.)
Area 1	764.90	664.40	89.32	82.34	55.82	89.32
Area 2	898.90	752.34	153.52	143.76	94.90	153.52
Area 3	827.70	714.64	111.66	106.08	66.98	111.66
Area 4	850.04	725.82	124.22	117.24	75.36	124.22
Area 5	682.54	598.80	60.02	51.64	40.46	60.02
Area 6	731.40	661.60	55.82	55.82	30.70	55.82
Area 7	978.46	837.48	161.90	160.50	93.52	161.90
Area 9	897.50	759.32	146.56	138.18	89.32	146.56
Area 10	669.98	596.00	48.84	43.26	32.10	48.84
Area 11	890.52	756.52	140.96	133.98	85.14	140.96
Area 12	611.36	559.72	19.54	16.74	13.94	19.54
Area 13	827.70	657.42	161.90	139.58	111.66	161.90
Area 14	703.48	600.20	79.56	68.38	55.82	79.56
Area 15	880.74	764.90	121.42	120.04	69.78	121.42
Area 16	773.76	657.42	104.16	94.68	67.62	104.16
Area 17	714.24	592.48	98.74	82.50	70.34	98.74
Area 18	864.38	715.58	148.80	135.26	96.04	148.80
Area 19	585.72	551.90	N/A	N/A	N/A	N/A
Area 20	585.72	551.90	N/A	N/A	N/A	N/A
Area 21	934.72	741.28	201.54	179.90	132.56	201.54
Area 22	1,017.24	842.74	198.84	189.38	120.38	198.84
Area 23	1,047.00	804.86	262.42	235.36	173.14	262.42
Area 24	984.78	819.74	185.32	175.84	112.26	185.32
Area 25	1,236.38	996.96	294.88	282.72	177.20	294.88
Area 26	1,281.02	1,005.06	304.36	290.82	182.60	304.36
Area 27	1,128.16	946.90	224.54	221.84	128.50	224.54
Area 28	1,281.02	1,005.06	304.36	290.82	182.60	304.36
Area 29	1,363.54	1,030.76	397.70	366.58	251.60	397.70
Area 30	879.26	753.46	131.20	125.80	78.44	131.20
Area 31	232.66	188.02	79.80	83.86	40.58	79.80
Area 32	1,336.48	1,202.56	217.78	244.84	96.04	244.84
Area 33	1,528.58	1,294.56	340.88	351.70	179.90	351.70
Area 34	1,149.80	1,003.72	197.48	205.60	101.44	205.60
Area 35	734.52	647.94	71.68	67.62	44.64	71.68
Area 36	784.58	653.36	120.38	105.50	79.80	120.38

Note: Merced County's property tax is payable in two installments; therefore, the above rates are rounded down to the nearest even cent so it is divisible by two.

	<u>February 2017</u>	<u>February 2018</u>	<u>Percentages Change</u>
CPI Urban Wage Earners United States City	237.477	242.988	2.321%
CPI Urban Wage Earners San Francisco	265.569	275.699	<u>3.814%</u>
Average			3.068%

CITY OF MERCED

"Gateway to Yosemite"



CITY CLERK'S CERTIFICATE

I, STEVEN S. CARRIGAN, City Clerk of the City of Merced, California, do hereby certify that the attached document, entitled:

RESOLUTION 2018-38

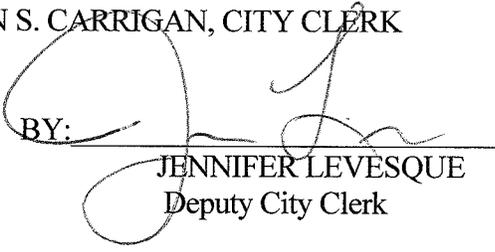
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2003-2 (SERVICES) OF THE CITY OF MERCED, AUTHORIZING THE ESTABLISHMENT OF AN ANNUAL SPECIAL TAX FOR SAID DISTRICT FOR FISCAL YEAR 2018-2019

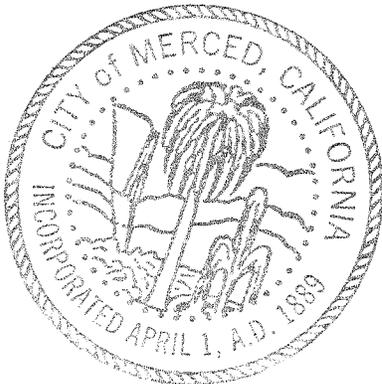
is a true and correct copy of the original on file in the Office of the Merced City Clerk, Merced, California.

DATED: June 5, 2018

STEVEN S. CARRIGAN, CITY CLERK

BY:


JENNIFER LEVESQUE
Deputy City Clerk



RESOLUTION NO. 2018- 38

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA, ACTING
AS THE LEGISLATIVE BODY OF THE
COMMUNITY FACILITIES DISTRICT NO. 2003-2
(SERVICES) OF THE CITY OF MERCED,
AUTHORIZING THE ESTABLISHMENT OF AN
ANNUAL SPECIAL TAX FOR SAID DISTRICT
FOR FISCAL YEAR 2018-2019**

WHEREAS, the City Council (the “Legislative Body”) of the City of Merced, California (the “City”) had previously initiated proceedings, held public hearings, conducted elections and received a favorable vote from the qualified electors to authorize the levy of special taxes in and for the Community Facilities District No. 2003-2 (Services) of the City of Merced (the “District”), including Annexation Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 all as authorized pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”); and,

WHEREAS, this Legislative Body, by the adoption of Ordinance No. 2144 (the “Ordinance”) as authorized by Section 53340 of the Act, has authorized the levy of such special taxes within the District; and,

WHEREAS, Government Code Section 53340 and the Ordinance specify that this Legislative Body may provide, by resolution, for the levy of the special taxes within the District in the current tax year at the same rates or at lower rates than the maximum rates provided for in the Ordinance levying such special taxes, if such resolution is adopted and a certified list of all parcels subject to the special tax levy, including the amount of the special tax to be levied on each parcel for the current tax year (the “Fiscal Year 2018-2019 Certified List”), is timely filed by the clerk or other official designated by this Legislative Body with the Auditor of the County of Merced (the “County Auditor”); and,

WHEREAS, it is now necessary and appropriate that this Legislative Body levy and collect the special taxes for Fiscal Year 2018-2019 for the purpose specified in the Ordinance by the adoption of a resolution as specified by the Act and Ordinance.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MERCED, ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2003-2 (SERVICES) OF THE CITY OF MERCED, AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. In accordance with the Act and the Ordinance, there is hereby levied upon all parcels within the District, which are not otherwise exempt from taxation under the Act or the Ordinance, the special taxes for Fiscal Year 2018-2019 at the tax rate set forth in Exhibit "A", which rates do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, the District may make any necessary modifications to these special taxes to account for any unforeseen circumstances; provided, however, that any such modifications shall not result in an increase in the tax applicable to a category and can only be made prior to the submission of the Fiscal Year 2018-2019 Certified List to the County Auditor.

SECTION 3. The Finance Officer is hereby authorized and directed to prepare or cause the preparation of the Fiscal Year 2018-2019 Certified List and to submit such list to the County Auditor on or before August 10th or such later date to which the County Auditor may agree.

SECTION 4. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 5. It is hereby further directed that a certified copy of this Resolution, together with the Certified List for Fiscal Year 2018-2019, also be filed with the County Auditor.

SECTION 6. The County Auditor is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected in a space marked "public services, special tax" or by any other suitable designation, the installment of the special tax.

SECTION 7. The County Auditor shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the

amount and/or amounts of such special tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 8. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 4th day of June 2018, by the following vote:

AYES: 6 Council Members: BELLUOMINI, MARTINEZ, MCLEOD,
MURPHY, PEDROZO, SERRATTO

NOES: 0 Council Members: NONE

ABSENT: 1 Council Members: BLAKE

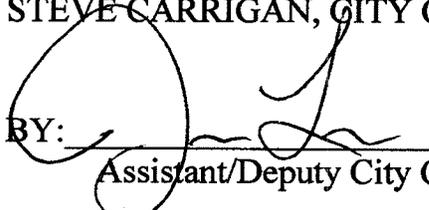
ABSTAIN: 0 Council Members: NONE

APPROVED:



Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: 

Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 5/23/18

City Attorney Date



**EXHIBIT A
FISCAL YEAR 2018-19
SPECIAL TAX RATES**

**COMMUNITY FACILITIES DISTRICT NO. 2003-2 (SERVICES)
OF THE CITY OF MERCED**

	Type of Property					
	Single Family Residential (per Unit)	Multi-Family Residential (per Unit)	Retail (per 1,000 sq.ft.)	Office (per 1,000 sq.ft.)	Industrial (per 1,000 sq.ft.)	Other (per 1,000 sq.ft.)
Area 1	764.90	664.40	89.32	82.34	55.82	89.32
Area 2	898.90	752.34	153.52	143.76	94.90	153.52
Area 3	827.70	714.64	111.66	106.08	66.98	111.66
Area 4	850.04	725.82	124.22	117.24	75.36	124.22
Area 5	682.54	598.80	60.02	51.64	40.46	60.02
Area 6	731.40	661.60	55.82	55.82	30.70	55.82
Area 7	978.46	837.48	161.90	160.50	93.52	161.90
Area 9	897.50	759.32	146.56	138.18	89.32	146.56
Area 10	669.98	596.00	48.84	43.26	32.10	48.84
Area 11	890.52	756.52	140.96	133.98	85.14	140.96
Area 12	611.36	559.72	19.54	16.74	13.94	19.54
Area 13	827.70	657.42	161.90	139.58	111.66	161.90
Area 14	703.48	600.20	79.56	68.38	55.82	79.56
Area 15	880.74	764.90	121.42	120.04	69.78	121.42
Area 16	773.76	657.42	104.16	94.68	67.62	104.16
Area 17	714.24	592.48	98.74	82.50	70.34	98.74
Area 18	864.38	715.58	148.80	135.26	96.04	148.80
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Average			3.068%



ADMINISTRATIVE REPORT

Agenda Item I.6.

Meeting Date: 8/6/2018

Report Prepared by: Frank Quintero, Director of Economic Development

SUBJECT: Proposed Facility Use Agreement (Parking Agreement) Between the Regents of the University of California, on Behalf of its Merced Campus, and City of Merced

REPORT IN BRIEF

Proposed Agreement to lease 125 parking spaces in the Merced Center Garage to the Regents of the University of California, Merced campus, for the University of California Merced Downtown Campus Center.

RECOMMENDATION:

Parking Authority - Adopt a motion approving the Facility Use Agreement (Parking Agreement) with the Regents of the University of California; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

ALTERNATIVES

1. Approve as recommended by staff; or,
2. Approve, subject to modification (identify specific amendments in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion; or,
5. Continue to a future meeting (date and time to be specified in the motion.)

AUTHORITY

City of Merced Charter, Section 200.

CITY COUNCIL PRIORITIES

As provided for in the 2018-19 Adopted Budget, Economic Development, Objective 3) "Coordinate with High Speed Rail, ACE Train, and other projects that may serve as economic engines in downtown."

DISCUSSION

The University of California Merced and community celebrated the grand opening of the UC Merced Downtown Campus Center in January 2018. The \$45-million, 67,400 gross square foot building has capacity for up to 370 employees. UC Merced representatives discussed with City staff a request to lease parking spaces in the Merced Center Garage to accommodate the employees at the Downtown Campus Center. UC Merced desires to lease 125 parking spaces in the Merced Center Garage (100 covered parking spaces and 25 non-covered parking spaces.) The proposed Facility Use Agreement (Parking Agreement) contains the terms to lease parking from the City of Merced - Parking Authority

(Attachment 1.)

Key Terms

Number of parking spaces: 125 spaces (100 covered, 25 non-covered)

(Covered parking, 2nd Level - Exhibit B)
(Uncovered parking, 3rd Level - Exhibit C)

Consideration: \$50 per month for each covered parking space
\$35 per month for each non-covered parking space

Payment: By the first day of each quarter (January, April, July, and October)

Term: August 1, 2018 to December 31, 2023

Time of use: Monday through Friday, 6am to 7pm

Identification: City shall sign spaces or rows, and the University shall provide hangers for its employees

Merced Center Garage

In 2006, the City Council approved funding for the construction of the Merced Center Garage by the former Redevelopment Agency. Plan specifications called for a 3-story structure with 335 parking spaces and 10,180 square feet of leasable commercial space and storage. Development of the Merced Center Garage was intended to support the Merced College Business Resource Center and Ghia Hotel. The Business Resource Center is in full operation, but the Ghia Hotel project developer did not move forward.

There are 10 parking spaces on the 3rd Level of the Merced Center Garage dedicated to Merced College. The College participated in payment to design the parking facility, and received the 10 dedicated parking spaces in exchanged for their contribution. WestAmerica Bank leases 12 spaces from the City of Merced Parking Authority on the ground level as part of their lease.

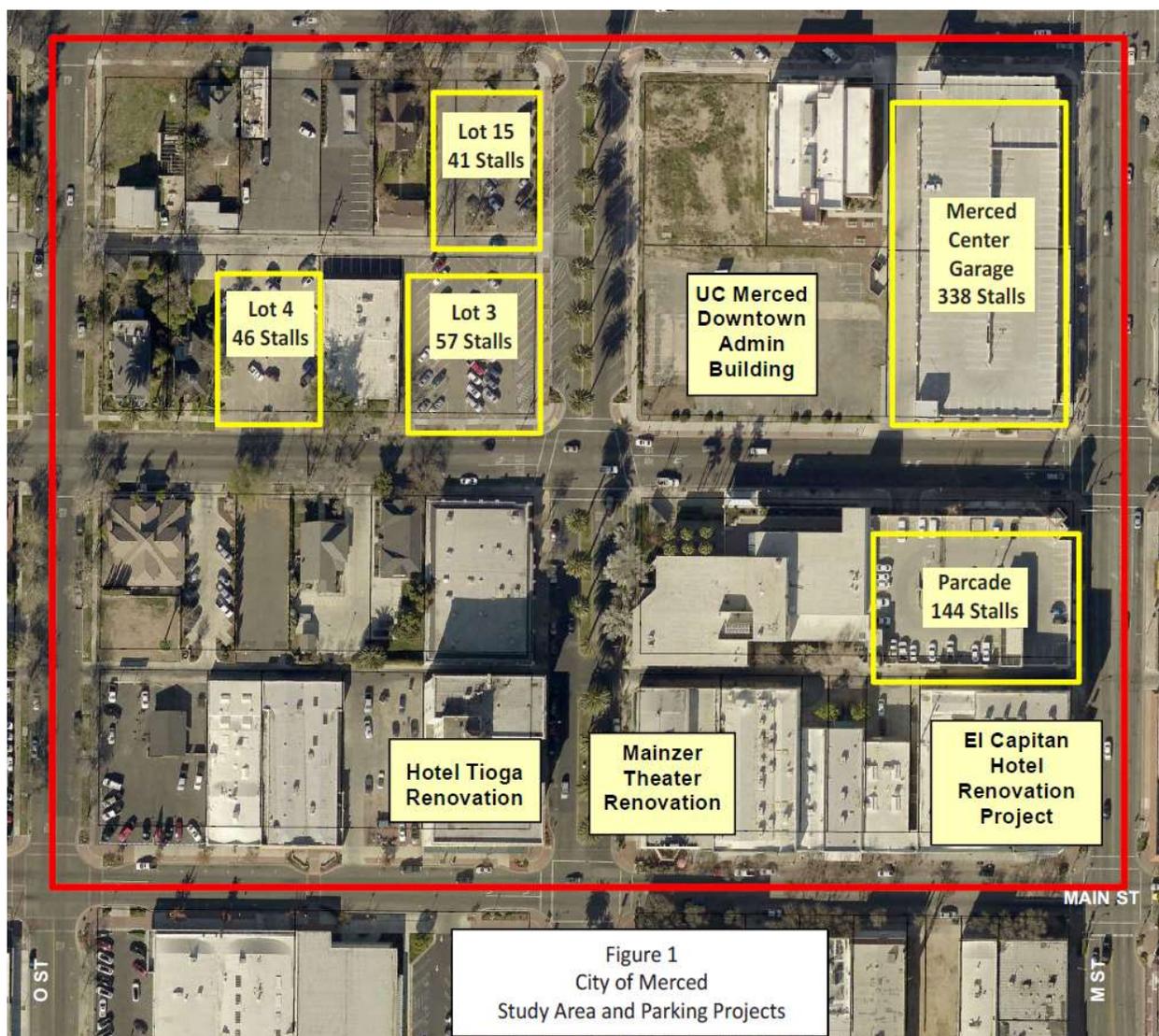
On May 19, 2014, the City Council adopted Ordinance 2428 making parking within the entire Merced Center Garage available for lease with the exception of the spaces dedicated to Merced College and leased to WestAmerica Bank. The intent of the Ordinance Amendment was to provide an incentive to developers interested in the Merced Center Project.

Should Council approve the Facility Agreement with the Regents, 147 of the 335 parking spaces in the Merced Center Garage would be committed leaving 188 spaces available to the public.

Adjacent Parking Lots

The City of Merced owns four parking facilities within one-block of the Merced Center Garage (See Figure 1). Three of the four parking lots are available to the public. Parking Lot #15 is dedicated to City of Merced employee parking. The following public parking lots are available to serve businesses and organizations located near the Downtown Campus Center:

Parking Lot #3	57 spaces	Time restricted
Parking Lot #4	46 spaces	Time restricted
Parking Lot #15	41 spaces	City employee use
Shannon Parcade	146 spaces	Open from 6am to 10pm.



The key mission of the Downtown Parking Plan is to provide plentiful parking to downtown customers and visitors. Staff will continue monitoring parking patterns in the adjacent lots and recommend changes as necessary.

Forthcoming Downtown Development

Two of three exciting downtown projects are in close proximity to the Merced Center Garage and Downtown Campus Center including the El Capitan Hotel Renovation, Hotel Tioga, and upcoming Mainzer Theatre improvement. With these projects in mind and other anticipated Downtown Merced projects, there will be greater pressure on nearby parking resources. Staff is reaching out to two consultants, soliciting proposals to assist the City with providing more parking opportunities for customers, visitors, and residents.

IMPACT ON CITY RESOURCES

No impact on the General Fund. The Parking Authority Fund is responsible for upfront cost such as posting or painting signs where the UC Merced employees will park, followed by regular maintenance. With the exception of the start-up period, the Parking Authority Fund may realize \$70,500 annually should the Council approve the Agreement with the Regents.

ATTACHMENTS

1. Facility Use Agreement

FACILITY USE AGREEMENT

THE REGENTS AS LICENSEE

THIS AGREEMENT dated _____, 2018, (“effective Date”) is by and between PARKING AUTHORITY OF THE CITY OF MERCED, a parking authority created pursuant to Street and Highways Code Section 32500 et seq (“Authority”) and THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, on behalf of its Merced campus (“University”).

WHEREAS, University constructed a 67,000 square-foot office also known as the Downtown Campus Center and intends to employ up to 400 in its Downtown facility;

WHEREAS, Said University Downtown Campus Center is located on the project site once known as the Merced Center Hotel and Conference Center site;

WHEREAS, the Merced Center Garage was constructed for the purpose of providing leased parking to the Merced Center Hotel and Conference Center project which is now the Downtown Campus Center;

WHEREAS, Authority is the owner of certain real property described as follows:

Merced Center Parking Garage located in Merced, CA, bordered by M Street, 18th Street, and 19th Street, as shown on the map attached hereto as Exhibit A (“Premises”); and

WHEREAS, University seeks to enter and use a portion of the Premises as follows: 100 dedicated covered parking spaces on the Second Level and 25 non-covered parking spaces on the Third Level as indicated on the maps attached hereto as Exhibits A, B, and C.

NOW, THEREFORE, Authority and University hereby agree as follows:

ARTICLE 1 – GRANT OF LICENSE

1.1 Authority hereby grants the University and to its agents, employees, guest and invitees an exclusive, revocable license to enter and use the Premises for the purpose, and at the times, set forth in Article 3, below.

ARTICLE 2 – TERM

2.1 The term of this Agreement shall be for the period from August 1, 2018 to December 31, 2023 (“Term”).

ARTICLE 3 – USE OF PREMISES

3.1 **University Use.** The University shall use the Premises as parking for University employees.

3.2 Time of Use. The University's use of the Premises shall be limited to Monday through Friday, from 6:00am to 7:00pm., with exceptions for those employees working past 7:00 pm. Weekend parking will be allowed, depending on availability.

3.3 Park Only. The leased parking spaces granted by Authority to University under this Agreement are a non-exclusive license to park only, and shall be used solely by University for the parking of motor vehicles by its employees in the parking facilities identified in the this Agreement, under the terms, conditions, and obligations herein and in accordance with the rules and regulations posted at the parking facilities.

3.4 Identification. Authority shall provide signage or markings for parking spaces leased by University. University shall provide parking hangers for its employees, and University employees shall display the parking hanger on their vehicle rear view mirror to designate that the vehicle is authorized to park within the respective parking facilities.

3.5 No Parking in Ralph Shannon Arcade. University shall prohibit its employees to park at the Ralph Shannon Arcade located at 626 18th Street, and shall take reasonable steps to advise its employees not to park at the Ralph Shannon Arcade.

ARTICLE 4 – CONSIDERATION

4.1 Pay Period. Under this Agreement, the Pay Period shall be from August 1, 2018 to December 31, 2023 ("Pay Period"). University shall pay Authority in advance the amounts specified below prior to the first day of each quarter (January, April, July, and October): Fifty Dollars (\$50) per month for each covered parking space and Thirty-Five Dollars (\$35) per month for each non-covered parking space.

ARTICLE 5 – NOTICES

5.1 All notices to be addressed by University to Authority in connection with this Agreement shall be given writing to Authority at:

Frank Quintero
Director of Economic Development
678 W. 18th Street
Merced, CA 95340

With a copy to:
City Attorney
City of Merced
678 W. 18th Street
Merced, CA 95340

All notices to be addressed by Authority to University in connection with this Agreement shall be given in writing to:

Karin Groth
UC Merced – Transportation and Parking Services
5200 North Lake Road
Merced, CA 95343

with a copy to:

Elizabeth Capehart
Contracts and Real Estate Manager
UC Merced
5200 North Lake Road
Merced, CA 95343

ARTICLE 6 – TERMINATION

6.1 Either Party to this Agreement may terminate this Agreement by providing at least ninety (90) days, written notice to the other Party, unless otherwise agreed to in writing by the Parties.

6.2 In the event that the Premises are damaged from any cause rendering the parking facilities totally or partially inaccessible or unusable during the Term of this Agreement as reasonably determined by Authority, Authority may terminate this Agreement by giving University seven (7) days written notice thereof.

6.3 In the event that University fails to perform any terms, conditions, or obligations under this Agreement, in addition to all other remedies provided by law, Authority may terminate this Agreement immediately upon written notice to University.

6.4 The Director of Economic Development is empowered to terminate this Agreement on behalf of Authority.

6.5 No right or remedy herein conferred upon or reserved to City is intended to be exclusive of any other right or remedy, and each and every right and remedy shall be cumulative and in addition to any other right or remedy given hereunder or now or hereafter existing at law or in equity or by statute.

6.6 Upon expiration or earlier termination of this Agreement, University shall surrender all rights to use the parking facilities granted by this Agreement.

ARTICLE 7 - PARKING RULES AND REGULATIONS

7.1 In its use of the parking facilities, University shall at all times comply, and shall cause its employees to comply, with any rules and regulations established by Authority (“Rules”). Authority may unilaterally modify or amend such Rules from time to time.

ARTICLE 8 - INDEMNITY AND HOLD HARMLESS

8.1 Authority shall indemnify, defend and hold harmless University, its officers, agents, and employees from and against any claims, damages, costs, expenses, or liabilities (collectively "Claims") arising out of or in any way connected with this License including, without limitation, Claims for loss or damage to any property, or for death or injury to any person or persons, but only in proportion to and to the extent that such Claims arise from the negligent or wrongful acts or omissions of Authority, its officers, partners, agents, or employees.

8.2 University shall indemnify, defend and hold harmless Authority, its officers, partners, agents, and employees from and against any Claims arising out of or in any way connected with this License including, without limitation, Claims for loss or damage to any property or for death or injury to any person or persons, but only in proportion to and to the extent that such Claims arise from the negligent or wrongful acts or omissions of University, its officers, agents, or employees.

ARTICLE 9 – INSURANCE

9.1 University, at its sole cost and expense, shall insure its activities in connection with this Agreement and obtain, keep in force and maintain insurance as follows:

- a. General Liability Self-Insurance Program (contractual liability included) with minimum limits as follows:
 1. Each Occurrence \$ 1,000,000
 2. Products/Completed Operations Aggregate \$ 2,000,000
 3. Personal and Advertising Injury \$ 1,000,000
 4. General Aggregate \$ 2,000,000
- b. Business Automobile Liability Self-Insurance Program for owned, non-owned, or hired automobiles with a combined single limit of not less than one million dollars (\$1,000,000) per occurrence.
- c. Property, Fire and Extended Coverage Self-Insurance Program in an amount sufficient to reimburse Authority for all of its equipment, trade fixtures, inventory, fixtures and other personal property located on or in the Premises including leasehold improvements hereinafter constructed or installed.
- d. Workers' Compensation as required by California law.

The coverages referred to under a. and b. of this Section 9.1 shall include Authority as an additional insured. Such a provision shall apply only in proportion to and to the extent of the negligent acts or omissions of University, its officers, agents, employees, volunteers or invitees. University, upon the execution of this License, shall furnish Authority with certificates of insurance evidencing compliance with all requirements. Certificates shall provide for thirty (30)

days advance written notice to the Authority of any material modification, change or cancellation of any of the above insurance coverages.

The coverages required herein shall not limit the liability of University.

ARTICLE 10 - WAIVER OF SUBROGATION

10.1 Authority and University and all parties claiming under or through them hereby mutually release and discharge each other and the officers, employees, agents, representatives, customers, and business visitors of Authority or University from all claims, losses, and liabilities arising from or caused by any hazard covered by insurance on or in connection with the Premises, even if caused by the fault or negligence of a released party. This release shall apply only to the extent that such claim, loss, or liability is covered by insurance.

ARTICLE 11 - EXTERIOR SIGNS

11.1 Any and all signs or advertisements of any nature extending into, on, or located over the Premises, shall conform to all City of Merced zoning and building codes and shall be approved by Authority in writing prior to construction, use, or erection thereof. Approval by Authority shall not be unreasonably withheld, conditioned or delayed, as to location, graphics, type, content, and architectural or engineering standards.

ARTICLE 12 - COVENANTS AGAINST DISCRIMINATION

12.1 Both Authority and University agree for itself, its heirs, executors, administrators, and assigns, and all persons claiming under or through them, as follows:

“There shall be no discrimination against or segregation of any person or group of persons on account of race, color creed, national origin, religion, sex, disability, marital status, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the Premises herein granted, nor shall University, or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, occupancy of tenants, lessees, sublessees, subtenants or vendees in the Premises herein granted.”

ARTICLE 13 - WAIVER

13.1 Authority’s failure to enforce any breach of any term, covenant or condition contained herein shall not be deemed to be a waiver of such terms, covenants or conditions, or any subsequent breach of same, or any other term, covenant or condition contained herein.

ARTICLE 14 - ASSIGNMENT OR TRANSFER

14.1 This Agreement or the right to use any parking facility may not be assigned or transferred by University by voluntary act or otherwise without the Authority’s prior written consent. Any attempted assignment or other transfer of this Agreement in violation of this Section shall be void.

ARTICLE 15 - GOVERNING LAW

15.1 The law governing this Agreement shall be that of the State of California.

ARTICLE 16 – VENUE

16.1 The Parties hereto agree that any and all lawsuits or legal proceedings relating to this Agreement, its interpretation or the Parties 'performance of this Agreement, shall take place in Merced County Superior Court.

ARTICLE 17 – ATTORNEY’S FEES

17.1 If either Party to this Agreement brings an action to enforce the terms of this Agreement or to declare rights hereunder, the substantially prevailing party in any such action, on trial or appeal, shall be awarded its reasonable attorney’s fees to be paid by the substantially losing party as fixed by the Court.

ARTICLE 18 – ENTIRE AGREEMENT

18.1 This Agreement contains the entire agreement and understanding between the parties and supersedes all prior written or oral agreements with respect to the subject matter herein. No representation, warranty, condition, or agreement of any kind or nature whatsoever shall be binding upon the parties hereto unless incorporated in this Agreement. This Agreement may be modified only by a written Amendment signed by both Licensee and University.

IN WITNESS WHEREOF, the parties have executed this Facility Use Agreement as of the date first written above.

**AUTHORITY:
PARKING AUTHORITY OF THE
CITY OF MERCED**

**UNIVERSITY:
THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA**



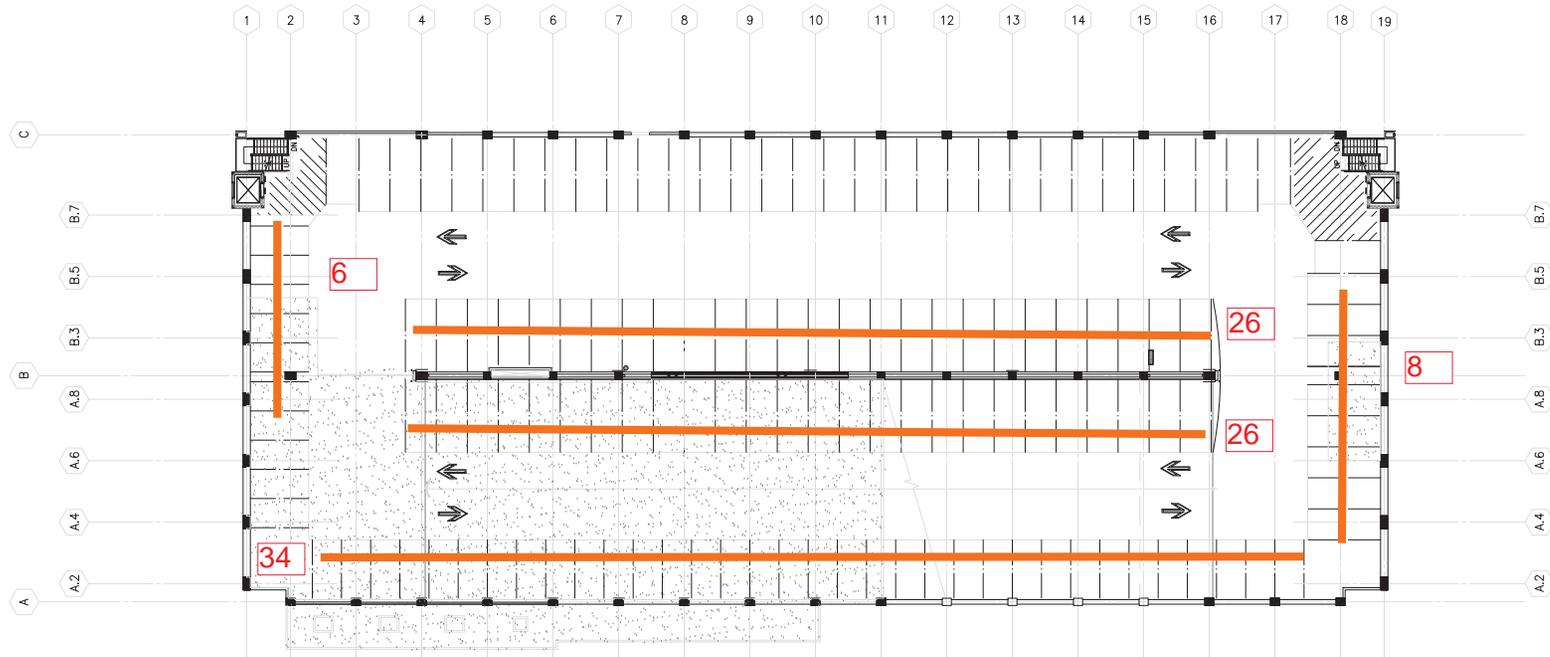
APPROVED AS TO FORM:

By: 
_____ Authority General Counsel



EXHIBIT A
UCM DCC Parking Agreement
Subject Garage





SECOND LEVEL PLAN

SCALE: 1/16" = 1'-0"



EXHIBIT B
UCM DCC Parking Agreement
Covered Parking

NO.	DATE	BY	REVISION MADE

Underground Service Alert

TWO DAYS BEFORE YOU DIG

Call 1 TOLL FREE 1 (800) 942-2444

NOTE: ALL REFERENCES AND WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE SITE. ANY DISCREPANCY SHALL BE BROUGHT TO NOTICE OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORK.

City of Merced
"Gateway to Yosemite"

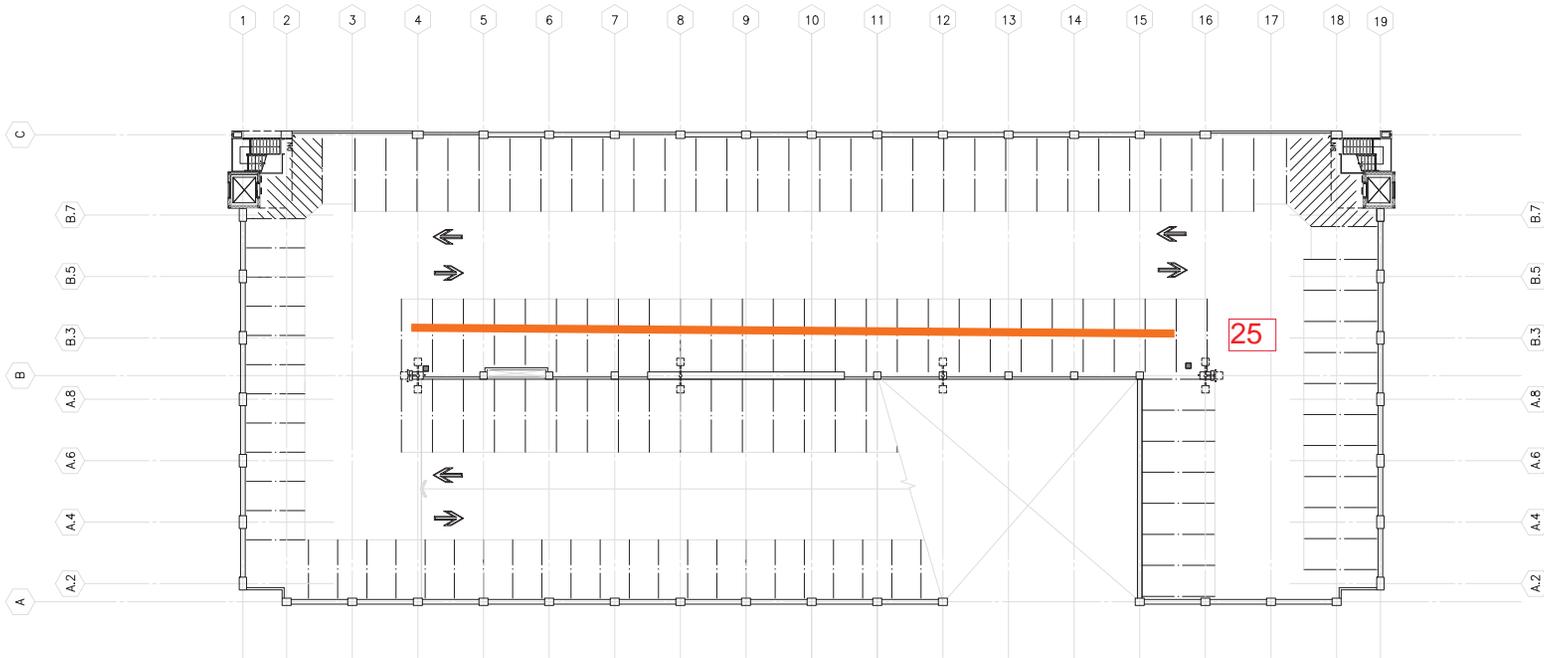
DEVELOPMENT SERVICES
 ENGINEERING PROJECTS AND STANDARDS
 670 W. 16th Street (209) 925-4946

SECOND LEVEL PLAN

PROJECT NO.
MERCED PARKING GARAGE
MUSIC FESTIVAL

DR. BY: SER
DATE: 01/23/2009
CH. BY: JCS
DATE: 01/23/2009
SCALE: 1/16"=1'-0"

File No. ###
 Sheet
2
 of 3



THIRD (ROOF) LEVEL PLAN
 SCALE: 1/16" = 1'-0"

EXHIBIT C
UCM DCC Parking Agreement
Non-Covered Parking

NO.	DATE	BY	REVISION MADE

Underground Service Alert

TWO DAYS BEFORE YOU DIG
 Call 1 TOLL FREE 1 (800) 643-2444

NOTE: ALL REFERENCES AND WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DIMENSIONS AND SHALL BE KEPT ON THE SITE. ANY DISCREPANCY SHALL BE BROUGHT TO NOTICE OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORK.

 **City of Merced**
"Gateway to Your Future"
DEVELOPMENT SERVICES
 ENGINEERING PROJECTS AND STANDARDS
 619 W. 18th Street (209) 399-0940

THIRD (ROOF) LEVEL PLAN

PROJECT NO.
MERCED PARKING GARAGE
MUSIC FESTIVAL

DR. BY: SER
 DATE: 01/23/2009
 CH. BY: JCS
 DATE: 01/23/2009
 SCALE: 1/16"=1'-0"

File No. ###
 Sheet
3
 of 3

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ADMINISTRATIVE REPORT

Agenda Item I.7.

Meeting Date: 8/6/2018

Report Prepared by: Sam Kuykendall, Planning Technician I, Development Services

SUBJECT: City-Owned Real Property Request #18-11 for Use of Bob Hart Square (Merced Center for the Performing Arts and Playhouse Merced)

REPORT IN BRIEF

Consider allowing the use of Bob Hart Square from 8:00 a.m. to 11:30 p.m. on Saturday, August 18, 2018, by Playhouse Merced for the Playhouse Merced 2018 Gala and fundraising dinner (including the serving of alcohol).

RECOMMENDATION

City Council - Adopt a motion approving the use of Bob Hart Square from 8:00 a.m. to 11:30 p.m. on Saturday, August 18, 2018, for a fundraiser gala and dinner, to include the serving of alcohol; subject to the conditions outlined in the administrative staff report.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, with modifications; or,
3. Deny the request completely; or,
4. Refer to staff for reconsideration of specific items as requested by Council; or,
5. Continue to a future City Council meeting (date and time to be specified in the motion).

AUTHORITY

Merced Municipal Code, Section 9.12.020 - Serving or drinking liquors on street:

“It is unlawful, and a misdemeanor, subject to punishment in accordance with Chapter 1.12 of the Code, for any person to serve, drink, consume, or have in his/her possession an open container containing any spirituous, vinous, malt, or any other intoxicating liquors in or upon any of the streets, sidewalks, alleys, parking lots, or any public place in the city, unless otherwise permitted by the Merced Municipal Code or authorized by the city council.”

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

Background

Each year, Playhouse Merced holds a major fundraiser dinner in Bob Hart Square, which includes fine dining provided by Five Ten Bistro and live on-stage entertainment by Playhouse Merced's favorite local stars.

Description

The Merced Center for the Performing Arts (MCPA) and Playhouse Merced are requesting the use of Bob Hart Square, located at the intersection of W. Main and Canal Streets, for this year's annual gala fundraiser (Attachment 1).

The gala event is scheduled to begin on Saturday, August 18, 2018, at 6:00 p.m. and the last guest is expected to leave by 11:00 p.m. However, to allow for the construction and take-down of the stage and lighting and the dining area, the use of the park is requested from 8:00 a.m. to 12:00 a.m. the next morning (Sunday, August 19, 2018).

Included in the site plan for the event will be a stage and backstage area, a full beer/wine/liquor bar, a check-in station, and 40 dinner tables (8 chairs per table), with the entire area surrounded by fencing (Attachment 2).

At the eastern and northeastern perimeter of the event, the applicants will use 4-foot-high screened temporary cyclone fencing, and the northern side of the park will utilize the City's existing wrought-iron perimeter fencing. The wide, easternmost walkway immediately adjacent to Destino's restaurant and retail/office spaces alongside the park will remain open for non-attendee pedestrians passing from W. Main to W. 16th Streets and the parking lots.

Security Personnel will be posted at each entrance/exit in the perimeter fencing, with the main intake being at the southeastern corner of the event area nearest the parking lots at West 16th and Canal Streets, where most guests are expected to park. The applicant will also have "floating" security guards inside the event. The applicant expects approximately 320 guests to attend the event. The Police Department requires security at a minimum of one security personnel per fifty attendees (Condition #8).

Amplified music and loudspeaker activity will end at approximately 10:00 p.m., in respect of the nearby residential lofts (Condition #15).

Serving of Alcoholic Beverages in City Parks

Alcohol service will be provided by the Playhouse Merced, to include beer, wine, and liquor specialty drinks. A temporary one-day event alcohol license (Type 77 or suitable) shall be obtained through the California Bureau of Alcohol Control (ABC) by the applicant and a copy provided to Planning staff prior to the event (Condition #14)

The "floating" and entrance/exit security guards will be patrolling through the area during the event to ensure that the requirements of the ABC alcohol permit are in compliance with regards to underage drinking and that no alcohol beverages are carried past the perimeter fence.

The applicants' request to use the park must be reviewed and approved by the City Council, per Merced Municipal Code (MMC) 9.12.020, which requires Council authorization for any alcohol served in any City park or public place (see full Code Section noted above under "Authority").

Conditions of Approval

1. Event Sponsor shall indemnify, protect, defend, (with counsel selected by the City) save and hold City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, volunteers, or participants, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the city. Acceptance by City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.
2. Prior to engaging in the event, Event Sponsor shall complete and file with the City a special events, general liability and automobile policy of at least \$500,000 combined limit for bodily injury and property damage which covers the entire event. Said policy shall stipulate that this insurance will operate as primary insurance and that no other insurance will be called on to cover a loss covered thereunder. Additional insured endorsements evidencing this special events, general liability and automobile coverage, naming the City and its officers, agents, and employees as additional insureds, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City.
3. Event staff and attendees shall use the large parking lots along W. 16th Street between W. Main and W. 16th Streets. Attendees shall be instructed not to use parking along W. Main Street for the evening, in order to avoid adverse impact to businesses and other downtown patrons.
4. Event Sponsor shall remove all structures, debris, and any other event-generated items from the park and surrounding gutters and sidewalks prior to 11:30 p.m. on the night of the event.
5. if needed, Event Sponsor shall be responsible for making arrangements with the City's Public Works Refuse Department's staff to deliver and remove curbside refuse containers for use during the event and for any necessary cleanup afterwards.
6. Event Sponsor shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all regulations of the City of Merced Fire Department, including obtaining permit(s) for any tents or canopies used for the event.
7. All provisions of the Fire Code shall apply. This includes, but is not limited to, posting no-smoking signs in any tented areas as required, no parking within twenty (20) feet of any tent, all requirements

for any cooking in a tent, and including any temporary and portable electrical power supplies that may be used.

8. Event Sponsor shall provide adequate supervision and security throughout the area to ensure the safety of the participants and the public, as required by the Merced Police Department. At minimum, security guards shall be provided at one officer per fifty (50) attendees, or a minimum of seven guards.

9. Event Sponsor and its caterer shall comply with all requirements of the Merced County Health Department with regards to the serving of food and drink.

10. Event Sponsor shall ensure that any independent vendors and services, such as DJ's, portable toilet rental companies, photo booth vendors, bartenders, and caterers, obtain or hold current business licenses within the City of Merced.

11. Event Sponsor shall be responsible for making timely arrangements with the City's Public Works staff to turn on and off the electrical power supply in the park before and after the event.

12. Any temporary modifications of the City's electrical system in the park shall be approved by City staff. Only a State-licensed electrician shall be permitted to make any such modifications. All modifications shall be completely removed and reverted back to the original system after the event.

13. The Event Sponsor shall provide access to disabled-accessible restrooms, as required by the California Building Code.

14. Alcoholic beverages may be served during this event, subject to the strict rules, regulations, and restrictions of the California Alcohol Beverage Control (ABC). A temporary one-day event alcohol license (Type 77 or suitable) shall be obtained by the applicant and a copy provided to Planning staff prior to the start of the event.

15. Noise from music and other activities shall be kept to a minimum, so as not to disturb the nearby residential loft units. Music shall not be played later than 10:00 p.m.

16. As the applicant has indicated that the Five Ten Bistro Restaurant's regular alley service refuse bins will be utilized for any solid waste generated by the event, thus eliminating the need for additional containers, it shall be the applicant's responsibility to ensure that the restaurant properly disposes of said waste. Any resulting overflow of the restaurant's refuse bins shall be transferred to the applicant's own alley service refuse bins, so as to keep the alleyway clean.

IMPACT ON CITY RESOURCES

No appropriation of funds is necessary.

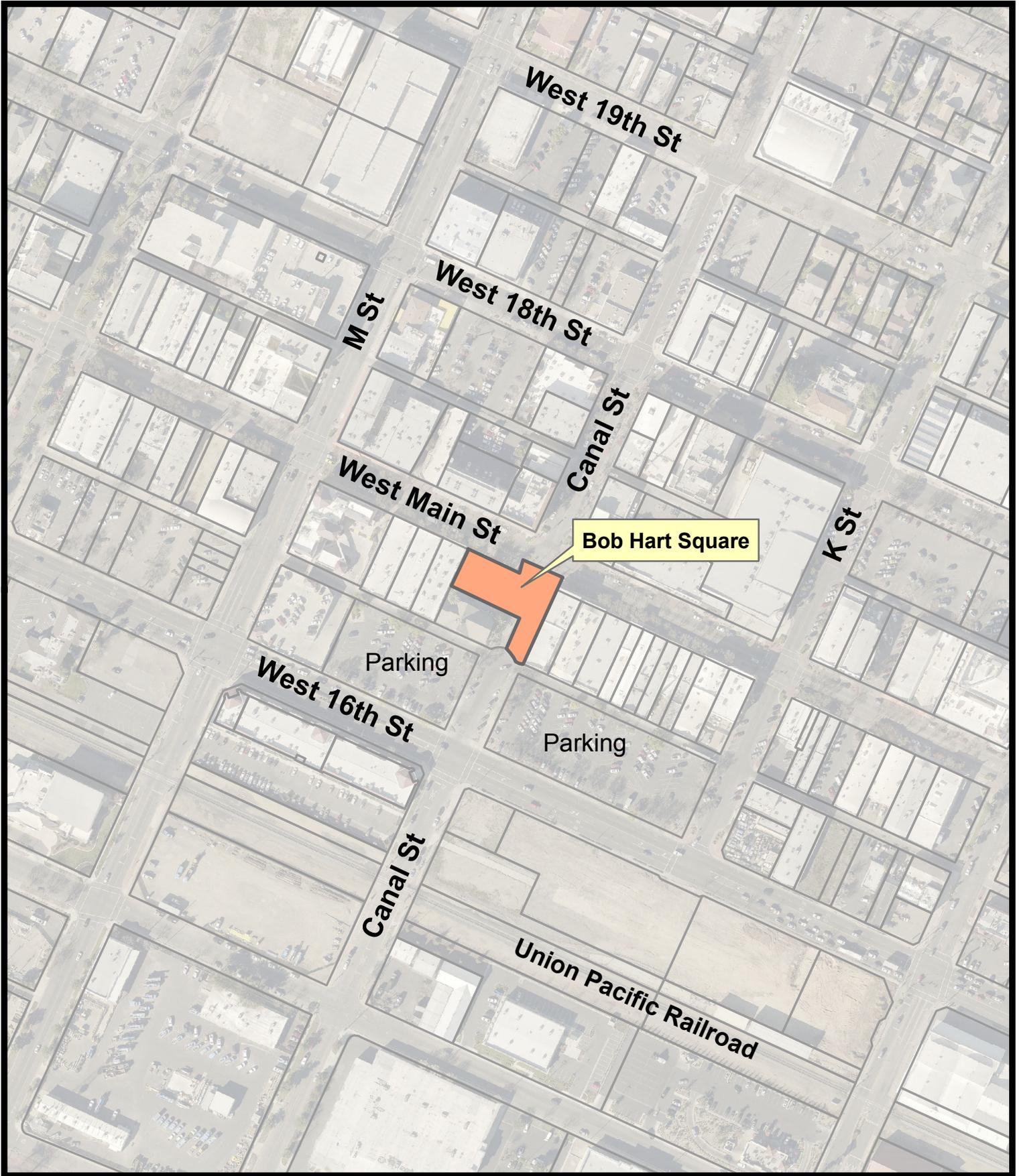
A small impact to Public Works' Facilities staff is expected, such as staff time in arranging for and turning on electricity in the park to make it available to the event's power needs, along with general park cleanup the day before.

The event organizers will be required to leave the park cleaned of any trash and debris it generates. Five Ten Bistro Restaurant will place any such trash and debris in their existing City-service container, so additional refuse bins for the event are not necessary (Condition #16).

There is no expected impact to City Police resources, as the applicants will be providing their own security. No other City resource impacts are expected.

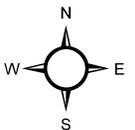
ATTACHMENTS

1. Location Map
2. Event site plan



Disclaimer: This document was prepared for general inquiries only. The City of Merced makes no warranty, representation, or guarantee regarding the accuracy of this map. The City of Merced is not responsible for errors or omissions that might occur. Official information regarding specific parcels should be obtained from official recorded or adopted City documents.

LOCATION MAP:
City-Owned Real Property Use Permit #18-11
Merced Center for the Performing Arts/Playhouse Merced
For Use of Bob Hart Square
Saturday, August 18, 2018



MAIN STREET

SIDEWALK

Tables: 40
Guests: 320

BOB HART SQUARE
TO DESTINOS

COUNTRY
COMFORT

510 BISTRO



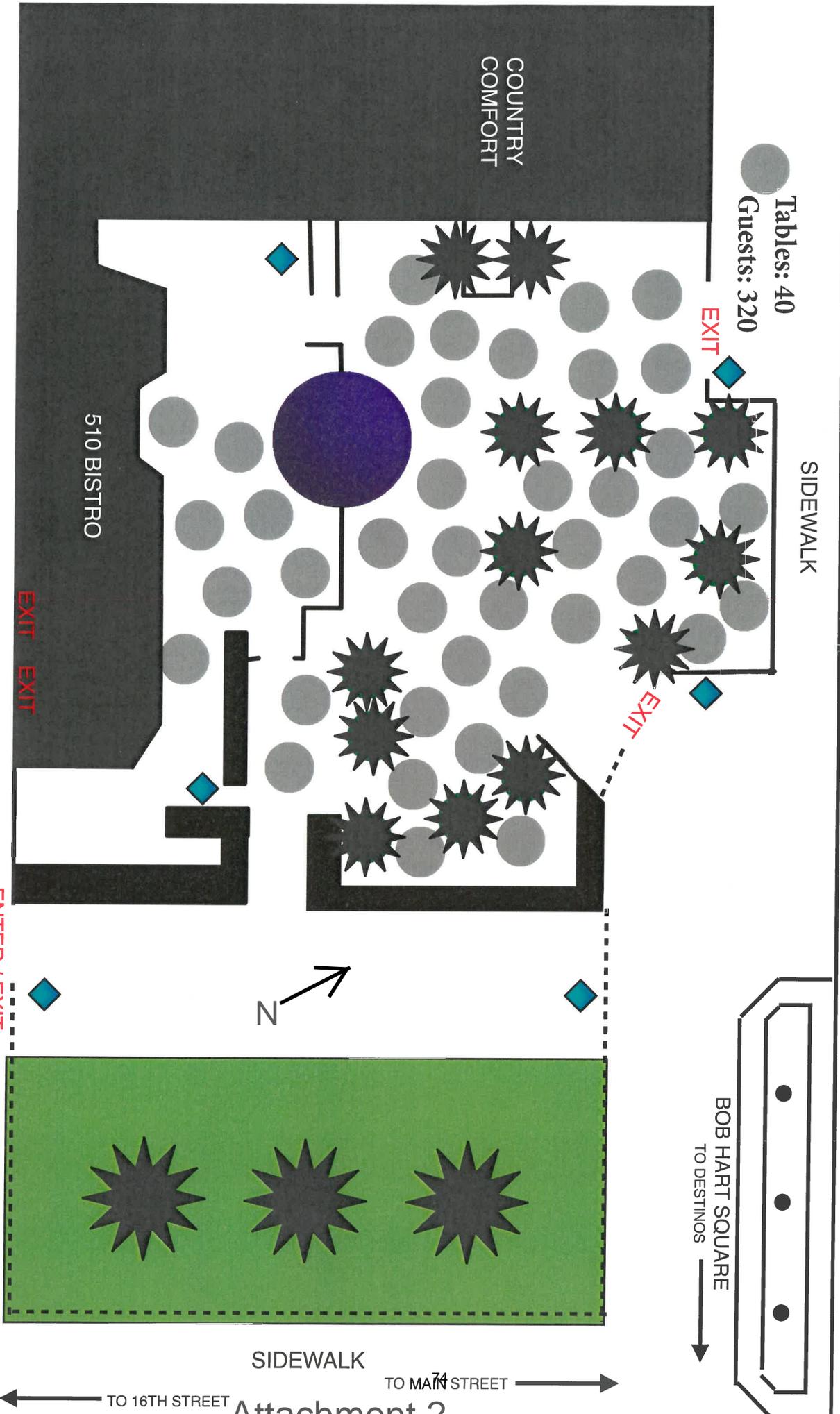
SIDEWALK

TO MAIN STREET

TO 16TH STREET

Attachment 2

-  = TREE
-  = SECURITY GUARD
-  = 4' TEMPORARY FENCE
-  = TABLE
-  = PERMANENT FENCE
-  = FOUNTAIN





ADMINISTRATIVE REPORT

Agenda Item I.8.

Meeting Date: 8/6/2018

Report Prepared by: Joseph D. Angulo, Environmental Project Manager, Engineering

SUBJECT: Agreement with the Merced Irrigation District for Well Site 20 Storm Water Discharge to Hartley Canal, Project No. 107033

REPORT IN BRIEF

Authorizes an agreement with the Merced Irrigation District (MID) to discharge storm water from the new Well 20 pump station site to the adjacent Hartley Canal.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a water drainage agreement with the Merced Irrigation District and payment of the associated fees; and,
- B. Approving an amendment to an Agreement for Professional Services with Luhdorff and Scalmanini Consulting Engineers Inc., in the amount of \$32,440 for engineering design services; and,
- C. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

ALTERNATIVES

- 1. Approve, as recommended by staff; or,
- 2. Approve, subject to modifications as conditioned by City Council; or,
- 3. Refer to staff for reconsideration of specific items; or,
- 4. Deny.

AUTHORITY

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

CITY COUNCIL PRIORITIES

As provided for in the 2018-19 Adopted Budget.

DISCUSSION

The City Engineer and Public Works Director previously recommended that a new water well, Well 20, be located at the proposed Community Park 42 (CP-42) site. The CP-42 site is located on the southeast boundary of the City at the intersection of Tyler Road and Mission Avenue. The new well was installed and staff proceeded to develop plans and specifications for the new pump station to

connect to the existing water system. The plans include surface asphalt paving and associated valley gutters to collect and drain precipitation at the site.

Merced Irrigation District Drainage Agreement

There are no City storm water service mains (piping) in the location of the new pump station. Therefore, staff applied to the Merced Irrigation District (MID) for a water discharge permit to dispose of collected storm water into their Hartley Slough facility (canal) located immediately adjacent to the subject site. It was also intended to occasionally dispose of well “pump to waste water” (also termed well “start-up water”). After evaluation of the canal’s ability to accept a new water source, MID informed the City that its capacity was limited and discharge of water would need to be restricted to 350 gallons per minute. They forwarded an acceptable draft agreement that requires the City to first pump the site’s water into a holding basin, and then limit the pumping of discharge water from the basin to the canal at the above referenced 350 gallons per minute.

The MID agreement under consideration includes the following fees:

Administration and Engineering Evaluation Fees for Agreement Preparation	\$2,000
Storm Drainage Hookup Fee	\$8,452
Total Up-Front Fees	\$10,452

Annual Assessment Fee	\$507
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Luhdorff and Scalmanini Consulting Engineers Contract Amendment

The City awarded an agreement for professional services with Luhdorff and Scalmanini Consulting Engineers to design the pump station. Their original contract included provisions for designing either a storm water collection basin at the site, or discharge to MID’s Hartley Slough canal.

The City requested modifications to the pump station design that included:

- Evaluating and responding to the changes in design necessitated by the proposed MID drainage agreement outlined above;
- Changes to the size of the proposed storm water basin to accommodate the additional use as a full-size adult soccer field for the proposed park at the request of the Recreation Department;
- Changes to the proposed basin construction to account for clayey soils at the site and associated poor water percolation.

The Luhdorff and Scalmanini Consulting Engineers contract amendment under consideration includes costs associated with the above design changes. Staff will direct Luhdorff and Scalmanini Consulting Engineers to incorporate the design changes upon adoption by the City Council. The final project plans and specifications will be routed to MID for approval, and then staff will proceed to bidding the pump station construction.

History and Past Actions

On January 3, 2012, the City Council adopted the Merced Vision 2030 General Plan. Chapter 5, Section 5.2.3 of the Merced Vision 2030 General Plan includes the following provision- *“Through the Capital Improvement Program, the City plans to increase water wells to match the requirements of development, generally one well per square mile.”*

On August 5, 2013, the City Council authorized the acquisition of 0.43 acres of land from City Park CP-42 for Well Site 20. The 0.43 acre well site comprises approximately 1% of the 38.9 acre park property and will not result in any loss of park recreational space.

On April 20, 2015, the City Council awarded a professional services agreement with Luhdorff & Scalmanini Consulting Engineers for engineering design services at the Well 20 site.

On December 21, 2015, the City Council awarded a contract to Nor-Cal Pump and Well Drilling to install the new Well 20.

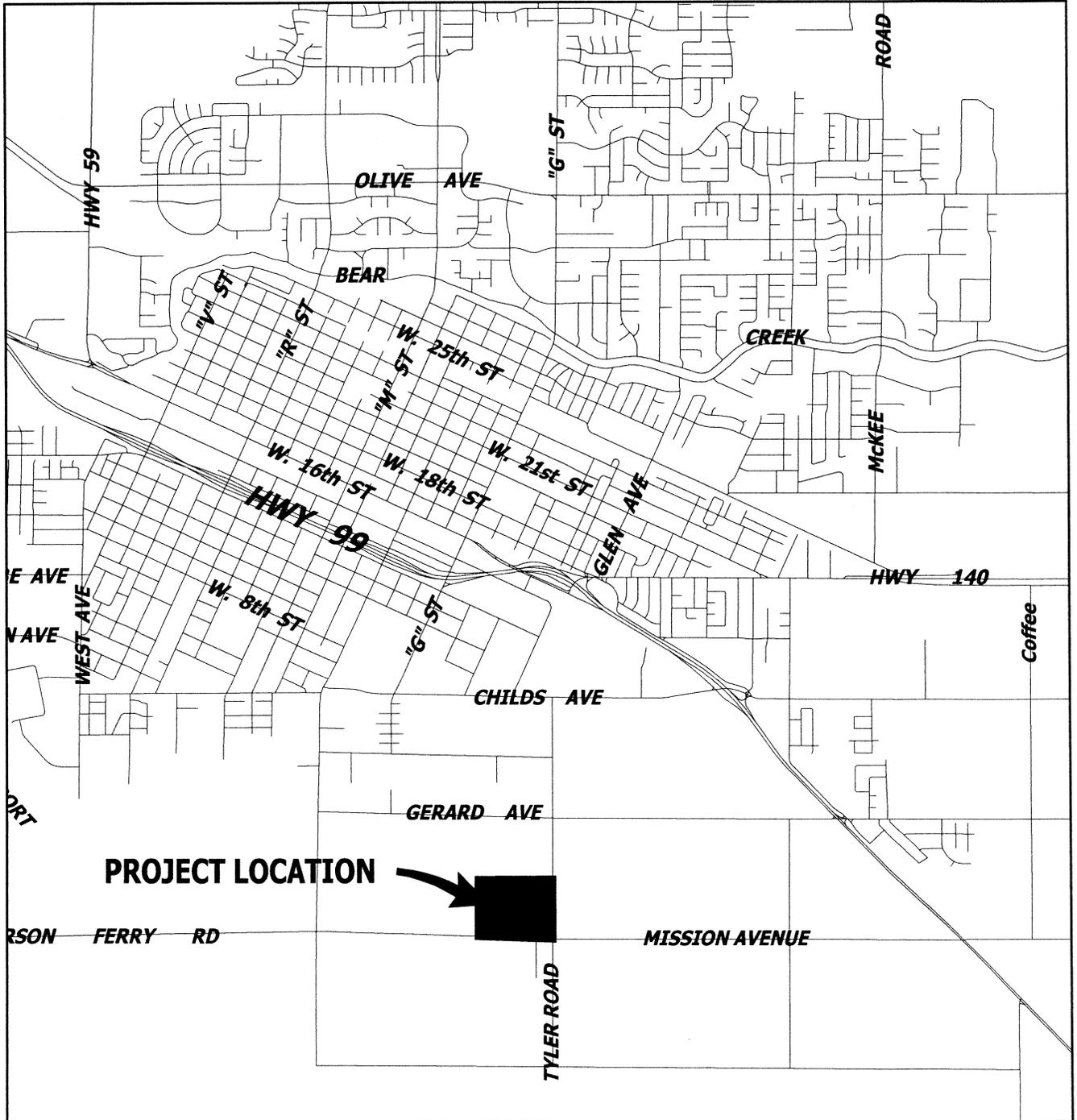
On December 18, 2017, the City Council approved a modification to the CP-42 property agricultural lease (reduction in size) to accommodate the proposed storm water basin.

IMPACT ON CITY RESOURCES

This project was established as a Capital Improvement Project and account 556-1118-637.65-00-107033 contains sufficient funding to complete the project.

ATTACHMENTS

1. Area Map
2. Site Map
3. MID Drainage Agreement
4. Luhdorff Scalmanini Consulting Engineers Contract Amendment
5. Detail Map

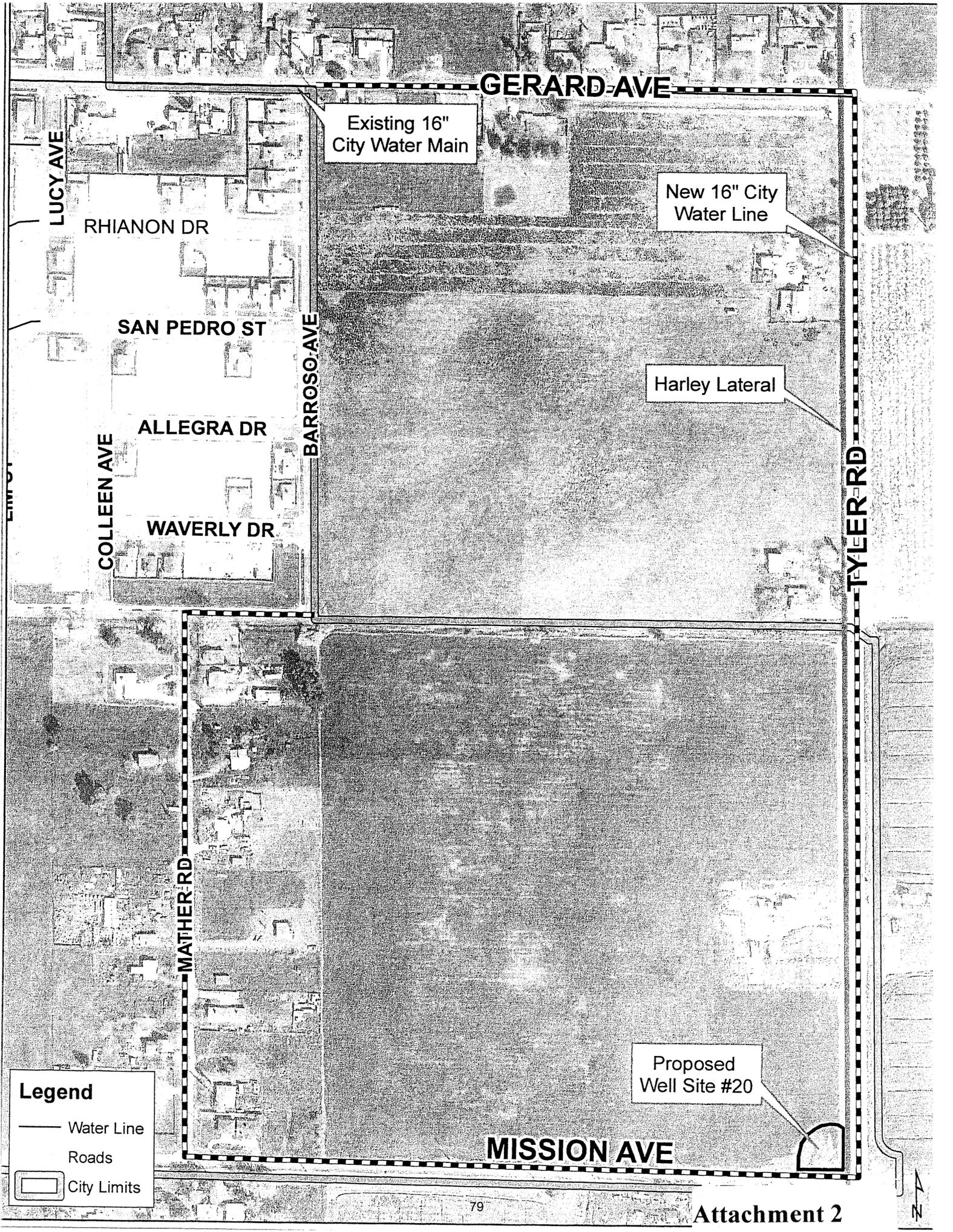


LOCATION MAP

NO SCALE

PROJECT NO. 107033

WELL SITE 20



GERARD AVE

Existing 16" City Water Main

New 16" City Water Line

Harley Lateral

Proposed Well Site #20

MISSION AVE

Legend

- Water Line
- Roads
- City Limits



RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Merced Irrigation District
Engineering Department
744 W. 20th Street (95340)
P.O. Box 2288
Merced, California 95344-0288

DRAINAGE AGREEMENT

18-502 Well Site 20

This Agreement is entered into between MERCED IRRIGATION DISTRICT for MERCED IRRIGATION DRAINAGE IMPROVEMENT DISTRICT No. 1 (hereafter "District"), and the City of Merced, a political subdivision of the State of California, hereinafter referred to as "City", whose address is City of Merced Engineering Department, 678 West 18th Street, Merced, CA 95340 (hereafter "City").

RECITALS

WHEREAS, pursuant to California Water Code 22981, the District has formed a California Drainage District known as Merced Irrigation District Drainage Improvement District No. 1; and

WHEREAS, the District has certain canals, laterals, pumps, wells, gates, valves, rights-of-way, easements, fee property and other tangible and intangible interests and facilities for the distribution of water (herein collectively "facilities" of District); and

WHEREAS, City is vested in fee certain real property (hereafter the "Property") legally described in Exhibit "A" and shown on Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, City desires to develop a potable well for the City's water system and plans to construct a basin that will receive well start-up water; and

WHEREAS, City desires to use certain facilities of the District to discharge from and drain said water basin as necessary; and

WHEREAS, certain facilities of the District are physically capable to accommodate City's desire to discharge from said basin; and

WHEREAS, development by City using District facilities to accept discharge from said basin expands, modifies, creates and enlarges facilities; or adds, expands, modifies, creates or enlarges burdens, obligations and/or responsibilities of the District.

THEREFORE, IT IS AGREED AS FOLLOWS:

AGREEMENT

1. Recitals. The recitals set forth above are hereby incorporated and made an operative part of this Agreement.
2. Real Property Being Developed. City plans to develop the Property for well pump station and basin, the real property being as set forth on Exhibit "A" attached hereto and incorporated herein, hereinafter "Property."
3. Modification of District Facilities. City's development will drain through the Districts Hartley Lateral an existing District Facility, to the Hartley Slough as it is currently used.
4. Drainage Request. City specifically requests and asks the District to provide the Property with the ability to pump from said storm drain basin using facilities of the District.
5. Consent of District. The District consents and agrees to receive the storm drain basin discharge of said property to the facilities as hereinafter set forth, subject to all terms and conditions of this Agreement.
6. Work of City. City agrees to install, at City's sole cost and expense, the drainage improvements to the Property.
7. Urban Encroachment Fee. City agrees to pay to the District a non-refundable sum of TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00) for the engineering and administrative costs associated with the preparation and filing of this agreement.
8. Annual Maintenance Fees.
 - a. City consents to the collection of the annual assessment of \$507.00 on City's annual Merced Irrigation District Drainage Improvement District No. 1 statement. Said amount shall constitute a lien on the property until paid.
9. Limitations of Drainage Area. Drainage area is specifically restricted to the described property in Exhibit "A" and shown on Exhibit "B" herein.
10. Limitations on Discharge. In consideration of the consent of District to permit the discharge of waters from said storm water basin into the facilities of the District. City agrees that at no time shall the rate of discharge into facilities of the District exceed 350 gallons per minute (GPM).
11. Changes. No modification, change, or alteration of the facilities of the District or to the planned drainage method, facilities, plans or the rate and manner of drainage set forth herein, will be made by City without the specific written approval and consent of District first had and received.

12. Failure to Make Payments - Lien on Property. Failure of City to make any payments, under paragraphs 7 and/or 8, when due to the District as specified in this Agreement shall become a lien upon the real property subject hereto. Should said property be subdivided into other lawful parcels at the time of non-payment, said lien will attach to the non-paying parcel.

13. Drainage Defined. Drainage as used herein includes only domestic drainage. Such consent shall be conditioned, as a minimum, upon a satisfactory water report of the quality of said water prior to discharge.

14. Injunctions/Remedies. In the event City is in breach of any aspect of this Agreement, the District may cause all discharge into the facilities of the District to terminate, and may seek and obtain through appropriate court action an injunction precluding all further use of facilities of the District for the purpose herein set forth. This remedy is in addition to any and all other remedies the District may have in law or equity and in addition to any damages to which the District may be entitled for any breach hereof by City or wrongful discharge into facilities of the District from the property subject hereto. In the event the District establishes a wrongful discharge of water or breach of this Agreement, District shall be entitled to damages in an amount according to proof.

15. Storm Drainage Hook-Up Fee. This project lies completely within the boundaries of that certain Drainage District known as Drainage Improvement District No. 1 in which the District requires a Storm Drainage Hook-Up Fee. MID and the City agree to a Storm Drainage Hook-Up Fee of EIGHT THOUSAND FOUR HUNDRED AND FIFTY TWO AND 00/100 DOLLARS (\$8,452.00).

16. Liability for Hazardous Discharge. No discharge of waters into the facilities of the District shall occur, which discharges are not environmentally safe and harmless to flora and fauna as determined by the District. All discharges of water effluent or materials of any nature into facilities of the District by City shall be of a purity certified and approved as safe for such discharge, as water purity standards are established by the Environmental Protection Agency of the United States of America, the State of California, the County of Merced, the City of Merced, and the District. All discharges shall be free and clear of chlorine, noxious odor and particulate matter other than as satisfies the applicable quality standards. In addition to having purity sufficient for discharge, such discharges shall be safe and non-deleterious to any agrarian or husbandry use.

17. Pumping Charges and Costs. In connection with any reservoir impounding of start-up water for the purposes of regulation prior to discharge into facilities of the District, City shall be entirely responsible for any and all costs of installing said pump, its maintenance, power charges, and repair.

18. Hold Harmless. City agrees to indemnify and to hold the District free, clear and harmless from and against any and all and every form of liability, claim, suit or action of every kind, name or description whatsoever asserted or brought against the Merced Irrigation District or the Drainage District for or on account of any injuries to real or personal property or injuries or death sustained to any person or persons caused or arising out of this Agreement, the drainage activities, discharge, impounding or flooding as a result of this drainage agreement.

19. City Groundwater Well, Storm Drain Basin and Drainage Discharge. District is not responsible for the design and/or construction of any component of the City's proposed facilities. City shall incorporate MID's standard details associated with storm water discharges into their design and submit drawings for MID's review and approval regarding incorporation of said storm drainage details.

20. Maintenance Requirement of Ditches, Fences. City shall be responsible for the specific maintenance and repair of the Property, any impound facilities, discharge facilities, and fences or other safety measures connected therewith.

21. Title to Improvements. All improvements placed in fee title, easements, rights-of-way, or other title properties of District by City pursuant to this Agreement and for the use and benefit of District shall, upon acceptance thereof by the District, become the property of District, and City shall have no claim thereon.

22. Severability. It is intended that each paragraph of this Agreement shall be viewed as separate and divisible, and in the event that any paragraph shall be held to be invalid, the remaining paragraphs shall continue to be in full force and effect.

23. Attorney's Fees. Should any litigation be commenced between the parties to this Agreement concerning this Agreement or the rights and duties of either in relation thereto, the party prevailing in such litigation shall be entitled, in addition to such other relief as may be granted in the litigation, to a reasonable sum as and for his attorney's fees in such litigation or in a separate action brought for that purpose.

24. Successors and Assigns. This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto, and shall run with the land.

25. Notices. Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Agreement or by law to be served on or given to any party hereto by any other party hereto shall be in writing and shall be deemed duly served and given when personally delivered to the party to whom they are directed, or in lieu of such personal service, when deposited in the United States mail, first class postage prepaid, addressed as follows:

Merced Irrigation District
Drainage Improvement District No. 1
P.O. Box 2288
Merced, CA 95344

City of Merced
City of Merced c/o City Engineer
Engineering Department, 678
West 18th Street, Merced, CA 95340

Either Party hereto may change their address for the purpose of this paragraph by giving written notice of such change to the other parties in the manner provided in this paragraph.

26. Governing Law. This Agreement and all matters relating to the Agreement shall be governed by the laws of the State of California in force at the time any need for interpretation of this Agreement or any decisions or holding concerning this Agreement arises.

27. Amendments. This Agreement may be amended only by a writing signed by all of the parties to this Agreement.

28. Titles. The titles of paragraphs of this Agreement are solely for the convenience of the parties, and are not part of the Agreement.

EXECUTED at Merced, California this _____ day of _____, 2018.

Merced Irrigation District
Drainage improvement
District No. 1

OWNER:
City of Merced, a Political Subdivision of
the State of California.

By: _____
Bryan Kelly, Deputy General
Manager Water Resources

By: _____
Mike Murphy
Mayor

Date _____

By: _____
John Tresidder
Assistant City Clerk

Date _____

APPROVED AS TO FORM:

K. Lorel 6/26/18
Interim Deputy City Attorney

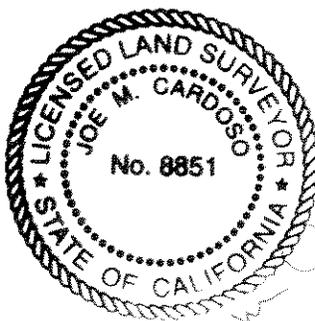
EXHIBIT A

A parcel of land situated in a portion of Section 31, Township 7 South, Range 14 East, M.D.B. & M., City of Merced, County of Merced, State of California, said parcel of land also being in a portion of Lots 208 and 209, as said Lots are delineated on that certain map entitled "MAP OF MERCED COLONY", recorded February 3, 1910 in Volume 4, of Official Plats, at Pages 24, Merced County Records, said parcel of land being more particularly described as follows:

Commencing at a point on the southeast corner of said Lot 209, said point being on the west line of Lot "P" and the north line of Lot "M", as said Lots are delineated on said Map of Merced Colony; thence N00°03'00"W, along the east line of said Lot 209, also being the west line of said Lot "P", a distance of 1317.33' feet to the northeast corner of said Lot 209; thence N88°12'56"W, along the north line of said Lot 209, a distance of 34.02 feet; thence S00°03'00"E, parallel with and 34.00 feet distant westerly from said east line of Lot 209, a distance of 1120.53 feet to the **POINT OF BEGINNING** of the herein described parcel of land; thence continuing along said east line of Lot 209, S00°03'00"E, a distance of 128.01 feet; thence S45°53'30"W, a distance of 34.40 feet; thence N88°10'00"W, parallel with and 44.00 feet distant north of the south line of said Lot 209 and Lot 208, also being the north line of said Lot "M", a distance of 1241.48 feet to the west line of said Lot 208; thence N00°02'05"W, along said west line of Lot 208, a distance of 480.57 feet; thence N89°53'39"E, a distance of 393.46 feet; thence S00°02'05"E, parallel with said west line of Lot 208, a distance of 463.88 feet; thence S88°10'00"E, parallel with said south line of Lots 208 and 209, a distance of 710.50 feet; thence N01°50'00"E, a distance of 19.33 feet; thence N44°47'51"E, a distance of 105.75 feet; thence N68°50'30"E, a distance of 64.19 feet; thence N89°57'00"E, a distance of 26.86 feet to the **POINT OF BEGINNING**.

The above-described parcel of land is delineated on Exhibit B, attached hereto, and made a part hereof.

The above-described real property contains 5.32 Acres, more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.



Joe M. Cardoso
7/19/2018

LOT 195
4 O.P. 24

LOT 194
4 O.P. 24

N88°12'56"W
34.02'

TYLER ROAD



SCALE: 1"=200'



CITY OF MERCED
PER
GRANT DEED DOCUMENT
No. 2007-026096, MCR

LOT 208
4 O.P. 24

LOT 209
4 O.P. 24

N89°53'39"E 393.46'

Course	Bearing	Distance
L1	S00°03'00"E	128.01'
L2	S45°53'30"W	34.40'
L3	N01°50'00"E	19.33'
L4	N44°47'51"E	105.75'
L5	N68°50'33"E	64.19'
L6	N89°57'00"E	26.86'

N00°02'05"W 480.57'

5.32 Acres

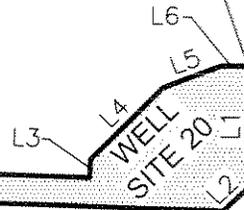
S00°02'05"E 463.88'

S00°03'00"E 1120.53'

LOT "P" N00°03'00"W-1317.33'

S88°10'00"E 710.50'

P.O.B.



N88°10'00"W 1241.48'

Future Right-of-Way Dedication

LOT "M"

MISSION AVENUE

P.O.C.
S.E. Corner LOT 209



City of Merced
"Gateway to Yosemite"

DEVELOPMENT SERVICES
ENGINEERING PROJECTS AND STANDARDS
678 W 18th Street (209) 385-6846

EXHIBIT B

DR. BY: CARDOSO
DATE: 7/19/18
CH. BY:
DATE:
File No.
SCALE: 1"=200'

**SECOND AMENDMENT TO AGREEMENT FOR
PROFESSIONAL SERVICES
(Design Professional)**

THIS SECOND AMENDMENT TO AGREEMENT is made and entered into this ___ day of _____, 2018, by and between the City of Merced, a California Charter Municipal Corporation (“City”), and Luhdorff & Scalmanini Consulting Engineers, Inc., a California Corporation, whose address of record is 500 First Street, Woodland, California 95695-4026, (“Consultant”).

WHEREAS, City is undertaking a project to install a new municipal well pump station; and

WHEREAS, City and Consultant have previously entered into an Agreement for Professional Services (“Agreement”) dated January 10, 2014 and First Amendment to Agreement for Professional Services dated April 20, 2015; 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 24, “ADDITIONAL WORK,” is hereby added to the Agreement to read as follows:

“SECTION 24. ADDITIONAL WORK. Consultant shall perform the additional work outlined in the proposal from Consultant to City dated June 14, 2018, attached hereto as Exhibit “1”.

2. Section 25, “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 Thirty-Two Thousand Four Hundred Forty Dollars (\$32,440.00) for the additional work described in

CONSULTANT
LUHDORFF & SCALMANINI,
A California Corporation

BY: Vicki Kretsinger Grabert
(Signature)

Vicki Kretsinger Grabert
(Typed Name)

Its: President
(Title)

BY: Scott Lewis P.G.
(Signature)

SCOTT LEWIS
(Typed Name)

Its: Director / Principal Geologist
(Title)

Taxpayer I.D. No. 201984423

ADDRESS: 500 First Street
Woodland, CA 95695-4026

TELEPHONE: 530-661-0109

FAX: 530-661-6806

E-MAIL: jshobe@lsc.com



June 14, 2018
File No. 13-2-094

Mr. Joseph Angulo
City of Merced
678 West 18th Street
Merced, CA 95340

**SUBJECT: CITY OF MERCED MUNICIPAL WELL SITE #20
CONTRACT AMENDMENT NO. 2 FOR ENGINEERING SERVICES**

Dear Mr. Angulo,

Per your request this letter provides an amendment to the scope of work for engineering services associated with the design of the City of Merced Well #20 Pump Station facility. Luhdorff and Scalmanini, Consulting Engineers (LSCE) prepared this proposed Contract Amendment #2 to account for specific items requested by the City, as indicated in this letter.

MODIFICATIONS TO SCOPE OF WORK

This Contract Amendment #2 is related to LSCE's design task for the pump station facility: *Task 2.2 – Plans and Specifications for Pump Station* included in our November 2013 proposal for engineering design services. The following items as instructed by the City are included in Contract Amendment #2.

Required MID design changes: In an email on 5/25/18 the City informed LSCE of required design changes to comply with the agreement between with the Merced Irrigation District (MID) and the City for discharges to the canal. In summary, the changes will limit discharges from the drainage basin to the canal to 350 gallons per minute and will eliminate the ability to pump directly from the well to the canal. There was no need for a canal level probe on or offsite. LSCE's scope for design changes encompasses the following activities:

- Incorporate required MID design changes as instructed by the City.
- Submit hard copies of plans and specifications, denoted as the 101% deliverable.
- Meet with the City and MID to review comments or changes to the design.
- Prepare the final design that incorporates City and MID comments for bidding.

Credit to City for MID design standards: LSCE's prior 100% design deliverable to the City did not include the official MID design standards, as required per contract. In the forthcoming 101% deliverable, LSCE will obtain and implement the official MID design standards at no charge to the City.

Prior cost overruns: LSCE's budget memorandum on November 20, 2017 described a budget shortfall from out-of-scope items related to well modifications and design of the wet well pump system to address low percolating soils observed in the soccer field/drainage basin.

Based on the above scope modifications, below is the proposed fee amendment. Please note, the fee proposal is based on the hourly rates as approved in the original contract.

Table 1: Contract Amendment #2 Budget Items

Scope Item	Cost
Required MID design changes	\$21,340
Credit to City for MID design standards	-\$3,900
Prior cost overruns	\$15,000
Total Contract Amendment #2	\$32,440

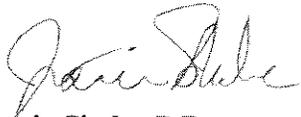
Below is a summary of the total and remaining contract amount with Contract Amendment #2. The remaining contract amount will allow LSCE to complete the required design changes for approval prior to station construction bidding, as well as to provide our scope of services during station construction.

Current Contract Amount:	\$599,787.00
Proposed Contract Amount with Amendment #2:	\$632,227.00
Billed To-Date as-of May 27, 2018:	\$529,088.40
Remaining Contract Amount with Amendment #2:	\$103,138.60

If you should have any questions, or would like additional information, we will be pleased to respond.

Sincerely,

LUHDORFF AND SCALMANINI,
CONSULTING ENGINEERS



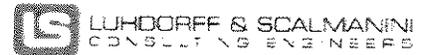
Justin Shobe, P.E.
Senior Engineer



Scott Lewis, P.G.
Principal Geologist

Client
Project
Est. By
Date

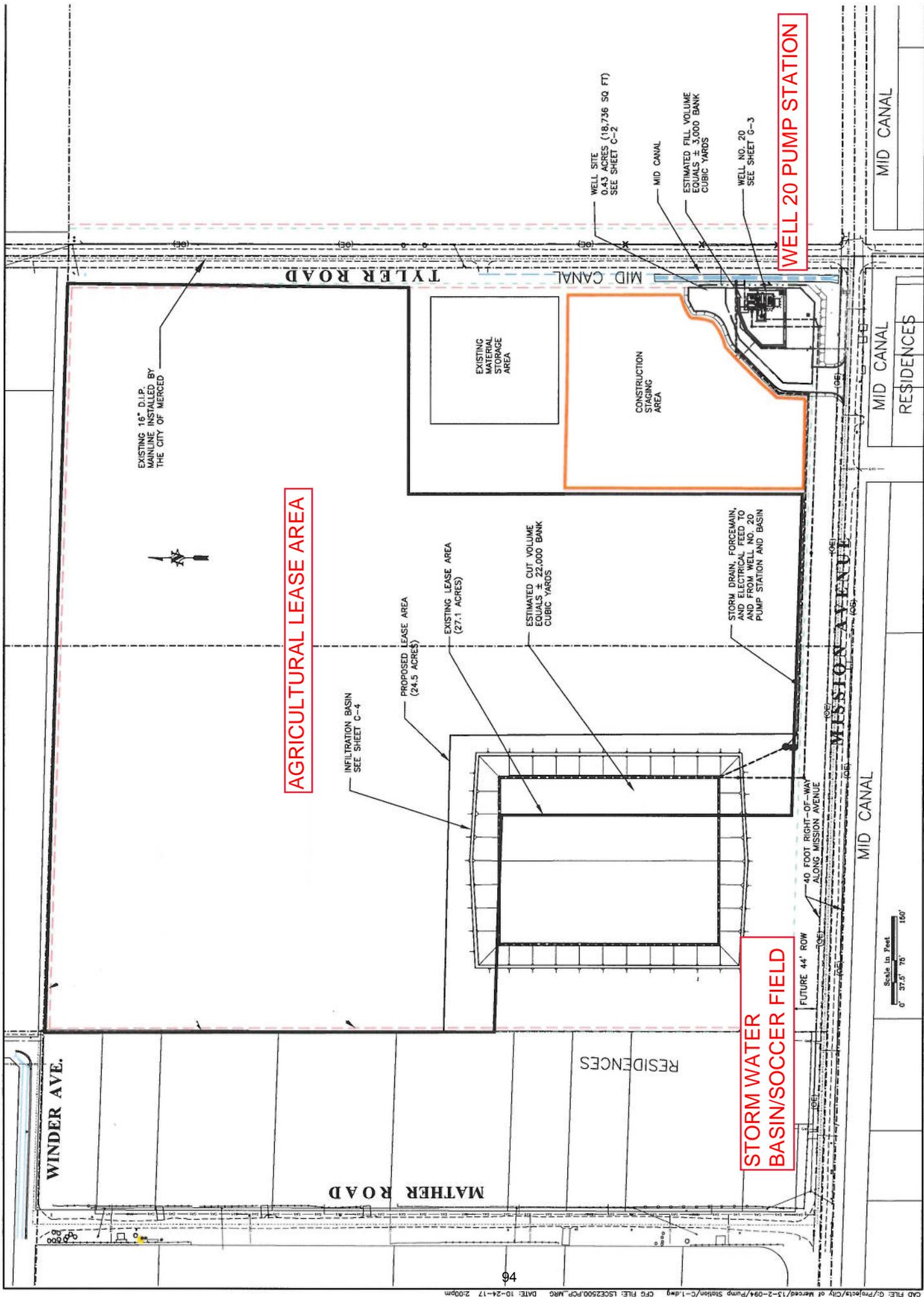
City of Merced
Well 20
JMS
6/14/2018



Worksheet A
(2013 Fee Schedule basis)

Task 2.2 - Design Amendment #2	LSCE costs				Sub-Consultant Costs		Summary
	Senior	Project	Staff	Direct Cost	EPS (Electrical)	Merkel (Structural)	
Hours/Rate	\$165	\$150	\$115	Incurred	Lump*	Lump*	
Required MID design changes	31	14	35	\$1,000	\$7,650	\$1,450	\$21,340
Credit for MID design standards	-8	-8	-12				-\$3,900
Prior cost overruns	26	40	41				\$15,000
Sub-Totals							
Total LSCE Hours	49	46	64				159 Hours
Total LSCE Cost	\$8,085	\$6,900	\$7,355	\$1,000			\$23,340
Sub-Consultant					\$7,650	\$1,450	\$9,100
TOTAL ESTIMATED BUDGET							\$32,440

* Sub-Consultant costs include LSCE's standard 15% markup



ATTACHMENT 5



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item I.9.

Meeting Date: 8/6/2018

Report Prepared by: Joe Cardoso, P.L.S., City Surveyor

SUBJECT: Right-of-Way Dedication for Tyler Road and Mission Avenue

REPORT IN BRIEF

Consider dedicating to the public a portion of City owned property along Tyler Road and Mission Avenue for road and public utility purposes.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-54**, a Resolution of the City Council of the City of Merced, California, approving dedication of road right-of-way and public utility easement along Tyler Road and Mission Avenue for public road use.

ALTERNATIVES

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

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

As provided for in the 2018-19 Adopted Budget

DISCUSSION

In April 2007, the City of Merced purchased approximately 38.9 acres from the Garcilazo Family Trust for a future regional park (CP-42) located at the northwest corner of Tyler Road and Mission Avenue.

In June 2013, the City Council authorized the transfer of a portion of the southeast corner to the Water Department for Well Site 20 and has since then leased the remaining portion of the property to Seth Rossow for agricultural use.

With the construction of Well Site 20, staff was approached by Merced Irrigation District (MID) to

allow MID to install electric service lines along the frontage of Tyler Road and Mission Avenue in anticipation for current and future development.

Staff is requesting Council approve the right-of-way dedication along Tyler Road and Mission Avenue.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed for this action.

ATTACHMENTS

1. Resolution

RESOLUTION NO. 2018-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING DEDICATION OF ROAD RIGHT-
OF-WAY AND A PUBLIC UTILITY EASEMENT
ALONG TYLER ROAD AND MISSION AVENUE
FOR PUBLIC ROAD USE**

WHEREAS, The City of Merced is in the process of constructing Well Site 20 at the corner of Tyler Road and Mission Avenue; and,

WHEREAS, Additional road right-of-way is required along Tyler Road and Mission Avenue to provide public utilities to the well site and to the general public; and,

WHEREAS, The dedication of additional road right-of-way along Tyler Road and Mission Avenue for public highway purposes is necessary to comply with the General Plan; and,

WHEREAS, The City of Merced is the owner of the real property from which the dedication of additional road right-of-way proposed to be designated for public road and public utility use is more particularly described and depicted on Exhibits "A" and "B," which are attached hereto and incorporated herein by reference.

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

SECTION 1. The City Council approves the dedication of additional road right-of-way for public road and public utility use as described and depicted in Exhibits "A" and "B".

SECTION 2. The City Manager is hereby authorized to sign all additional necessary documents to effectuate the dedication of additional road right-of-way as described and depicted in Exhibits "A" and "B".

SECTION 3. The City Clerk is directed to cause a certified copy of this Resolution, attested under seal of the City of Merced, to be recorded in the Office of the County Recorder of Merced County.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2018, by the following 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:

City Attorney 7-11-2018
Date

EXHIBIT A

RIGHT OF WAY DEDICATION

A strip of land situated in a portion of Section 31, Township 7 South, Range 14 East, M.D.B. & M., City of Merced, County of Merced, State of California, said strip of land also being in a portion of Lots 208 and 209, as said Lots are delineated on that certain map entitled "MAP OF MERCED COLONY", recorded February 3, 1910 in Volume 4, of Official Plats, at Pages 24, Merced County Records, said strip of land being more particularly described as follows:

BEGINNING at a point on the southeast corner of said Lot 209, said point being on the west line of Lot "P" and the north line of Lot "M", as said Lots are delineated on said Map of Merced Colony; thence N00°03'00"W, along the east line of said Lot 209 and the west line of said Lot "P", a distance of 1317.33' to the northeast corner of said Lot 209; thence N88°12'56"W, along the north line of said Lot 209, a distance of 27.01 feet; thence S00°03'00"E, parallel with and 27.00 feet distant westerly from said east line of Lot 209, a distance of 1251.28 feet; thence S45°53'30"W, a distance of 30.60 feet; thence N88°10'00"W, parallel with and 44.00 feet distant north of the south line of said Lot 209 and Lot 208, a distance of 1251.22 feet to the west line of said Lot 208; thence S00°02'05"E, along the west line of said Lot 208, a distance of 44.02 feet to the south line of said Lot 208, also being the north line of said Lot "M"; thence S88°10'00"E, along the south line of Lots 208 and Lot 209, also being the north line of said Lot "M", a distance of 1300.25 feet to the **POINT OF BEGINNING**.

The above-described strip of land is delineated on Exhibit B, attached hereto, and made a part hereof.

The above-described strip of land contains 91,831 Sq. Ft., more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.

PUBLIC UTILITY EASEMENT

A public utility easement having a uniformed width of 7.00 feet situated in a portion of Lot 209, as said Lot 209 is delineated on that certain map entitled "MAP OF MERCED COLONY", recorded February 3, 1910 in Volume 4, of Official Plats, at Pages 24, Merced County Records, also situated in a portion of Section 31, Township 7 South, Range 14 East, M.D.B. & M., City of Merced, County of Merced, State of California, said public utility easement being more particularly described as follows:

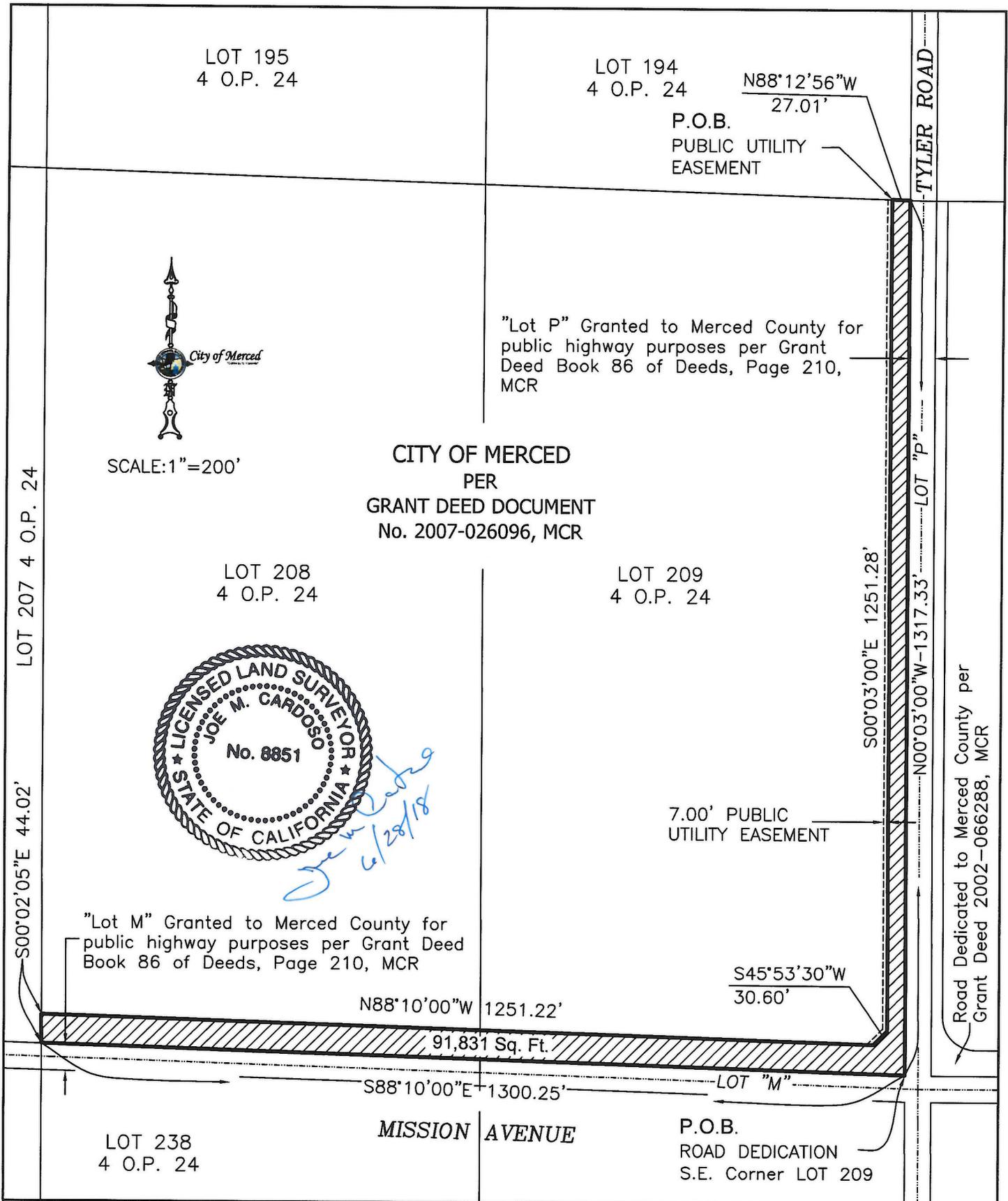
Commencing at a point on the southeast corner of said Lot 209, said point being on the west line of Lot "P" and the north line of Lot "M", as said Lots are delineated on said Map of Merced Colony; thence N00°03'00"W, along the east line of said Lot 209, also being the west line of said Lot "P", a distance of 1317.33' to the northeast corner of said Lot 209; thence N88°12'56"W, along the north line of said Lot 209, a distance of 27.01 feet to the **POINT OF BEGINNING** of the herein described public utility

easement; thence S00°03'00"E, parallel with and 27.00 feet distant westerly from said east line of Lot 209, a distance of 1251.28 feet; thence S45°53'30"W, a distance of 30.60 feet; thence N88°10'00"W, parallel with and 44.00 feet distant north of the south line of said Lot 209, also being the north line of said Lot "M", a distance of 9.74 feet; thence N45°53'30"E, a distance of 34.40 feet; thence N00°03'00"W, parallel with the east line of said Lot 209, a distance of 1248.54 feet to the north line of said Lot 209; thence S88°12'56"E, along said north line of Lot 209, a distance of 7.00 feet to the **POINT OF BEGINNING**.

The above-described right of way dedication is delineated on Exhibit B, attached hereto, and made a part hereof.

The above-described real property contains 8,977 Sq. Ft., more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.





City of Merced
"Gateway to Yosemite"

DEVELOPMENT SERVICES
ENGINEERING PROJECTS AND STANDARDS
678 W. 18th Street (209) 385-6846

EXHIBIT B

DR. BY: CARDOSO
DATE: 8/27/18
CH. BY:
DATE:
File No.
SCALE: 1"=200'



ADMINISTRATIVE REPORT

Agenda Item I.10.

Meeting Date: 8/6/2018

Report Prepared by: Joe Cardoso, P.L.S., City Surveyor

SUBJECT: Agreement for Use of City Right-of-Way with County of Merced for Fence, Landscape, and Irrigation on 13th Street and 15th Street

REPORT IN BRIEF

Considers approving the agreement for use of City right-of-way with the County of Merced to allow fencing, landscape, and irrigation in the City right-of-way near the new County mental health building.

RECOMMENDATION

City Council - Adopt a motion approving the agreement for use of City right-of-way with the County of Merced; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

ALTERNATIVES

1. Approve as recommended by staff; or,
2. Approve subject to modifications as conditioned by Council; or,
3. Deny the request; or,
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in City Council motion); or,
5. Continue to a future City Council meeting (date and time to be specified in City Council motion).

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

As provided for in the 2018-19 Adopted Budget

DISCUSSION

The County of Merced (County) has finished constructing the new Behavioral Health and Recovery Services Main Campus at the former Mercy Medical Center, located at 301 E. 13th Street. The project is located between 13th Street and 15th Street near D Street. The area is frequented by transients and has an elevated vandalism rate. To reduce vandalism and to better protect the public using the facility, the County of Merced proposed to construct a wrought-iron fence in the City right-of-way.

The County approached staff in March 2018, requesting permission to go forth with installing the fence, landscape, and the irrigation to avoid delays and additional cost for construction. After

discussion with staff, it was agreed to allow the County to construct the fence along with landscape and irrigation subject to City Council approval.

On May 8, 2018, the Agreement was approved by the County Board of Supervisors. The County has provided the necessary insurance requirement and the Agreement is now subject to City Council approval.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Agreement for Use of City Right-of-Way with the County of Merced
2. Photo of Before Fence Installation
3. Photo of After Fence Installation

Recording requested by and
When recorded return to:

City of Merced, a California Charter
Municipal Corporation
678 W. 18th Street
Merced, CA 95340

(Space Above For Recorder's Use)

(RECORD AT NO FEE PURSUANT TO
CA GOVERNMENT CODE SECTION 27383)

AGREEMENT FOR USE OF CITY RIGHT-OF-WAY

THIS AGREEMENT FOR USE OF CITY RIGHT-OF-WAY ("**Agreement**") is made this _____ day of _____, 2018, by and between COUNTY OF MERCED, a political subdivision of the State of California ("**Owner**") and the CITY OF MERCED, a California Charter Municipal Corporation ("**City**"). Owner and City are sometimes referred to collectively herein as the "**Parties**" and individually as a "**Party**."

RECITALS:

The following recitals are a substantive portion of this Agreement:

A. Owner holds fee title to the real property at and commonly known as 200 East 13th Street Merced, California, APN 035-010-005 and more specifically described on the attached Exhibit "A" (the "**Property**").

B. City holds a 80' Right-of-Way as described on the attached Exhibit "B" (the "**Easement**").

C. Owner desires to construct and maintain certain improvements within the City Right-of-Way, including a 4' high fence, landscape and irrigation (the "**Improvements**").

NOW, THEREFORE, in furtherance of the foregoing Recitals, and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Owner and City hereby agree as follows:

1. Grant of Right and Nature of Agreement. City grants Owner the right to construct and maintain the Improvements within the City Easement, as set forth more specifically in Exhibit "C" attached hereto. In so doing, and notwithstanding anything to the contrary in this Agreement, or pursuant to the course of dealings between the Parties, City expressly does not and shall not abandon the Easement or waive any rights thereunder, and Owner, its heirs, successors, and assigns derive no basis for a claim of prescriptive, contractual, or other rights to utilize the City Right-of-Way except as expressly provided herein. This grant of permission is limited to Owner constructing, maintaining and using the Improvements in the City Right-of-Way, and does not constitute a deed or grant of any other real property interest by City.

2. Use of the City Right-of-Way; Cessation of Interference. This grant of permission shall be subject to and subordinate to the prior continuing right of City to use the City Right-of-Way for the public services described in Exhibit "B". Any construction, maintenance or use of the Improvements (or of any further Improvements approved by City) shall not interfere with City's use of the City Right-of-Way. If at any time, City reasonably believes that Owner's construction, maintenance or use of the Improvements interferes with City's use of the City Right-of-Way as specified herein, City shall provide written notice to Owner of such interference. Owner shall work with City and remedy such interference by ceasing the interfering activities or removing or repairing the particular Improvements causing such interference within thirty (30) days of receipt of City's notice, unless such remedy takes longer than thirty (30) days in which case Owner shall commence such remedy within thirty (30) days and diligently prosecute it to completion. If Owner fails to remedy such interference as provided herein, City may (a) take steps to remedy the interference and Owner shall reimburse City's reasonable expenses for taking such steps within thirty (30) days of receipt of City's invoice for such expenses, or (b) terminate this Agreement on thirty (30) days' advance written notice. Upon termination of this Agreement, Owner shall remove all Improvements from the Easement and restore the Property to its natural state as it existed prior to the installation of Improvements by Owner.

3. Damage to the Right-of-Way. Owner shall be solely responsible for any damage Owner or its employees, representatives or contractors cause

to City streets, sidewalks, curbs, utilities, or other City owned property due to the installation, maintenance, repair, or removal of Owner's Improvements in the City Right-of-Way, and shall repair, replace, and restore in kind the said damaged facilities at its sole expense.

4. Owner's Maintenance of Improvements. Owner shall be solely responsible for any maintenance and/or repairs to the Improvements except maintenance or repairs necessary due to damage caused solely by City or its employees, representatives or contractors. Owner shall maintain the Improvements and surrounding area in good and safe condition and free from damage, to the reasonable satisfaction of City.

6. Hazardous Materials. Owner agrees that Owner shall not bring onto the City Right-of-Way, or store or dispose of on the City Right-of-Way, nor knowingly allow others to bring onto, store or dispose on the City Right-of-Way, any hazardous material of any kind. Notwithstanding the foregoing, Owner may store or use standard business materials normally used in Owner's type of business, in compliance with all laws, regulations, statutes, ordinances and codes.

7. Insurance Requirements. Owner shall maintain a Commercial General Liability insurance policy against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: one million dollars (\$1,000,000.00) for bodily injury or death to any one person for any one accident or occurrence and at least one million dollars (\$1,000,000.00) for property damage.

7.1 City, its officers, officials, employees, agents, and volunteers, are to be covered as additional insureds on Owner's Commercial General Liability insurance policy.

7.2 The Parties waive any and all rights of subrogation against each other, including their respective elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers, which any insurer of a Party may acquire against the other Party.

7.3 For any and all claims related to this Agreement, Owner's insurance shall be primary unless claims, losses, costs, liabilities, expenses, judgments or damages arise out of the sole negligence of City or its employees, representatives or contractors.

7.4 Owner shall furnish City with copies of all policies or certificates as outlined herein, whether new or modified, promptly upon receipt. No policy subject to Owner's agreement with City shall be canceled or materially changed except after thirty (30) days' notice by the insurer to City. Certificates, including renewal certificates, may be mailed or delivered to the City at 627 W. 18th Street, Merced, California 95340.

8. Defense and Indemnification. Owner shall indemnify, protect, hold harmless, and defend City from any and all loss, cost, liability or expense, and from any judgments or damages to any person or property arising or resulting, directly or indirectly, from the condition of the Improvements, or in connection with the installation and/or maintenance of the Improvements. Notwithstanding the foregoing, Owner's indemnity and release herein shall not extend to losses, costs, liability, expense, judgments or damages arising out of the sole negligence of City or its employees, representatives or contractors, or arising from causes not related to Owner's Improvements.

9. Representations and Warranties. Owner hereby represents and warrants that Owner has full power and authority to execute and deliver this Agreement and to make and accept the obligations contemplated hereunder.

10. Compliance with Laws. Each of the Parties shall at all times comply fully with all applicable governmental laws, ordinances, rules, codes, regulations, and permit requirements pertaining to the use of the City Right-of-Way.

11. Waiver. The failure of any of the Parties or their successors to enforce any of the terms and provisions set forth herein shall not constitute a waiver of the right to enforce the same thereafter.

12. Entire Agreement. This Agreement constitutes the entire integrated agreement of the Parties with respect to the subject matter of this Agreement. This Agreement may not be amended or terminated except by a writing signed by authorized signatories of all Parties.

13. Construction. The section headings have been inserted for convenience only, and shall not be considered or referred to in resolving questions of interpretation or construction. Wherever the context hereof may

so require, the singular shall include the plural and the masculine shall include the feminine and neuter. This Agreement shall be interpreted pursuant to its plain and ordinary meaning, as though prepared by both Parties, and in accordance with the laws of the State of California.

14. Successors and Assigns. The rights and obligations of the Parties hereunder shall be binding on and inure to the benefit of the Parties hereto and the successors and assigns of the Parties hereto. This Agreement, and the covenants, rights, duties, benefits and burdens described herein, constitute covenants running with the land that benefit and bind the Property, and each Party and their successors or assigns. If City vacates the City Right-of-Way in accordance with California law, then this Agreement shall terminate and be of no further force and effect, in which case Owner may use its Property unencumbered by the City Right-of-Way.

15. Recordation of Agreement. Either of the Parties may cause this Agreement or a memorandum thereof to be recorded in the Office of the County Recorder of Merced County, California.

16. Governing Law and Venue. The provisions of this Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue for any legal action arising out of this Agreement shall be the Superior Court of the County of Merced, California.

17. Attorneys' Fees. Should it become necessary to take steps to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its attorneys' fees and costs related to the enforcement of this Agreement.

18. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have made and executed this Agreement on the day and year first above written.

CITY OF MERCED
A California Charter Municipal
Corporation

BY: _____
City Manager

ATTEST:

BY: _____
City Clerk

APPROVED AS TO FORM:

BY: K Flores 6/26/18
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

PROPERTY OWNER:

COUNTY OF MERCED

Date 7-2-18

BY: Dana S. Hertfelder
(Signature)

Dana S. Hertfelder Director
(Print Name and Title)

EXHIBIT A

All that real property situated in a portion of Section 30, Township 7 South, Range 14 East, M.D.B.& M., City of Merced, County of Merced, State of California, said real property being more particularly described as follows:

PARCEL 1

All that real property described in Deed to County of Merced, recorded on June 24, 1884, in Book X of Deeds, Page 391, Merced County Records.

PARCEL 2

All that real property described in Order No. 10273 to Merced County, a political corporation, recorded on November 21, 1939, in Volume 631, Official Records, Page 132, Merced County Records.

PARCEL 3

All that real property described in Grant Deed to County of Merced, a body politic and corporate, recorded on June 12, 1963, in Volume 1613, Official Records, Page 906, Merced County Records.

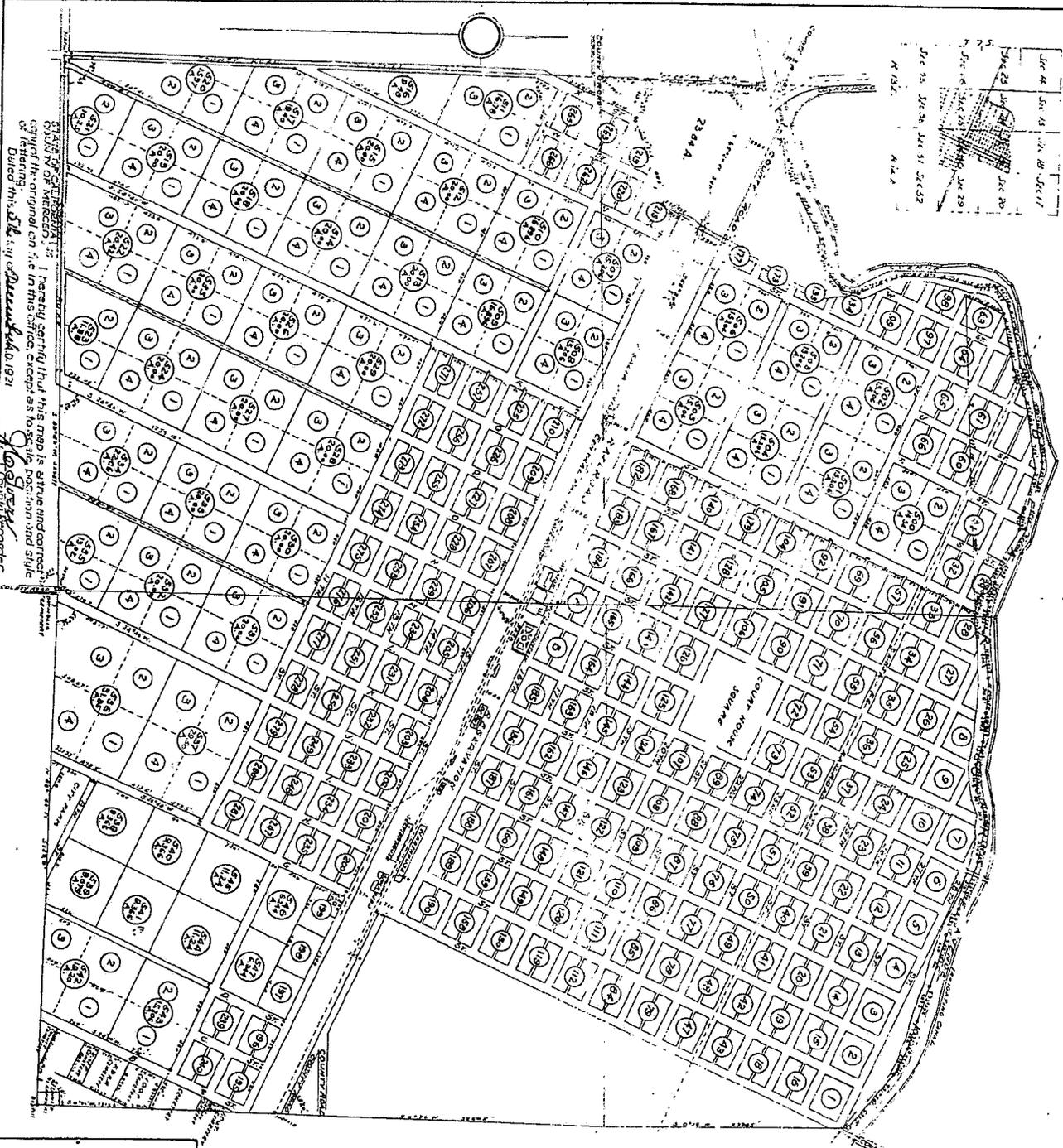
PARCEL 4

All that real property described in Grant Deed to Merced County, a body politic and corporate, recorded on July 19, 1993, in Volume 3129, Official Records, Page 435, Merced County Records.

PARCEL 5

All that real property described in Grant Deed to Merced County, recorded on August 18, 1953, in Volume 1116, Official Records, Page 154, Merced County Records.

EXHIBIT "B"



STATE OF CALIFORNIA: I hereby certify that this map is true and correct copy of the original on file in this office, except as to some position and style of lettering.
 Dated this 21st day of June 1921
 J. L. D. Moore
 County Recorder

MAP
 OF THE CITY OF
MERCED
 AND SUBDIVISIONS OF ADJOINING FRONTAGE PROPERTY
 MERCED CO. CAL.
 Visalia Division
CENTRAL PACIFIC RAILROAD
 SECS 24 & 25 T7S. R13E
 SECS 10 & 30 T7S. R14E
 SCALE 5335 ft. to One inch.
 RESUBDIVIDED - JUNE 1897
 BY L. D. MOORE
 Vol. 2 Page 59

No. 2271
 Filed in the office of the County Recorder of the County of Merced, State of California, at 8:30 a.m. past 10th day of May 1921, at request of W. H. H. H. H. H. H.
 E. W. H. H. H. H. H.
 County Recorder
 Fee 20¢
 By - Deputy Recorder

In this 10th day of December 1897, before me, E. W. H. H. H. H. H., County Recorder of Merced County, California, personally appeared W. H. H. H. H. H., known to me to be the President of the corporation that executed the foregoing certificate, and acknowledged to me that such corporation, by witness whose name I have hereunto set my hand and affixed my official seal on this day and date aforesaid.
 E. W. H. H. H. H. H.
 County Recorder
 Merced County, California
 (Seal)

In Witness Whereof, the said Pacific Improvement Company has caused this certificate to be signed by its secretary on this 10th day of December, 1897.
 By F. S. Dewey, Secretary
 (Corporate Seal)

GL1-6583	AI	CERTIFICATE OF COVERAGE	07/03/2018
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CSAC Excess Insurance Authority

C/O ALLIANT INSURANCE SERVICES, INC.
PO BOX 6450
NEWPORT BEACH, CA 92658-6450
 PHONE (949) 756-0271 / FAX (619) 699-0901
 LICENSE #OC36861

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BELOW. THIS CERTIFICATE OF COVERAGE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED and/or requesting a WAIVER OF SUBROGATION, the Memorandums of Coverage must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

COVERAGE AFFORDED **A - CSAC Excess Insurance Authority**

Member:
 MERCED COUNTY
 ATTN: SCOTT DE MOSS
 2222 M. STREET NO. 9
 MERCED, CA 95340-3790

COVERAGE AFFORDED **B**

COVERAGE AFFORDED **C**

COVERAGE AFFORDED **D**

Coverages

THIS IS TO CERTIFY THAT THE MEMORANDUMS OF COVERAGE LISTED BELOW HAVE BEEN ISSUED TO THE MEMBER NAMED ABOVE FOR THE PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED BY THE MEMORANDUMS DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH MEMORANDUMS. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF COVERAGE	MEMORANDUM NUMBER	COVERAGE EFFECTIVE DATE (MM/DD/YYYY)	COVERAGE EXPIRATION DATE (MM/DD/YYYY)	LIABILITY LIMITS
A	<input checked="" type="checkbox"/> Excess General Liability	EIA 18EL-35	07/01/2018	07/01/2019	\$1,000,000 Limits inclusive of the Member's Self-Insured Retention of \$100,000

Description of Operations/Locations/Vehicles/Special Items:

AS RESPECTS AGREEMENT BETWEEN MERCED COUNTY AND CITY OF MERCED FOR PROPERTY LOCATED AT 200 EAST 13TH ST, MERCED (APN 035-010-005).

CITY OF MERCED, ITS OFFICERS, EMPLOYEES, VOLUNTEERS, AND AGENTS ARE INCLUDED AS ADDITIONAL COVERED PARTIES, BUT ONLY INsofar AS THE OPERATIONS UNDER THIS CONTRACT ARE CONCERNED.

Certificate Holder

CITY OF MERCED
 678 W 18TH ST
 MERCED, CA 95340

Cancellation

SHOULD ANY OF THE ABOVE DESCRIBED MEMORANDUMS OF COVERAGES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE MEMORANDUMS OF COVERAGE PROVISIONS.

AUTHORIZED REPRESENTATIVE



ENDORSEMENT NO. U-1

CSAC EXCESS INSURANCE AUTHORITY
GENERAL LIABILITY 1

ADDITIONAL COVERED PARTY AMENDATORY ENDORSEMENT

It is agreed that the "Covered Party, Covered Persons or Entities" section of the Memorandum is amended to include the person or organization named on the Certificate of Coverage, but only with respect to liability arising out of premises owned by or rented to the Member, or operations performed by or on behalf of the Member or such person or organization so designated.

Coverage provided under this endorsement is limited to the lesser of the limits stated on the Certificate of Coverage or the minimum limits required by contract.

ADDITIONAL COVERED PARTY:

NAME OF PERSON OR ORGANIZATION SCHEDULED PER ATTACHED CERTIFICATE OF COVERAGE

AS RESPECTS:

PER ATTACHED CERTIFICATE OF COVERAGE

It is further agreed that nothing herein shall act to increase the Authority's limit of liability.

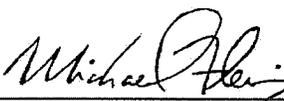
This endorsement is part of the Memorandum and takes effect on the effective date of the Memorandum unless another effective date is shown below. All other terms and conditions remain unchanged.

Effective Date: _____

Memorandum No.: EIA 18 EL-00

Issued to: ALL MEMBERS

Issue Date: June 25, 2018



Authorized Representative
CSAC Excess Insurance Authority







ADMINISTRATIVE REPORT

Agenda Item I.11.

Meeting Date: 8/6/2018

Report Prepared by: Joe Cardoso, P.L.S., City Surveyor, Engineering Department

SUBJECT: Administering Agency State Program Supplement No. 012-N1 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(029) - Project 111066 Westerly Bike Path Connection

REPORT IN BRIEF

Consider a resolution approving a California Department of Transportation Program Supplement for the use of \$996,000 in CMAQ Grant funding for construction engineering and project construction of the Westerly Bike Path Connection.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2018-55**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. 012-N1; and,
- B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321.32-00 by \$996,000 and appropriating the same to account 450-1104-637.65-00-111066 for construction engineering and project construction of the Westerly Bike Path Connection; and,
- C. Approving the use of pooled cash until reimbursement is received from the grant; and,
- D. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

ALTERNATIVES

- 1. Approve, as recommended by Staff; or,
- 2. Approve, subject to conditions other than recommended by Staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
- 3. Deny; or,
- 4. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Charter of the City of Merced, Section 200.

Caltrans Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STP) are used to comply with the changes to the programming and funding statutes

brought about by Charter 622 of the Statutes of 1997 (SB 45, KOPP). The procedures have been modified to remain consistent with and complimentary to the various guidelines and policies adopted by the California Transportation Commission (CTC), including the current 2018 STP Guidelines (adopted on August 16, 2017).

CITY COUNCIL PRIORITIES

As provided for in the 2018-19 Adopted Budget

DISCUSSION

The City of Merced has entered into a master agreement with Caltrans covering Federal-aid projects in order to utilize certain Federal funds made available through legislation enacted by the Congress of the United States for use on local transportation facilities. The agreement covers projects that use Federal funds, which include, but are not limited to, the Regional Surface Transportation Program (RSTP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the Transportation Enhancement Activities Program (TEA), the Highway Bridge Replacement and Rehabilitation Program (HBRR), and the AB1475 Safe Routes to School Program.

In addition to the master agreement, we must execute a specific supplemental agreement for each individual project. Caltrans has sent us Program Supplement No. 012-N1 covering use of \$996,000 in Federal funds for the construction costs associated with the Westerly Bike Path Connection. The local match of \$129,000 will come from Measure V - Alternative Modes and no General Funds will be used.

Reimbursements can be claimed through the Caltrans accounting office only after execution of the Supplemental Agreement. We, therefore, request Council approval of the Program Supplement, accepting the Federal funding for CML-5085(029). The City Attorney has reviewed and approved the agreement and has prepared a resolution for adoption.

History and Past Actions

On July 18, 2011, the City of Merced accepted funds for the Bear Creek Bike Path from the Congestion Mitigation and Air Quality Improvement Program (CMAQ) to design a Class 1 bike path from Buena Vista Drive to 16th Street, along State Route 59 and the Bear Creek Corridor.

In April 2016, the City of Merced reduced the project scope due to environmental issues along Bear Creek and the need to underground a Merced Irrigation canal located north of Bear Creek Drive. The project was renamed the Westerly Bike Path Connection and the categorical exemption was approved by Caltrans in April 2017.

The current project scope is to construct a Class 1 Bike Path south of Buena Vista Drive at Black Rascal Creek, thence along the south side of Black Rascal Creek, west to State Route 59 to the BNSF railroad tracks, thence easterly, north of the BNSF railroad tracks, approximately 1,300 feet to the existing bike path. A pedestrian/bike bridge will be installed over Black Rascal Creek.

In April 2018, Caltrans approved the Right-of-Way Certification, which allowed the City to apply for construction funds.

IMPACT ON CITY RESOURCES

Staff recommends accepting grant funds from the State of California adopted CMAQ Program, increasing revenue account 450-1104-321.32-00 in the amount of \$996,000 and appropriating the same to account 450-1104-637.65-00-111066 for Construction Engineering and Project Construction costs. Additionally, \$129,000 matching funds is available in Fund 075-Measure V Alternative Modes under project 119008-Projects To Be Determined.

ATTACHMENTS

1. Location Map
2. Resolution - Program Supplement
3. Program Supplement
4. Finance Letter
5. CML-5085(029) E-76 CON



LOCATION MAP
NOT TO SCALE

I:\1 Current Projects\111066 - CMAQ (029) Bear Creek Bike Path\Dwg\0914.dwg



City of Merced
"Gateway to Yosemite"
DEVELOPMENT SERVICES
ENGINEERING PROJECTS AND STANDARDS
678 W. 18th Street (209) 385-6846

PROJECT NO. 111066
CMAQ - WESTERLY BIKE PATH CONNECTION

DR. BY: KGE
DATE: 2/6/17
CH. BY: JS
DATE: 2/8/17
File No. 0914
SCALE: NONE

RESOLUTION NO. 2018-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING FEDERAL-AID PROJECTS
PROGRAM SUPPLEMENT AGREEMENT
NO. 012-N1**

WHEREAS, the City of Merced is eligible to receive Federal and/or State funding for certain transportation projects through the California Department of Transportation; and

WHEREAS, Program Supplemental Agreements need to be executed with the California Department of Transportation before such funds may be claimed.

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

SECTION 1. Program Supplement Agreement No. 012-N1, attached hereto and made a part hereof, is hereby approved.

SECTION 2. The City Manager and the City Clerk, respectively, are hereby authorized to execute and attest said Agreement on behalf of the City of Merced.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2018, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Kelly Fincher 7/26/18
City Attorney Date

PROGRAM SUPPLEMENT NO. N012 Rev. 1
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 10-5085R

Adv Project ID **Date:** July 6, 2018
 1000020563 **Location:** 10-MER-0-MER
 Project Number: CML-5085(029)
 E.A. Number:
 Locode: 5085

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 03/13/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

Along Black Rascal Creek From Buena Vista Drive to the Michael O'Sullivan Bike Path at the BNSF Railroad

TYPE OF WORK: Construct Class I Bike Path

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	L40R	M400	LOCAL	OTHER
\$1,359,000.00	\$206,000.00	\$996,000.00	\$157,000.00	\$0.00

CITY OF MERCED

STATE OF CALIFORNIA
Department of Transportation

By _____
 Title _____
 Date _____
 Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance
 Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer *[Signature]* **Date** 7/6/18 \$1,202,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
- B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
- C. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available by future Federal obligations will be encumbered on this PROJECT by use of a STATE-approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.
- D. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

E. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

F. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-

SPECIAL COVENANTS OR REMARKS

assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

G. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

H. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

2. A. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 Code of

SPECIAL COVENANTS OR REMARKS

Federal Regulation (CFR) and 2 CFR Part 200 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

B. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

C. ADMINISTERING AGENCY must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

D. Indirect Cost Allocation Plan/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to STATE (Caltrans Audits & Investigations) for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect costs incurred within each fiscal year being claimed for State and federal reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the Local Assistance Procedural Manual, and the ICAP/ICRP approval procedures established by STATE.

E. STATE will withhold the greater of either two (2) percent of the total of all federal funds encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

F. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

G. ADMINISTERING AGENCY agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards.

H. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures,

SPECIAL COVENANTS OR REMARKS

48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items.

I. Every sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR, Part 200, 23 CFR, 48 CFR Chapter 1, Part 31, Local Assistance Procedures, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), and other applicable STATE and FEDERAL regulations.

J. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, 23 CFR, 48 CFR, Chapter 1, Part 31, and other applicable STATE and FEDERAL regulations, are subject to repayment by ADMINISTERING AGENCY to STATE.

K. STATE reserves the right to conduct technical and financial audits of PROJECT WORK and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by the following paragraph:

ADMINISTERING AGENCY, ADMINISTERING AGENCY'S contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above referenced parties shall make such AGREEMENT, PROGRAM SUPPLEMENT, and contract materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of submission of the final expenditure report by the STATE to the FHWA.

L. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices set to or paid by STATE.

M. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of 2 CFR 200 if it expends \$750,000 or more in Federal Funds in a single fiscal year of the Catalogue of Federal Domestic Assistance.

N. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in

SPECIAL COVENANTS OR REMARKS

ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with 2 CFR, Part 200.

O. ADMINISTERING AGENCY shall not award a non-A&E contract over \$5,000, construction contracts over \$10,000, or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

P. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain provisions B, C, F, H, I, K, and L under Section 2 of this agreement.

Attention: City of Merced

FINANCE ITEMS	PRO RATA OR LUMP SUM	TOTAL COST OF WORK	FEDERAL PART. COST	FED. REIMB %	FEDERAL FUNDS		LOCAL FUNDS
					L40R	M400	
Agency Preliminary Engineering	Pro Rata	\$234,000.00	\$234,000.00	88.03%	\$206,000.00	\$0.00	\$28,000.00
Contract Items: \$932,635 Contingencies: \$93,264 Total: \$1,025,899							
Construction	Pro Rata	\$1,025,899.00	\$1,025,899.00	88.53%	\$0.00	\$908,263.00	\$117,636.00
Agency Construction Engineering	Pro Rata	\$99,101.00	\$99,101.00	88.53%	\$0.00	\$87,737.00	\$11,364.00
Totals:		\$1,359,000.00	\$1,359,000.00	0.00%	\$206,000.00	\$996,000.00	\$157,000.00

Participation Ratio: 100.00%

This Finance Letter was created based on specific financial information provided by the responsible local agency. The following encumbrance history is prepared by Local Assistance Accounting Office and is provided here for local agency's information and action.

Signature: 
 Title: HQ Sr. Area Engineer

For questions regarding finance letter, contact:
 Printed Name : Peter B. Anderson
 Telephone No: (916) 653-8431

Remarks:

ACCOUNTING INFORMATION									CML-5085(029)		Cooperative Work Agreement	
ADV. PROJECT ID	APPROP. UNIT	STATE PROG.	FED/STATE	ENCUMBRANCE AMOUNT	APPROP YEAR	EXPENDITURE AMOUNT	ENCUMBRANCE BALANCE	REVERSION DATE	APPROVED AMOUNT	EXPIRATION DATE		
1000020563	18102F	2030010820	F	\$996,080.00	1718	\$0.00	\$996,080.00	06/30/23				
1000020563	11102F	2030010820	F	\$150,514.59	1011	\$150,514.59	\$0.00	06/30/16	\$116,487.00	06/30/18		

AMENDMENT MODIFICATION SUMMARY - (E-76)

CALIFORNIA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROGRAM

DLA LOCATOR: 10-MER-0-MER
 PREFIX: CML
 PROJECT NO: 5085(029)
 SEQ NO: 2
 STATE PROJ NO: 1000020563L-N
 AGENCY: MERCED
 ROUTE:
 DISASTER NO:
 TIP DATA
 MPO: MCAG
 FSTIP YR: 17/18
 STIP REF: 205-0000-0178
 FSTIP ID NO: CMAQ5-Y10

PROJECT LOCATION:
 ALONG BLACK RASCAL CREEK FROM BUENA VISTA DRIVE TO THE MICHAEL O'SULLIVAN BIKE PATH AT THE BNSF RAILROAD
 TYPE OF WORK:
 CONSTRUCT CLASS 1 BIKE PATH
 FED RR NO'S:
 PUC CODES:
 PROJ OVERSIGHT: ASSUMED/LOCAL ADMIN
 ENV STATUS / DT: 04/11/2017
 RW STATUS / DT: 1 04/12/2018
 INV RTE:
 BEG MP:
 END MP:

PREV AUTH / AGREE DATES:
 PE: 2011-04-21 00:00:00.0
 R/W:
 CON:
 SPR:
 MCS:
 OTH:

BRIDGE NO:

PROG CODE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID
L40R	10	15				
M400	30	28				
M400	31	17				

FUNDING SUMMARY

PHASE		PROJECT COST	FEDERAL COST	AC COST
PE	PREV. OBLIGATION	\$234,000.00	\$205,920.00	\$0.00
	THIS REQUEST	\$0.00	\$80.00	\$0.00
	SUBTOTAL	\$234,000.00	\$206,000.00	\$0.00
R/W	PREV. OBLIGATION	\$0.00	\$0.00	\$0.00
	THIS REQUEST	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00	\$0.00	\$0.00
CON	PREV. OBLIGATION	\$0.00	\$0.00	\$0.00
	THIS REQUEST	\$1,125,000.00	\$996,000.00	\$0.00
	SUBTOTAL	\$1,125,000.00	\$996,000.00	\$0.00
OTH	PREV. OBLIGATION	\$0.00	\$0.00	\$0.00
	THIS REQUEST	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00	\$0.00	\$0.00
TOTAL:		\$1,359,000.00	\$1,202,000.00	\$0.00

STATE REMARKS

- 04/07/2011 The agency is requesting fund for PE
- 04/08/2011 SEQ 1 is to authorize \$205,920 of CMAQ funding for Preliminary Engineering. Final Design shall not commence prior approving the NEPA document.
- 06/14/2018 * Seq 2: This E76 is Request for Authorization for Construction and Scope Modification. The limit of the project was originally to construct Bike Path from Buena Vista Dr. to 16th Street along Bear Creek and includes Bike Path along Black Rascal Creek per authorized PE E76. The new scope in the RFA for Construction is to construct Bike Path from Buena Vista Dr. to BNSF Railroad along Black Rascal Creek.

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: CON
FOR: CON CONTRACT & CE
DOCUMENT TYPE: AMOD

PREPARED IN FADS BY: GAVINO, NESTOR
REVIEWED IN FADS BY: ANDERSON, PETER
SUBMITTED IN FADS BY: ANDERSON, PETER
PROCESSED IN FADS BY: HUEY, SHUN
E-76 AUTHORIZED DATE IN FMIS BY: JESSICA GORDON

ON 2018-06-18 948-7916
ON 2018-06-18 653-8431
ON 2018-06-18 FOR CALTRANS
ON 2018-06-19 FOR FHWA
ON 2018-06-27 18:39:54.0

SIGNATURE HISTORY FOR PROJECT NUMBER 5085(029) AS OF 06/28/2018

FHWA FMIS SIGNATURE HISTORY

<u>MOD #</u>	<u>SIGNED BY</u>	<u>SIGNED ON</u>
1	SHUN HUEY	06/25/2018
	LANH PHAN	06/26/2018
	JESSICA GORDON	06/27/2018
0	SHUN HUEY	04/11/2011
	GARY J. SWEETEN	04/13/2011
	MARY CUNNINGHAM	04/21/2011

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY

<u>DOCUMENT TYPE</u>	<u>SIGNED BY</u>	<u>SIGNED ON</u>
AMEND/MOD	ANDERSON, PETER	06/18/2018



ADMINISTRATIVE REPORT

Agenda Item J.1.

Meeting Date: 8/6/2018

Report Prepared by: Michael Hren, AICP, Principal Planner

SUBJECT: Public Hearing- Amendment to Merced Municipal Code Section 10.44, "Bicycles"

REPORT IN BRIEF

The Bicycle Advisory Commission has recommended the amendment of the Merced Municipal Code Section 10.44, "Bicycles," to modernize the bicycle registration process while continuing to preserve the Police Department's enforcement ability.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2491**, an Ordinance of the City Council of the City of Merced, California, amending Section 10.44, "Bicycles," of the Merced Municipal Code.

ALTERNATIVES

1. Approve the recommendation of the Bicycle Advisory Commission as modified per the recommendation of the Police Department; or,
2. Deny the recommendation; or,
3. Approve, subject to modification (identify specific changes to the Ordinance amended in City Council motion); or,
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in City Council motion); or,
5. Continue to a future City Council meeting (date and time to be specified in City Council motion).

AUTHORITY

This request amends Section 10.44 of the Merced Municipal Code (MMC) regarding bicycles.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

Background

At the Bicycle Advisory Commission (BAC) meeting of April 25, 2017, the Commission reviewed MMC 10.44, "Bicycles," which outlines the City's bicycle license registration process. The Commission expressed their desire to have the code section updated to reflect modern practices, as well as remove barriers to cycling. Feedback from the League of American Bicyclists on Merced's unsuccessful application for status as a Bronze-level Bicycle Friendly Community included the

suggestion to repeal local laws that restrict the right of cyclists to travel. The BAC believes that the local bicycle registration process currently in place in Merced restricts bicyclists' right to travel and proposes the amendment of MMC 10.44, "Bicycles" to eliminate this barrier.

At the BAC meeting of October 24, 2017, a subcommittee was created with the purpose of making recommendations regarding updated language for MMC 10.44, "Bicycles". This subcommittee met with Lt. Struble of the Police Department on January 22, 2018, in order to understand the Police Department's role and needs with relationship to enforcement and bicycle registration. After the meeting, the subcommittee created draft language amending MMC 10.44, "Bicycles," which was recommended by the BAC to the City Council for adoption.

At the BAC meeting of April 24, 2018, the BAC reviewed and Recommended to the City Council the draft language provided at that meeting. The minutes and staff report of that meeting are provided as Attachments 1 and 2. The proposed language for the updated Municipal Code is provided as Attachment 3. A comparison of the new language to the current MMC is provided in redline format as Attachment 4 and the current Municipal Code is provided as Attachment 5.

Amendment Summary

The proposed amendment removes the \$2 license fee, the annual renewal of license, the requirement that a bicycle be brought to the Police Station for licensing, and the requirement that a license sticker be displayed on all bicycles operated on the public ways in the City of Merced. The amendment includes a requirement that bicycles be registered on a national electronic registry and that some form of proof of this registration be available on the person of a cyclist to be presented upon request. This proof can be in digital or paper format.

Police Department Recommendations

Lt. Struble of the Merced Police Department had the following suggestions regarding the proposed changes to MMC 10.44, "Bicycles" (underlined text is new).

1. Modify the title of Section 10.44.020 to "**Bicycle Registration**";
2. Modify Section 10.44.040 to read, "The registration issued pursuant to this chapter shall be accessible upon request by law enforcement;
3. Add Section 10.44.110, titled "**Report- Secondhand dealers.**"
Persons engaged in the business of buying secondhand bicycles are required to make a weekly report to the chief of police specifying:
 - A. The name and address of the person from whom each bicycle is purchased;
 - B. The description of each bicycle purchased;
 - C. The frame number thereof;
 - D. The number of the license plate, tag or sticker found thereon, if any.

Changes 1 and 2 are for clarity purposes. Change 3 is to maintain a section that the police department feels should not be removed from the code. The proposed Ordinance, provided as

Attachment 6, includes these recommendations.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed. The proposed amendments would eliminate the City's bicycle registration fees; these fees have not totaled more than \$96 per year in the period from 2009-2017. Additionally, the obligation for the Police Department to assist with license applications, provide stickers, and maintain records would be eliminated by the proposed amendment. This would reduce the amount of staff time and materials required for the administration of the registration program, providing a savings projected to be greater than the total amount of fees collected on an annual basis.

ATTACHMENTS

1. Excerpt from Minutes of Bicycle Advisory Committee Meeting of April 24, 2018
2. Bicycle Advisory Committee Staff Report, April 24, 2018
3. Proposed Language to Revise Merced Municipal Code 10.44
4. Redline Comparison of Changes to Merced Municipal Code 10.44
5. Merced Municipal Code Chapter 10.44, Current Version
6. Draft Ordinance Revising Merced Municipal Code 10.44

Draft Bicycle Advisory Commission Minutes Excerpt

APRIL 24, 2018

(E) PROPOSED UPDATE TO MERCED MUNICIPAL CODE CHAPTER 10.44

The Commission discussed the details of the proposed update and the process to move forward with its recommendation to the City Council.

Chairperson HOTHEM opened public comment at 3:15 PM.

LISA KAYSER-GRANT asked whether the Police Department's ability to give a misdemeanor charge was new. Mr. HREN clarified that this is already in use by the Merced Police Department. Commissioner THURSTON indicated that this language was a result of the meeting that was held between the subcommittee of the Bicycle Advisory Commission and Lieutenant STRUBLE of the Police Department. At that meeting, Lt. STRUBLE indicated that the Police Department wished to retain this enforcement tool.

Chairperson HOTHEM closed public comment at 3:17 PM.

ON MOTION BY COMMISSIONER LERER, AND SECONDED BY COMMISSIONER THURSTON, DULY CARRIED BY THE FOLLOWING VOTE TO RECOMMEND THE PRESENTED ORDINANCE TO THE MERCED CITY COUNCIL FOR APPROVAL:

AYES: COMMISSIONERS COMEYNE, FRIEDMAN, HOTHEM,
LERER, THURSTON
NOES: NONE
ABSENT: COMMISSIONERS HICKS, PALMA
ABSTAIN: NONE

Chairperson HOTHEM thanked the subcommittee for its efforts in drafting this recommendation.

ATTACHMENT 1

**CITY OF MERCED
Development Services**

TO: Bicycle Advisory Commission
FROM: Michael Hren, AICP, Principal Planner
DATE: April 24, 2018
SUBJECT: Proposed Update to Merced Municipal Code Chapter 10.44

BACKGROUND

At the Bicycle Advisory Commission (BAC) meeting of October 24, 2017, a subcommittee was created with the purpose of making recommendations to the BAC regarding updated language for Merced Municipal Code Chapter 10.44. At the BAC meeting of December 12, 2017, the subcommittee provided the BAC with a draft ordinance update. To resolve potential differences between the proposed revisions and the needs of the Merced Police Department, the subcommittee met with Lt. Struble of the Police Department on January 22, 2018. At the BAC meeting of February 27, 2018, the BAC gave staff direction to move forward with the proposed language for an update to the Merced Municipal Code.

DISCUSSION

The proposed revision to Merced Municipal Code Chapter 10.44 is provided as Attachment A. The current, adopted version of Merced Municipal Code Chapter 10.44 is provided for comparison purposes as Attachment B. The proposed language proposes removing the local registration system in favor of utilizing national electronic registries, while continuing to require proof of licensure to allow for the Police Department to continue to utilize registration as an enforcement tool. Specific language related to parking bicycles in such a way that they do not impede passage of pedestrians has also been added. The Draft Ordinance revising Merced Municipal Code Chapter 10.44 is provided as Attachment C.

ACTION

The BAC should make a formal recommendation of the proposed revisions and the Ordinance to the Merced City Council. A representative from the BAC should attend the City Council meeting at which the Ordinance will be reviewed to provide an explanation and details.

ATTACHMENTS

- A. Proposed language to revise Merced Municipal Code Chapter 10.44
- B. Merced Municipal Code Chapter 10.44, current version.
- C. Draft Ordinance revising Merced Municipal Code Chapter 10.44

Chapter 10.44 - BICYCLES

10.44.010 - Bicycle defined.

For the purpose of this chapter, "bicycle" means any device upon which a person may ride, which is propelled by human power through a system of belts, chains or gears, and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

(Ord. 1153 § 2, 1975: prior code § 7.2).

10.44.020 – Bicycle Registration.

No person shall operate or use a bicycle upon any public street or highway in the city without first registering the bicycle on a national bicycle registry.

10.44.030 - Registration—Operation restricted.

When registered, bicycle registration shall entitle the owner to operate such bicycle for which the registration has been issued upon all the streets, public highways and designated bicycle trails of the city. Bicycles may also be operated on all the sidewalks of the city except the following, when appropriate signs are displayed thereon: Main Street from G to V Street, 18th Street from Martin Luther King, Jr. Way to N Street, I Street from 16th to 18th Street, Martin Luther King, Jr. Way from 16th to 18th Street, K Street from 16th to 18th Street, L Street from 16th to 18th Street, M Street from 16th to 20th Street and N Street from 16th to 18th Street.

(Ord. 1851 § 28, 1993: Ord. 1558 § 1, 1984: prior code § 7.4).

10.44.040 - Registration—Proof.

The registration issued pursuant to this chapter shall be accessible upon request by law enforcement via printout or mobile device while the bicycle is in operation.

(Ord. 1153 § 4, 1975: prior code § 7.5).

10.44.050 - Obedience to traffic control devices

The operator of any bicycle shall obey the instructions of any official traffic control device placed in accordance with this chapter unless otherwise directed by a police officer or other authorized person.

10.44.060 - Speed

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing and in no event at a speed greater than the prima facie speed limit applicable to motor vehicles.

10.44.070 - Emerging from alley or driveway

The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalks or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

10.44.080 - Riding on sidewalks

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. At the intersection of two or more sidewalks, where the vision of the operator of a bicycle is so restricted by hedges, bushes, buildings, or any other obstruction so that the approach of a pedestrian cannot be observed and there is danger of a collision with the pedestrian, the operator of a bicycle shall dismount and walk through the intersection of the sidewalks.

10.44.090 - Parking

No person shall park a bicycle upon any public street, sidewalk, bicycle lane, or bicycle path in such a way that it impedes pedestrian traffic.

10.44.100 - Violation—Penalty.

Every person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to the penalties provided by Chapter 1.08, the court may impound and retain possession of any such bicycle, the subject of such violation, and may retain possession thereof until the registration provided for in this chapter has been obtained by the person required so to do.

10.44.110 - Report—Secondhand dealers.

Persons engaged in the business of buying secondhand bicycles are required to make a weekly report to the chief of police specifying:

- A. The name and address of the person from whom each bicycle is purchased;
- B. The description of each bicycle purchased;
- C. The frame number thereof;
- D. The number of the license plate, tag or sticker found thereon, if any.

Chapter 10.44 - BICYCLES

10.44.010 - Bicycle defined.

For the purpose of this chapter, "bicycle" means any device upon which a person may ride, which is propelled by human power through a system of belts, chains or gears, and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

(Ord. 1153 § 2, 1975: prior code § 7.2).

10.44.020 - License Required - Bicycle Registration.

No person shall operate or use a bicycle upon any public street or highway in the city without first obtaining a license which is issued by the chief of police or his designee upon a written application therefor registering the bicycle on a national bicycle registry.

(Ord. 1153 § 4, 1975: prior code § 7.1).

10.44.030 - License - Duration.

All bicycle licenses issued pursuant to this chapter prior to December 31, 1978, shall expire on December 31, 1978. All bicycle licenses issued pursuant to this chapter on and after January 1, 1979, shall be valid for such period as shall be prescribed bylaw or by valid regulation of the Director of the Department of Motor Vehicles of the state.

(Ord. 1153 § 3, 1975: prior code § 7.3).

10.44.040 - License Registration - Operation restricted.

When issued registered, bicycle licenses registration shall entitle the licensee owner to operate such bicycle for which the license registration has been issued upon all the streets, public highways and designated bicycle trails of the city. Bicycles may also be operated on all the sidewalks of the city except the following, when appropriate signs are displayed thereon: Main Street from G to V Street, 18th Street from Martin Luther King, Jr. Way to N Street, I Street from 16th to 18th Street, Martin Luther King, Jr. Way from 16th to 18th Street, K Street from 16th to 18th Street, L Street from 16th to 18th Street, M Street from 16th to 20th Street and N Street from 16th to 18th Street.

(Ord. 1851 § 28, 1993: Ord. 1558 § 1, 1984: prior code § 7.4).

10.44.050 - License - Form 040 - Registration - Proof.

The license indiciaregistration issued pursuant to this chapter shall be in such form, and of such material, as is prescribed accessible upon request by law enforcement via printout or by valid

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~~regulation of mobile device while the Director of the Department of Motor Vehicles of the state bicycle is in operation.~~

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~~(Ord. 1153 § 4, 1975: prior code § 7.5).~~

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10.44.050 - Obedience to traffic control devices

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~~The operator of any bicycle shall obey the instructions of any official traffic control device placed in accordance with this chapter unless otherwise directed by a police officer or other authorized person.~~

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10.44.060 - License—Attaching tag, Speed

~~It shall be the duty of the chief of police to attach a suitable license plate, tag or sticker to the frame of each bicycle for which a license is issued, and to issue a corresponding registration card to the licensee upon payment of the license fee. Such license plate, tag or sticker shall remain attached to such bicycle during the valid period of such license.~~

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~~(Prior code § 7.6).~~

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10.44.070 - Records to be kept.

~~The chief of police shall maintain records of each bicycle registered. Such records shall include but not be limited to the license number, the serial number of the bicycle, the make, type and model of the bicycle, and the name and address of the licensee.~~

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~~(Ord. 1153 § 5, 1975: prior code § 7.7).~~

10.44.080 - Weekly report—New and secondhand dealers.

~~All persons engaged in the business of selling new or secondhand bicycles are required to make a weekly report to the chief of police giving a list of all sales made by each dealer, which list shall include:~~

- ~~The name and address of such person to whom a bicycle was sold;~~ A.
- ~~The kind of bicycle sold;~~ B.
- ~~A description and frame number thereof;~~ C.
- ~~The number of the license plate, tag or sticker attached thereto, if any.~~ D.

(Prior code § 7.8):

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing and in no event at a speed greater than the prima facie speed limit applicable to motor vehicles.

10.44.070 - Emerging from alley or driveway

The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalks or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

10.44.080 - Riding on sidewalks

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. At the intersection of two or more sidewalks, where the vision of the operator of a bicycle is so restricted by hedges, bushes, buildings, or any other obstruction so that the approach of a pedestrian cannot be observed and there is danger of a collision with the pedestrian, the operator of a bicycle shall dismount and walk through the intersection of the sidewalks.

10.44.090 - Parking

No person shall park a bicycle upon any public street, sidewalk, bicycle lane, or bicycle path in such a way that it impedes pedestrian traffic.

10.44.100 - Violation—Penalty.

Every person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to the penalties provided by Chapter 1.08, the court may impound and retain possession of any such bicycle, the subject of such violation, and may retain possession thereof until the registration provided for in this chapter has been obtained by the person required so to do.

10.44.110 - Report—Secondhand dealers.

Persons engaged in the business of buying secondhand bicycles are required to make a weekly report to the chief of police specifying:

- A. The name and address of the person from whom each bicycle is purchased;
- B. The description of each bicycle purchased;
- C. The frame number thereof;

A.
B.
C.
D.

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D. The number of the license plate, tag or sticker found thereon, if any.

(Prior code § 7.9):

• ~~10.44.100 - Report - Sale of bicycle - Change of address.~~

~~Whenever the owner of a bicycle licensed under this chapter sells or otherwise disposes of a bicycle, he shall within ten (10) days notify the chief of police of such sale or disposition, and shall provide the name and address of the person to whom the bicycle was transferred.~~

(Ord. 1153 § 6, 1975: prior code § 7.10):

• ~~10.44.110 - Acquisition of licensed bicycle - Transfer of license.~~

~~Any person who purchases or otherwise acquires possession of a bicycle licensed hereunder shall within ten (10) days of taking possession apply for transfer of license to his name.~~

(Ord. 1153 § 7, 1975: prior code § 7.10.1):

• ~~10.44.120 - Change of address.~~

~~Whenever the owner of a bicycle licensed under this chapter changes his address, he shall within ten (10) days notify the licensing agency of the old and new address.~~

(Ord. 1153 § 8, 1975: prior code § 7.10.2):

• ~~10.44.130 - Removal or alteration of frame number.~~

~~No person shall willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter.~~

(Prior code § 7.11):

• ~~10.44.140 - Removal or mutilation of license plate or registration card.~~

~~No person shall remove, destroy, mutilate or alter any license plate or registration card during the time in which such plate or card is operative.~~

(Prior code § 7.12):

• ~~10.44.150 - Exception 10.44.130 and 10.44.140 - Chief of police.~~

~~Nothing in this chapter shall prohibit the chief of police from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes.~~

(Prior code § 7.13):

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• ~~10.44.160 - Fees.~~

~~The fee for the license issued pursuant to this chapter is two dollars (\$2.00) per year, or fifty cents (\$0.50) for each three (3) months from the date of issuance of the license until the date of its expiration.~~

~~(Ord. 1153 § 9, 1975; prior code § 7.14).~~

• ~~10.44.170 - Violation - Penalty.~~

~~Every person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to the penalties provided by Chapter 1.08, the court may impound and retain possession of any such bicycle, the subject of such violation, and may retain possession thereof until the license provided for in this chapter has been obtained by the person required so to do.~~

~~(Prior code § 7.15).~~

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- **10.44.010 - Bicycle defined.**

For the purpose of this chapter, "bicycle" means any device upon which a person may ride, which is propelled by human power through a system of belts, chains or gears, and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

(Ord. 1153 § 2, 1975: prior code § 7.2).

- **10.44.020 - License—Required.**

No person shall operate or use a bicycle upon any public street or highway in the city without first obtaining a license which is issued by the chief of police or his designee upon a written application therefor.

(Ord. 1153 § 1, 1975: prior code § 7.1).

- **10.44.030 - License—Duration.**

All bicycle licenses issued pursuant to this chapter prior to December 31, 1978, shall expire on December 31, 1978. All bicycle licenses issued pursuant to this chapter on and after January 1, 1979, shall be valid for such period as shall be prescribed bylaw or by valid regulation of the Director of the Department of Motor Vehicles of the state.

(Ord. 1153 § 3, 1975: prior code § 7.3).

- **10.44.040 - License—Operation restricted.**

When issued, bicycle licenses shall entitle the licensee to operate such bicycle for which the license has been issued upon all the streets, public highways and designated bicycle trails of the city. Bicycles may also be operated on all the sidewalks of the city except the following, when appropriate signs are displayed thereon: Main Street from G to V Street, 18th Street from Martin Luther King, Jr. Way to N Street, I Street from 16th to 18th Street, Martin Luther King, Jr. Way from 16th to 18th Street, K Street from 16th to 18th Street, L Street from 16th to 18th Street, M Street from 16th to 20th Street and N Street from 16th to 18th Street.

(Ord. 1851 § 28, 1993: Ord. 1558 § 1, 1984: prior code § 7.4).

- **10.44.050 - License—Form.**

The license indicia issued pursuant to this chapter shall be in such form, and of such material, as is prescribed by law or by valid regulation of the Director of the Department of Motor Vehicles of the state.

(Ord. 1153 § 4, 1975: prior code § 7.5).

- **10.44.060 - License—Attaching tag.**

It shall be the duty of the chief of police to attach a suitable license plate, tag or sticker to the frame of each bicycle for which a license is issued, and to issue a corresponding registration card to the licensee upon payment of the license fee. Such license plate, tag or sticker shall remain attached to such bicycle during the valid period of such license.

(Prior code § 7.6).

- **10.44.070 - Records to be kept.**

The chief of police shall maintain records of each bicycle registered. Such records shall include but not be limited to the license number, the serial number of the bicycle, the make, type and model of the bicycle, and the name and address of the licensee.

(Ord. 1153 § 5, 1975: prior code § 7.7).

- **10.44.080 - Weekly report—New and secondhand dealers.**

All persons engaged in the business of selling new or secondhand bicycles are required to make a weekly report to the chief of police giving a list of all sales made by each dealer, which list shall include:

- A. The name and address of such person to whom a bicycle was sold;
- B. The kind of bicycle sold;
- C. A description and frame number thereof;
- D. The number of the license plate, tag or sticker attached thereto, if any.

(Prior code § 7.8).

- **10.44.090 - Report—Secondhand dealers.**

Persons engaged in the business of buying secondhand bicycles are required to make a weekly report to the chief of police specifying:

- A. The name and address of the person from whom each bicycle is purchased;
- B. The description of each bicycle purchased;
- C. The frame number thereof;
- D.

The number of the license plate, tag or sticker found thereon, if any.

(Prior code § 7.9).

- **10.44.100 - Report—Sale of bicycle—Change of address.**

Whenever the owner of a bicycle licensed under this chapter sells or otherwise disposes of a bicycle, he shall within ten (10) days notify the chief of police of such sale or disposition, and shall provide the name and address of the person to whom the bicycle was transferred.

(Ord. 1153 § 6, 1975: prior code § 7.10).

- **10.44.110 - Acquisition of licensed bicycle—Transfer of license.**

Any person who purchases or otherwise acquires possession of a bicycle licensed hereunder shall within ten (10) days of taking possession apply for transfer of license to his name.

(Ord. 1153 § 7, 1975: prior code § 7.10.1).

- **10.44.120 - Change of address.**

Whenever the owner of a bicycle licensed under this chapter changes his address, he shall within ten (10) days notify the licensing agency of the old and new address.

(Ord.1153 § 8, 1975: prior code § 7.10.2).

- **10.44.130 - Removal or alteration of frame number.**

No person shall willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter.

(Prior code § 7.11).

- **10.44.140 - Removal or mutilation of license plate or registration card.**

No person shall remove, destroy, mutilate or alter any license plate or registration card during the time in which such plate or card is operative.

(Prior code § 7.12).

- **10.44.150 - Exception 10.44.130 and 10.44.140—Chief of police.**

Nothing in this chapter shall prohibit the chief of police from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes.

(Prior code § 7.13).

- **10.44.160 - Fees.**

The fee for the license issued pursuant to this chapter is two dollars (\$2.00) per year, or fifty cents (\$0.50) for each three (3) months from the date of issuance of the license until the date of its expiration.

(Ord. 1153 § 9, 1975: prior code § 7.14).

- **10.44.170 - Violation—Penalty.**

Every person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to the penalties provided by Chapter 1.08, the court may impound and retain possession of any such bicycle, the subject of such violation, and may retain possession thereof until the license provided for in this chapter has been obtained by the person required so to do.

(Prior code § 7.15).

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 10.44, "BICYCLES," OF
THE MERCED MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS
FOLLOWS:

SECTION 1. AMENDMENT TO CODE. Chapter 10.44, "Bicycles,"
of the Merced Municipal Code is hereby amended to read as follows:

**"Chapter 10.44
BICYCLES**

Section:

- 10.44.010 Bicycle Defined.**
- 10.44.020 Bicycle Registration.**
- 10.44.030 Registration – Operation Restricted.**
- 10.44.040 Registration – Proof.**
- 10.44.050 Obedience to Traffic Control Devices.**
- 10.44.060 Speed.**
- 10.44.070 Emerging from Alley or Driveway.**
- 10.44.080 Riding on Sidewalks.**
- 10.44.090 Parking.**
- 10.44.100 Violation – Penalty.**
- 10.44.110 Report – Secondhand Dealers.**

10.44.010 Bicycle Defined.

For the purpose of this Chapter, 'bicycle' means any device upon which a person may ride, which is propelled by human power through a system of belts, chains or gears, and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

10.44.020 Bicycle Registration.

No person shall operate or use a bicycle upon any public street or highway in the city without first registering the bicycle on a national bicycle registry.

10.44.030 Registration – Operation restricted.

When registered, bicycle registration shall entitle the owner to operate such bicycle for which the registration has been issued upon all the streets, public highways and designated bicycle trails of the city. Bicycles may also be operated on all the sidewalks of the city except the following, when appropriate signs are displayed thereon: Main Street from G to V Street, 18th Street from Martin Luther King, Jr. Way to N Street, I Street from 16th to 18th Street, Martin Luther King, Jr. Way from 16th to 18th Street, K Street from 16th to 18th Street, L Street from 16th to 18th Street, M Street from 16th to 20th Street and N Street from 16th to 18th Street.

10.44.040 Registration – Proof.

The registration issued pursuant to this Chapter shall be accessible upon request by law enforcement via printout or mobile device while the bicycle is in operation.

10.44.050 Obedience to Traffic Control Devices.

The operator of any bicycle shall obey the instructions of any official traffic control device placed in accordance with this Chapter unless otherwise directed by a police officer or other authorized person.

10.44.060 Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing and in no event at a speed greater than the prima facie speed limit applicable to motor vehicles.

10.44.070 Emerging from Alley or Driveway.

The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalks or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

10.44.080 Riding on Sidewalks.

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. At the intersection of two or more sidewalks, where the vision of the operator of a bicycle is so restricted by hedges, bushes, buildings, or any other obstruction so that the approach of a pedestrian cannot be observed and there is danger of a collision with the pedestrian, the operator of a bicycle shall dismount and walk through the intersection of the sidewalks.

10.44.090 Parking.

No person shall park a bicycle upon any public street, sidewalk, bicycle lane, or bicycle path in such a way that it impedes pedestrian traffic.

10.44.100 – Violation – Penalty.

Every person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to the penalties provided by Chapter 1.08, the court may impound and retain possession of any such bicycle, the subject of such violation, and may retain possession thereof until the registration provided for in this chapter has been obtained by the person required so to do.

10.44.110 Report – Secondhand Dealer.

Persons engaged in the business of buying secondhand bicycles are required to make a weekly report to the Chief of Police specifying:

- A. The name and address of the person from whom each bicycle is purchased;
- B. The description of each bicycle purchased;
- C. The frame number thereof; and,
- D. The number of the license plate, tag or sticker found thereon, if any.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

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The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2018, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2018, 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:



City Attorney



Date



ADMINISTRATIVE REPORT

Agenda Item K.1.

Meeting Date: 8/6/2018

Report Prepared by: Christopher Goodwin, Chief of Police and Michael Wilkinson, Fire Chief

SUBJECT: Update on Celebrate Safe Illegal Fireworks Enforcement and Public Outreach Campaign

REPORT IN BRIEF

Provides an update on the 2018 Fourth of July Celebrate Safe Campaign and efforts to address illegal fireworks within the City.

RECOMMENDATION

It is recommended that the City Council accept the report and provide staff with recommendations and direction for addressing issues related to the use of illegal fireworks for next year's Fourth of July holiday.

ALTERNATIVES

1. Refer to staff for reconsideration of specific items as requested by Council; or,
2. Continue to a future City Council meeting (date and time to be specified in the motion).

AUTHORITY

City Charter Section 200.

CITY COUNCIL PRIORITIES

The inaugural Celebrate Safe Campaign was developed by Staff at the direction of the City Council and City Manager to enhance public safety on and around the Fourth of July holiday.

DISCUSSION

The use of illegal fireworks on and around the Fourth of July holiday is an issue that effects most cities and communities across the state. The attendant explosions caused by the use of illegal fireworks disturbs the peace and can cause stress for residents, veterans and pets. In addition, the explosives used are powerful and create a risk of serious bodily injury and property damage.

Following the Fourth of July holiday in 2017, at the direction of the City Council, the City Manager asked four City departments to develop a taskforce and campaign to address the issues associated with illegal fireworks. This led to the creation of the Illegal Fireworks Taskforce, which was made up of representatives from the City's Police, Fire and Information Technology Departments as well as the City Attorney's Office.

The Taskforce's goal was to promote public safety by reducing the number of illegal fireworks being used within the City. To accomplish this goal, the Taskforce developed four primary objectives:

1. **Public Outreach** - Develop campaign to promote the City's Zero Tolerance and Be a Good Neighbor slogans to remind the public of consequences of illegal fireworks and the effects that they may have on neighbors, pets and military veterans.
2. **Illegal Fireworks Surrender and Seizure** - Host a Safe Surrender Day to provide the public with an opportunity to surrender illegal fireworks without fear of prosecution. Seize illegal fireworks being sold in the City.
3. **Tip lines** - Development of multiple avenues to report illegal fireworks, including a dedicated tip telephone line, the Merced Connect App, and an email address. Also set up an expanded dispatch on July 3rd and 4th for the purpose of removing a bulk of the calls reporting illegal fireworks from the 9-1-1 center.
4. **Enforcement** - Increase police patrol/enforcement and fire department personnel on the 3rd and 4th of July for administrative citations and criminal citations/arrests.

Overall, the public's response to the City's campaign was positive. Below is a review of the Taskforce's objectives.

Objective 1. Public Outreach

The Taskforce developed a multifaceted public outreach campaign which included utility bill inserts, street banners, numerous newspaper articles, posters, radio announcements, stickers and a kick off press conference. These materials displayed or communicated the Zero Tolerance and Be a Good Neighbor slogans along with the Celebrate Safe tip line number, email address and Merced Connect icon image. On July 3rd and 4th, there were approximately 470 reports of possession, sales or use of illegal fireworks to these alternative reporting methods. This shows that the public outreach campaign was successful in educating the public to report illegal fireworks and to do so by using a dedicated method and not calling 9-1-1. The banners and posters used for this year's campaign can be reused in future campaigns.

Objective 2. Surrender or Seizure of Illegal Fireworks

Safe Surrender

The Fire Department organized and advertised a Safe Surrender Day, which was held at Station 51 on June 30, 2018, from 9:00 a.m. until 1:00 p.m. This event provided residents the opportunity to surrender illegal fireworks safely without the fear of prosecution. Two residents surrendered illegal fireworks at this event, and while doing so, they thanked the department for their efforts in getting illegal fireworks seized and safely disposed. In addition, two other couples stopped by the station to thank the department for their efforts (they did not surrender any fireworks). The fact that illegal fireworks were surrendered during this event accomplished the objective set for the event. The surrendered illegal fireworks were not discharged thus eliminating any risk of possible injuries and/or property damage.

Sting Operations

The City’s DART Team was successful in conducting several sting operations prior to July 4th on individuals advertising illegal fireworks for sale on Craigslist. These stings led to the arrests of 5 individuals on felony charges. One of these arrests involved 782 illegal fireworks estimated to be worth \$1,500. These arrests were highlighted as part of the Zero Tolerance campaign and resulted in other advertisements for illegal fireworks being removed from Craigslist.

In total, including the fireworks received at the Safe Surrender event, the sting operations and those seized on July 4th, the City confiscated about 650 pounds of illegal fireworks.

Objective 3- Tip lines

The goal of this objective was to keep reports of illegal fireworks from inundating the City’s 9-1-1 system. To accomplish this, the City’s IT Department set up a tip line (388-Safe), a dedicated email address (Celebratesafe@cityofmerced.org) and a module on the Merced Connect App to report illegal fireworks. These alternate ways to report illegal fireworks received a total of 470 reports on July 3rd and 4th, which demonstrates that there was good community buy-in for the program. A breakdown of these reports is as follows:

Method of Reporting	July 3, 2018	July 4, 2018	Total
Celebrate Safe Hotline	38 calls	302 calls	340 calls
Merced Connect	34 reports	76 reports	110 reports
Email	9 emails	11 emails	20 emails
Totals	81	389	470

Notably, of the above calls, the tip line received more than 20 calls reporting illegal fireworks in neighboring jurisdictions such as Delhi, Planada and Atwater. These callers called the Merced tip line seeking the City’s help with illegal fireworks in their communities. In addition, 6 calls to the hotline were transferred directly to a 9-1-1 dispatcher as the caller was reporting a non-firework emergency.

One negative factor that effected the ability to respond to calls made to the tip line involved reluctant reporters. Specifically, numerous callers called to report the use of illegal fireworks but they refused to identify themselves or provide a contact number for law enforcement to use to follow up on their reports. In addition, many callers reported the use of illegal fireworks in vicinities rather than providing specific addresses or locations. This made it difficult for law enforcement officers to locate the area in which the illegal fireworks were being discharged.

Objective 4- Enforcement

The City allows the use and sale of Safe and Sane fireworks from noon on June 28 until noon on July 6th. This year, the Fourth of July holiday fell on a Wednesday. As many of our working residents have the day off on July 4th, the Taskforce surmised that the use of illegal fireworks may spike on the evening of July 3rd as well as the 4th. Accordingly, during the permissible Safe and Sane fireworks

sales and usage period, the Taskforce’s enforcement efforts focused on July 3rd and 4th. On those evenings there were extra police and fire personnel on duty for enforcement and emergency response. In addition, a separate dispatch center was staffed by volunteer City employees to handle calls, emails and Merced Connect reports of illegal fireworks. As it turned out, there was a drastic difference in the number of reports of illegal fireworks usage between the evenings of July 3rd and 4th with 81 reports on July 3rd and 389 reports being made on July 4th. Based on these stats, next year’s campaign could focus its heavy enforcement efforts on July 4th.

This year on the 3rd and 4th of July, the City’s dispatch center received only a slight increase in calls compared to last year. The below table summarizes those calls:

Calls	2017	2018	Percentage Increase
9-1-1 Calls	483	485	.5% Increase
Abandoned Calls	21	27	28% Increase

Had the separate dispatch center not been in operation to answer calls reporting illegal fireworks from the tip line, the calls to the City’s 9-1-1 system would have drastically increased this year.

While the number of fire incidents decreased for the 4th of July holiday in 2018, overall, the number of incidents increased, mostly due to an increased in EMS calls. Below is a summary of incidents for the reporting period of June 28 through July 6th for 2017 and 2018:

Incident Type	2017	2018
Fires	27	20
EMS	124	153
Hazardous Condition	4	3
Service Call	10	14
Good Intent	33	35
False Alarm	10	11
Total Incidents	218	240

On the evenings of July 3rd and 4th, the Merced Fire Department only responded to 1 structure fire, which was caused by the disposal of illegal and legal fireworks into a garbage can. In addition 12 administrative citations for the use of illegal fireworks were issued, each having a \$1,000 fine.

IMPACT ON CITY RESOURCES

N/A.

ATTACHMENTS

1. Presentation



Celebrate Safe
Illegal Fireworks Enforcement
Pilot Campaign
2018 Report



Pilot Campaign Objectives

- **Public Outreach**
 - Banners, Posters, Yard Signs, Stickers, Utility Bill Insert, Radio Interviews, Radio Ads, Social Media Campaign, Press Conference, Public Services Announcements Video.
- **Safe Surrender Day/ Seizure of Illegal Fireworks**
 - Provide the public the opportunity to dispose of fireworks, both legal and illegal fireworks without fear of prosecution.



Pilot Campaign Objectives

- **Tip lines-**
 - Provided multiple methods to report illegal fireworks instead of the 9-1-1 system.
 - Celebrate Safe hotline, Merced Connect App and dedicated email address.
 - Expanded dispatch center on July 3 and 4th staffed with City volunteers.
- **Enforcement**
 - Merced City Fire and Police conducted surveillance of social media for the illegal sale and distribution of illegal fireworks.
 - Increased patrol enforcement and Fire Department personnel on July 3rd and 4th.

Enforcement before the 4th

Arrested five (5) people in three (3) cases for the sale of illegal fireworks

In total, approx. 650 pounds of illegal fireworks were taken off the streets.



Safe Surrender Day

- Held on Saturday June 30, 2018 at Fire Station 51 from 9:00-1:00
- Allowed the public to dispose of any fireworks (safe and sane or illegal) safely and without any fear of prosecution.
- Two individuals surrendered illegal fireworks and when doing so they thanked us for our efforts to address illegal fireworks.
- Two couples stopped by the station just to say thank you for the Celebrate Safe program. They expressed gratitude that the City was addressing the issues associated with illegal fireworks.





Requests for Service at Celebrate Safe Hotline

	July 3, 2018	July 4, 2018
Celebrate Safe hotline (388-SAFE)	38	302
Merced Connect	34	76
Email	9	11



Requests for Service at Dispatch Center

	2017 (July 3 rd and 4 th)	2018 (July 3 rd and 4 th)	Percent Increase/Decrease
911 Calls	483	485	.5% Increase
Abandoned Calls	21	27	28% increase

The header features a decorative graphic with a blue background on the left containing white stars and a burst of fireworks. A red and white wavy banner runs across the top, also featuring white stars. The main title is centered below this graphic.

Celebrate Safe Hotline Results

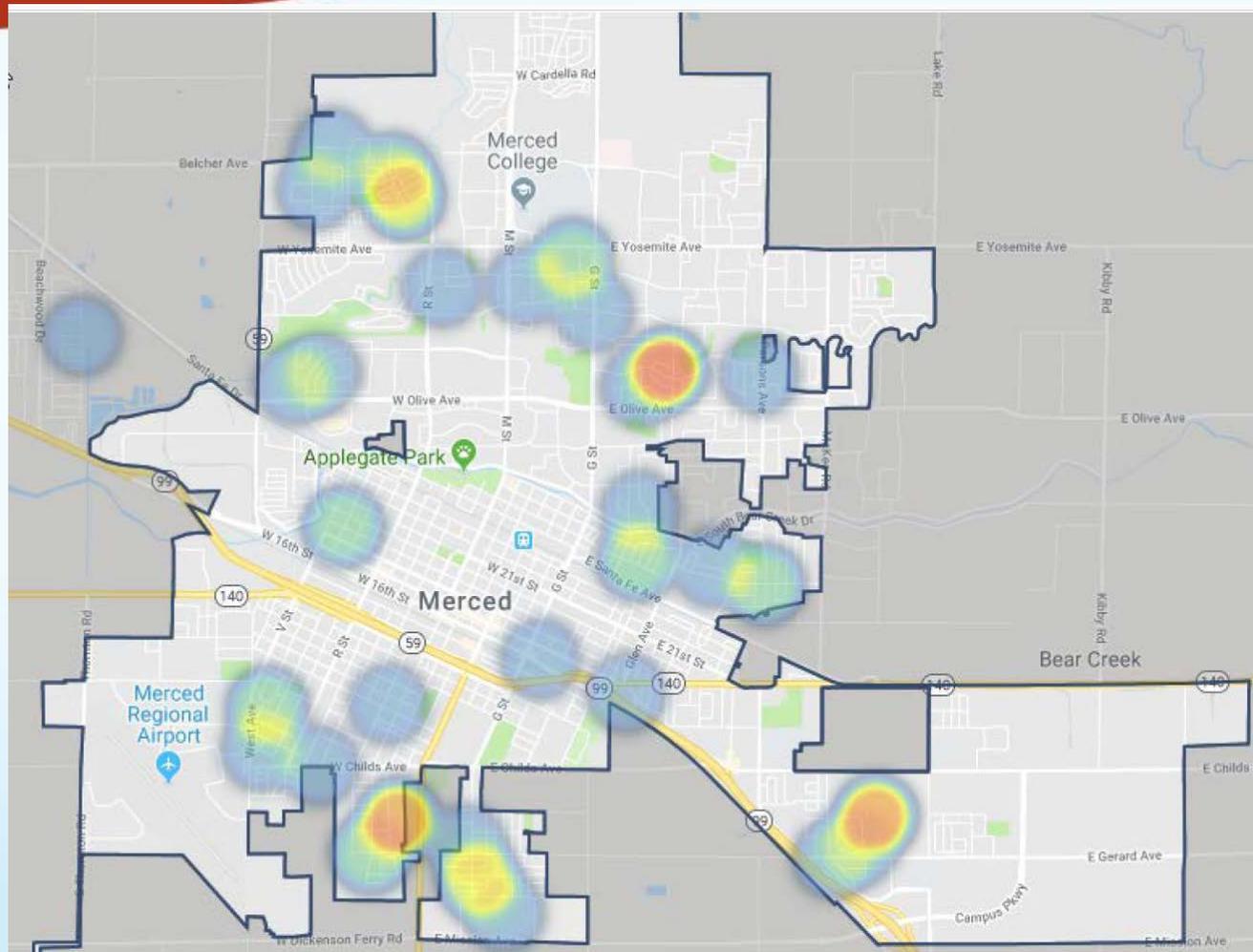
- **The Celebrate Safe hotline answered 340 calls. Without the hotline, the calls would have been made directly into our dispatch center on 9-1-1 lines or other emergency/business numbers.**
- **More than 20 calls to the hotline were reporting incidents in Planada, Delhi, Atwater and in the County of Merced.**
- **These stats shows community buy-in for the program and that the public outreach campaign was effective.**



Celebrate Safe Hotline results

- **Six calls into the hotline were directly transferred to Dispatch as the caller was reporting a non-firework emergency.**
- **Negative- callers often reported fireworks being discharged in vicinities (i.e., near Burbank school) and not a specific address. Also, many callers refused to provide their name or call back numbers.**
- **Next year we will need more volunteers to staff the hotline on July 4th.**

Heat Maps of Illegal Fireworks Reports



- **Information technology produced maps of the City showing the areas highest call (Complaint) volume.**
- **This assisted with enforcement.**
- **Provides good data for subsequent year's efforts.**

Reporting Period: June 28 through July 6th 2017 Compared to 2018

Incident Type	2017	2018	Percentage increase/decrease
Fire	27	20	26% Decrease
EMS	124	153	23% Increase
Hazardous Condition	4	3	25% Decrease
Service Call	10	14	40% Increase
Good Intent	33	35	6% Increase
False Alarm	10	11	10% Increase
Total Incidents	218	240	10% Increase
Estimated Dollar Loss	\$86,000	¹⁶⁸\$146,000	70% Increase



Fire Cause

- **7 fire incidents occurred on July 4th.**
- **All were arson caused and fireworks related.**
- **One was a residential fire.**
- **Six were vegetation fires.**



Enforcement on July 3rd and 4th

- **Staffing on July 3rd**
 - Fire Chief, 2 Deputy Fire Chiefs, 1 Fire Investigator, and 1 resource officer.
 - Police Chief, 1 Lieutenant, 1 Dispatch supervisor, 2 dispatchers, 2 call takers, 1 sergeant, and 5 officers.
- **Staffing on July 4th**
 - Fire Chief, 2 Deputy Fire Chiefs, 2 Fire Investigator, and 1 resource officer, 1 Engine Company (three personnel)
 - 1 Sergeant , 3 officers, 2 dispatchers, 1 call taker.
- **Citations**
 - The Fire and Police Department personnel issued twelve administrative citations and confiscated illegal fireworks.

Community Feedback

City of Merced Fire Department
@MercedFire

Home
About
Posts
Photos
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Community
Info and Ads

Promote
Manage Promotions

Oldest ▾

- Karen Eldridge** Awesome.
Like · Reply · Message · 3w
- Suzanne Miles** Thanks to all of you! Last night was the quietest July 3rd in years. I appreciate your efforts, and so does my dog!
Like · Reply · Message · 3w
- Lisa Wiseman** Thank you!
Like · Reply · Message · 3w
- Maria Santo** Thank you
Like · Reply · Message · 3w
- WendynErnie Walk** Thank you, we also noticed it was the quietest July 3 in quite a while. We had some activity earlier this evening in the Chenoweth School area, however! Will be keeping the phone and Merced Connect app nearby! Be safe everybody!
Like · Reply · Message · 3w
- Tina Quinn** Thank You! Quietest 4th of July week I can ever remember!
Like · Reply · Message · 3w
- Mary Gonella Wentz** Thank you all!
Like · Reply · Message · 3w

City of Merced Fire Department
@MercedFire

Home
About
Posts
Photos
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Community
Info and Ads

Promote
Manage Promotions

Oldest ▾

- Harry Markarian** Should be banned
Like · Reply · Message · 5w
- Kerri Clinton** WAY to long! That's 8 days of terrified dogs!
Like · Reply · Message · 5w · Edited
- Teia Varner-Duggan** Wtf...
Like · Reply · Message · 5w
- Bill Tripp** Yeah I agree, should only be allowed on July 4 and that's it there's no reason to be firing them off before or after.
Like · Reply · Message · 5w
- Rhonda Lis** 8 days!!! We stay home on the 4th to keep our animals safe and sane, Now you want to give them 8 days of hell. It will be worse than before because now these people have the go ahead for 8 days. SMH.
Like · Reply · Message · 5w
- Jamie Lenore Pangelina** 8 days?! That is way too long. Who makes these decisions and why isn't the community involved?!



Community Feedback



City of Merced Fire Department
@MercedFire

- Home
- About
- Posts
- Photos
- Videos
- Community
- Info and Ads

Promote
Manage Promotions

Like · Reply · Message · 5w 3

Linda Gail Burdick SMH... this will be "interesting", geeze, did anyone drive around and see all the dead lawns around town cuz of all the LAZY residents who stopped watering their yards, even tho the drought is almost over, and the City allows three watering days again? Eight days is too long, fireworks are for the Fourth, and people should go watch them at legal events setting them off, not out in their dead front yards! Praying for our firefighters...
#stillhatefireworks #secureyourpets #puttagswithyournumberonthem

Like · Reply · Message · 5w · Edited 5

11 Replies

Amanda Rose Why not allowed on the 4th only? I mean it's ridiculous for people to light them off before and after, they're meant for the 4th. Bunch of scared animals and babies because people are so dang inconsiderate about anyone other than themselves.

Like · Reply · Message · 5w 6

Sandy Machado Fireworks should ONLY be used from July 3rd to the 4th and shouldn't even go up for sale until the 3rd. Idgaf what anyone says. I love the fun and thrill of fireworks don't get me wrong, but you get idiots blasting them off all damn day and night eve... See More

Like · Reply · Message · 5w 7

Rhonda Cook Ellison Should be banned and that's the stupidest thing ever. What Idiot came up with that idea.

Like · Reply · Message · 5w 1

Erica Southwick What! This is not okay. So not only can they be purchased earlier now they can be used longer (earlier)! 🤔

Like · Reply · Message · 5w 3



City of Merced Fire Department
@MercedFire

- Home
- About
- Posts
- Photos
- Videos
- Community
- Info and Ads

Promote
Manage Promotions

Mary Hayes more people firing guns 🙄🙄🙄 2

Like · Reply · Message · 5w

Janeen Cozart Not cool at all. Should be 1 night only. On sale July 2..3rd..4th. That's it. It's gotten way out of control on ppl using them for the whole month.. or they buy up as much as can and set them of year round.

Like · Reply · Message · 5w 2

George Salbert Jared McClanahan opinions of the townspeople

Like · Reply · Message · 5w

Jaime Ortega I hope you guys are safe that night. Know that the people blowing up the big stuff are already testing them out tonight... who do we call to report them?

Like · Reply · Message · 5w

2 Replies

Vickie Mounts Safe and sane fireworks can start fires just as easily as illegal ones.

Like · Reply · Message · 5w 1

Po'g Mahon 9 DAYS??? 9 days and nights of fireworks. What the Heck...is this Beirut now? Too long! July 3rd, 4th, 5th is plenty of time and it should be limited to party-poppers ONLY. The real fireworks on the 4th should be viewed at the fairgrounds.

Like · Reply · Message · 5w · Edited 1



Lessons Learned

- **Enforcement of the sale and use of illegal fireworks should increase next year to reduce the use of Illegal Fireworks.**
- **Additional police officers and fire investigators should be scheduled to work the special detail, especially on July 4th.**
- **Expanded dispatch greatly reduced the number of calls into the 9-1-1 center.**



Lessons Learned from Pilot

- The addition of the engine company assisted in handling the emergency incidents on the peak of the 4th of July.
- The addition of a resource officer in the dispatch center helped make maximum use of limited Fire Department resources.
- A code approved storage unit should be obtained for the safe storage of illegal fireworks and combustible and flammable materials/liquids.



Lessons Learned from Pilot

- **The tip line, Merced Connect, and email assisted the public in reporting the sale and use of illegal fireworks.**
- **Reluctant reporters – the public did not want to provide contact information.**
- **Future public relations campaigns should stress the need for cooperation by residents.**

The background features a stylized American flag with a blue field of white stars and red and white stripes. Overlaid on the top left is a vibrant display of fireworks exploding in a dark blue night sky.

Lessons Learned from Pilot

- **Consider ways to effectuate a community culture change regarding the use of illegal fireworks.**
- **Learn from other entities. Review their debriefings and enforcement efforts. For example, Sacramento has a Fireworks Mitigation Task Force that includes two ATF agents.**
- **Host an illegal fireworks forum in early 2019.**
- **Consider organizing a public pyrotechnic show to help reduce the number of illegal fireworks being used in the City.**



Celebrate Safe 2019



ADMINISTRATIVE REPORT

Agenda Item K.2.

Meeting Date: 8/6/2018

Report Prepared by: Steven C. Son, City Engineer, Engineering Division

SUBJECT: Discussion on the Speed Zone Study and Request to Set a Public Hearing Regarding the Speed Zone Ordinance

REPORT IN BRIEF

Requests the City Council to set a public hearing for August 20, 2018, to consider amending Merced Municipal Code Section 10.16.010- Speed Limits to implement recommendations made in the speed zone study.

RECOMMENDATION

City Council - Adopt a motion setting a public hearing for Monday, August 20, 2018 at 7:00 PM to consider amending the Speed Zone Ordinance.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by City Council; or,
3. Refer to staff for reconsideration of specific items; or,
4. Deny.

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

As provided for in the FY 2016-17 General Fund appropriation.

DISCUSSION

The City of Merced conducted its last speed zone study in 2011 and adopted Ordinance No. 2370 that became effective June 15, 2011. The existing speed zone study has expired and currently the City speed limits are unenforceable by radar without an updated engineering and traffic speed study. For this reason, Staff recommends Council set a public hearing to consider amending Merced Municipal Code Section 10.16.010 to reflect the 2018 Speed Zone Study.

History and Past Actions

On January 17, 2017, City Council approved a general fund appropriation in the amount of \$100,000 to conduct a speed zone study.

In April 2017, the City of Merced contracted with Omni-Means, LTD to conduct the speed zone study. The study is now complete and must be adopted by ordinance at a future City Council meeting.

IMPACT ON CITY RESOURCES

None at this time.

ATTACHMENTS

1. Draft Speed Limits

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
1	2nd Street	West Avenue to Q Street	30	Yes	35	30
2	8th Street	V Street to MLK Jr Way	30	Yes	35	30
3	10th Street	V Street to R Street	NP	Yes	30	25
4	11th Street	V Street to R Street	30	No	30	30
5	11th Street	R Street to M Street	30	No	30	30
6	11th Street	M Street to G Street	30	No	30	30
7	12th Street	V Street to G Street	NP	Yes	30	25
8	13th Street	V Street to Q Street	40	Yes	45	40
9	13th Street	Q Street to G Street	35	No	35	35
10	13th Street, East	G Street to B Street	30	Yes	35	35
11	14th Street	R Street to G Street	35	No	35	35
12	15th Street	V Street to MLK Jr Way	30	No	30	30
13	15th Street, East	G Street to B Street	35	Yes	30	30
14	16th Street	west city limit to Highway 59	45	No	45	45

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
15	16th Street	Highway 59 to R Street	35	No	35	35
16	16th Street	R Street to G Street	35	No	35	35
17	16th Street, East	G Street to Yosemite Parkway	40	Yes	45	40
18	18th Street	V Street to O Street	30	No	30	30
19	18th Street	O Street to MLK Jr Way	30	No	30	30
20	18th Street	MLK Jr Way to G Street	30	No	30	30
21	18th Street	G Street to Cedar Avenue	30	No	30	30
22	19th Street	V Street to G Street	30	No	30	30
23	20th Street	W Street to R Street	25	Yes	30	30
24	20th Street	R Street to M Street	30	No	30	30
25	20th Street	M Street to G Street	25	No	25	25
26	20th Street, East	G Street to Glen Avenue	35	No	35	35
27	21st Street	W Street to O Street	25	No	25	25
28	21st Street	M Street to G Street	35	No	35	35

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
29	21st Street, East	G Street to East City Limit (Yosemite Parkway)	35	Yes	40	35
30	22nd Street	Canal Street to G Street	30	No	30	30
31	22nd Street	W Street to R Street	25	No	25	25
32	23rd Street	V Street to M Street	30	No	30	30
33	23rd Street	M Street to G Street	30	No	30	30
34	23rd Street, East	G Street to Glen Avenue	30	No	30	30
35	25th Street	R Street to M Street	30	No	30	30
36	26th Street	M Street to G Street	30	No	30	30
37	26th Street, East	G Street to Glen Avenue	NP	Yes	30	25
38	27th Street	M Street to G Street	30	No	30	30
39	27th Street, East	G Street to 7th Avenue	NP	Yes	30	25
40	27th Street, East	Glen Avenue to McKee Road	30	Yes	35	30
41	Alexander Avenue	Rambler Road to G Street	30	Yes	35	30
42	Alexander Avenue	G Street to Oleander Avenue	30	Yes	35	30

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
43	Alexander Avenue	Oleander Avenue to Parsons Avenue	30	Yes	40	35
44	Alexander Avenue	Parsons Avenue to McKee Road	30	No	30	30
45	Austin Avenue	Devonwood Drive to Olive Avenue	30	No	30	30
46	Austin Avenue	Olive Avenue to Loughborough Drive	30	No	30	30
47	Auto Center Drive	westerly end to V Street	30	No	30	30
48	B Street	Childs Avenue to 15th Street	35	Yes	40	35
49	Bear Creak Drive Northwest	Highway 59 to Brookside Drive	35	No	35	35
50	Bear Creak Drive Northwest	Brookside Drive to R Street	35	Yes	40	35
51	Bear Creak Drive Northwest	R Street to M Street	35	No	35	35
52	Bear Creak Drive Northwest	M Street to G Street	35	No	35	35
53	Bear Creak Drive Northeast	G to east city limit	35	No	35	35
54	Bear Creak Drive, Southeast	G Street to 6th Avenue	35	Yes	40	40
55	Bear Creak Drive, Southeast	6th Avenue to Cameron Lane	35	Yes	40	35
56	Bellevue Road	west city limit to G Street	55	Yes	50	50

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
57	Brookdale Drive	G Street to Cherokee Avenue	30	No	30	30
58	Brookdale Drive	Cherokee Avenue to Parsons Avenue	30	Yes	35	30
59	Buena Vista Drive	Highway 59 to R Street	35	Yes	40	35
60	Buena Vista Drive	R Street to M Street	30	No	30	30
61	Buena Vista Drive	M Street to Campus Drive	30	No	30	30
62	Campus Parkway	Highway 99 exit to Childs Avenue	55	No	55	55
63	Canal Street	13th Street to 16th Street	30	No	30	30
64	Canal Street	Main Street to railroad	30	No	30	30
65	Canal Street	railroad to 27th Street	30	Yes	25	25
66	Cardella Road	G Street to M Street	45	Yes	40	40
67	Cardella Road	M Street to west dead end (Freemark Drive)	40	Yes	45	45
68	Cherokee Avenue	Seneca Street to El Portal Drive	30	No	30	30
69	Childs Avenue	West Avenue to MLK Jr Way	35	Yes	40	35
70	Childs Avenue	MLK Jr Way to G Street	35	Yes	40	35

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
71	Childs Avenue	G Street to Delong Street	40	Yes	50	50
72	Childs Avenue	Motel Drive to Parsons Avenue	30	No	30	30
73	Childs Avenue	Parsons Avenue to Weaver Avenue	35	Yes	45	40
74	Childs Avenue	Coffee Street to Doane Lateral (Campus Parkway)	35	Yes	50	50
75	Childs Avenue	Doane Lateral (Campus Parkway) to Kibby Road	55	No	55	55
76	Childs Avenue	Kibby Road to Tower Road	55	No	55	55
77	Coffee Street	Childs Avenue to Gerard Avenue	25	Yes	40	40
78	Coffee Street	Childs Avenue to Baker Drive	40	No	40	40
79	College Green Drive	Park Avenue to Olive Avenue	30	No	30	30
80	Collins Drive	M Street to Olive Avenue	25	No	25	25
81	Columbia Avenue	G Street to Cherokee Avenue	30	No	30	30
82	Columbia Avenue	Cherokee Avenue to El Portal Drive	30	No	30	30
83	Cone Avenue	West City Limits (Rios Street) to East City Limit (Bermuda Street)	25	Yes	40	40
84	Cooper Avenue	Ashby Road to Highway 59	40	No	40	40

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
85	D Street	Childs Avenue to 13th Street	30	Yes	35	35
86	Devonwood Drive	Mistwood Drive to Austin Avenue	35	No	35	35
87	Devonwood Drive	Austin Avenue to Meadows Avenue	30	Yes	35	35
88	Dinkey Creek Avenue	Coffee Street to Albert Drive	30	Yes	35	30
89	Dinkey Creek Avenue	Parsons Avenue to east dead end (Arroyo Court/Rye Court)	NP	Yes	30	30
90	Donna Drive	R Street to M Street	35	No	35	35
91	Donna Drive	M Street to G Street	30	No	30	30
92	Donna Drive	G Street to Joerg Avenue	30	No	30	30
93	El Portal Drive	G Street to Cherokee Avenue	30	No	30	30
94	El Portal Drive	Cherokee Avenue to Joerg Avenue	30	No	30	30
95	El Portal Drive	Joerg Avenue to Parsons Avenue	30	No	30	30
96	G Street	Childs Avenue to 11th Street	35	No	35	35
97	G Street	11th Street to 19th Street	35	No	35	35
98	G Street	19th Street to North Bear Creek Drive	35	No	35	35

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
99	G Street	North Bear Creek Drive to Olive Avenue	40	No	40	40
100	G Street	Olive Avenue to Yosemite Avenue	45	No	45	45
101	G Street	Yosemite Avenue to Cardella Road	50	Yes	55	55
102	G Street	Cardella Road to Bellevue Road	55	No	55	55
103	G Street	Bellevue Road to Old Lake Road	55	No	55	55
104	Gardner Avenue	Yosemite Avenue to Cardella Road	45	No	45	45
105	Gerard Avenue	N Street to South Highway 59	35	Yes	40	40
106	Gerard Avenue	South 59 to Las Brisas Street	40	No	40	40
107	Gerard Avenue, East	Parsons Avenue to Coffee Street	35	No	35	35
108	Gerard Avenue, East	Coffee Street to Tower Road	55	Yes	45	45
109	Glen Avenue	Yosemite Parkway to Santa Fe Avenue	30	Yes	35	30
110	Glen Avenue	Santa Fe Ave to South Bear Creek Drive	30	Yes	35	30
111	Gove Road	south limit to Dickenson Ferry Road	NP	Yes	55	55
112	Grogan Avenue	Wardrobe Avenue to West Avenue	40	Yes	45	45

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
113	Joerg Avenue	El Portal Drive to Yosemite Avenue	25	Yes	35	30
114	Kibby Road	Childs Avenue to Highway 140	45	Yes	50	50
115	Lopes Avenue	Thornton Road to West Avenue	30	Yes	40	35
116	Loughborough Drive	Mistwood Drive to Olive Avenue	30	Yes	35	35
117	Loughborough Drive	Olive Avenue to Austin Avenue	35	No	35	35
118	Loughborough Drive	Austin Avenue to R Street	35	No	35	35
119	Loughborough Drive	R Street to M Street	30	Yes	35	35
120	M Street	Childs Avenue to 16th Street	30	Yes	35	30
121	M Street	16th Street to North Bear Creek Drive	35	No	35	35
122	M Street	North Bear Creek to Olive Avenue	35	Yes	40	40
123	M Street	Olive Avenue to Yosemite Avenue	40	No	40	40
124	M Street	Yosemite Avenue to Cardella Road	40	Yes	45	45
125	M Street	Cardella Road to Bellevue Road	40	Yes	45	45
126	Macready Drive	Grogan Avenue to Grogan Avenue	25	Yes	30	25

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
127	Main Street	V Street to O Street	30	No	30	30
128	Main Street	O Street to MLK Jr Way	30	No	30	30
129	Main Street	MLK Jr Way to G Street	30	Yes	35	30
130	Main Street, East	G Street to Yosemite Parkway	40	No	40	40
131	Mansionette Drive	Yosemite Avenue to Mercy Avenue	35	Yes	40	35
132	MLK Jr Way	13th Street to 21st Street	30	No	30	30
133	Mckee Road	Alexander Avenue to Olive Avenue	40	Yes	45	40
134	Mckee Road	Olive Avenue to North City Limit (Yosemite Avenue)	40	Yes	50	45
135	Meadows Avenue	Devonwood Drive to Olive Avenue	25	No	25	25
136	Meadows Avenue	Olive Avenue to Loughborough Drive	30	Yes	35	35
137	Merced Avenue	Parsons Avenue to Motel Drive	35	No	35	35
138	Merced Avenue	Coffee Street to east city limits (Sable Street)	NP	Yes	35	35
139	Mission Avenue	Coffee Street to east city limits (Tower Road)	NP	Yes	55	55
140	Motel Drive	Childs Avenue to Yosemite Parkway	40	Yes	50	45

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
141	N Street, South	Gerard Avenue to Childs Avenue	35	No	35	35
142	N Street	Childs Avenue to 13th Street	30	Yes	35	30
143	O Street	13th Street to 18th Street	30	No	30	30
144	Olive Avenue	Highway 59 to Meadows Avenue	45	No	45	45
145	Olive Avenue	Meadows Avenue to G Street	45	No	45	45
146	Olive Avenue, East	G Street to Lincoln Avenue	40	Yes	45	40
147	Olive Avenue, East	Lincoln Avenue to Mckee Road	40	No	40	40
148	Olive Avenue, East	Mckee Road to east city limit (Larkspur Avenue)	40	Yes	45	40
149	Olivewood Drive	M Street to R Street	35	Yes	30	30
150	Olivewood Drive	R Street to Meadows Avenue	30	No	30	30
151	Park Avenue	Olive Avenue to Alexander Avenue	30	Yes	35	35
152	Park Avenue	Alexander Avenue to G Street	30	Yes	35	35
153	Parsons Avenue	Coffee Street to Dinkey Creek Avenue	45	Yes	50	45
154	Parsons Avenue	Dinkey Creek Avenue to Yosemite Parkway	35	Yes	40	40

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
155	Parsons Avenue	Stretch Road to South Bear Creek Dr	35	No	35	35
156	Parsons Avenue	North Bear Creek Drive to Alexander Avenue	40	No	40	40
157	Parsons Avenue	Alexander Avenue to Olive Avenue	35	Yes	40	35
158	Parsons Avenue	Olive Avenue to Brookdale Drive	40	No	40	40
159	Parsons Avenue	Brookdale Drive to north city limit (Destiny Drive)	40	Yes	50	45
160	Paulson Road	Yosemite Avenue E to North City Limits	40	No	40	40
161	R Street	Childs Avenue to 13th Street	35	Yes	40	35
162	R Street	13th Street to 22nd Street	35	No	35	35
163	R Street	22nd Street to North Bear Creek Drive	30	Yes	35	35
164	R Street	North Bear Creek Drive to Olive Avenue	40	No	40	40
165	R Street	Olive Avenue to Yosemite Avenue	25	Yes	45	45
166	Rambler Road	R Street to M Street	25	No	25	25
167	Rambler Road	M Street to College Green Drive	25	Yes	30	30
168	S Street	16th Street to 24th Street	NP	Yes	30	25

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
169	San Jose Avenue	Yosemite Avenue to Lehigh Drive	40	No	40	40
170	Santa Fe Avenue	G Street to 6th Avenue	NP	Yes	40	40
171	Santa Fe Avenue	6th Avenue to Glen Avenue	40	No	40	40
172	Santa Fe Avenue	Glen Avenue to Stretch Road	40	No	40	40
173	T Street	16th Street to 24th Street	25	No	25	25
174	Thornton Road	Dickenson Ferry Road to Lopes Avenue	55	No	55	55
175	Tower Road	Childs Avenue to Highway 140	45	No	45	45
176	University Drive	San Jose Avenue to M Street	30	No	30	30
177	V Street	West Avenue to 13th Street	35	No	35	35
178	V Street	13th Street to 16th Street	30	No	30	30
179	V Street	16th Street to 23rd Street	30	No	30	30
180	Wardrobe Avenue	Thornton Road to West Avenue	40	Yes	45	45
181	West Avenue	south of Childs Avenue	35	Yes	40	35
182	West Avenue	Childs Avenue to V Street	35	Yes	40	35

No.	Street	Location	Posted Speed Limit	Speed Limit Change?	Recommended Speed Limit	Proposed Speed Limit
183	West Avenue	V Street to 8th Street	35	No	35	35
184	Yosemite Avenue	R Street to M Street	45	No	45	45
185	Yosemite Avenue	M Street to G Street	45	No	45	45
186	Yosemite Avenue	Highway 59 to R Street	45	No	45	45
187	Yosemite Avenue	G Street to Paulson Road	45	No	45	45
188	Yosemite Avenue	Paulson Road to Gardner Avenue	45	No	45	45
189	Yosemite Avenue	Gardner Avenue to Mckee Road	45	No	45	45
190	Yosemite Avenue	Mckee Road to east city limit (Lake Road)	50	Yes	55	55



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item L.1.

Meeting Date: 8/6/2018

SUBJECT: Continued Discussion on a Volunteer Recognition Program

REPORT IN BRIEF

This item is in response to Mayor Murphy's request to discuss a volunteer recognition program pursuant to City Council Administrative Policies and Procedures C-1 with examples from other municipalities.

RECOMMENDATION

It is requested Council give staff further direction on this item.

ATTACHMENTS

1. Examples of Volunteer Recognition Programs

Volunteer Recognition Program Review

Elk Grove

2011 implemented “Mayor’s Volunteer Awards,” for those who go “above and beyond.”

The selection criteria:

- Demonstrates exceptional commitment to volunteerism by helping with a special project or ongoing activities
- Demonstrates exemplary leadership, creativity, cooperation, and hard work in service to others
- Serves as a role model by inspiring others

A selection committee is formed and meets to evaluate the nominations.

Westlake Village

Holds an annual reception before a Council meeting for the volunteers and during the meeting recognizes them with a gift. i.e. something with the City logo on it such as a folding camp chair, an umbrella, a coffee mug, and small soft cooler.

San Carlos

Holds an annual volunteer recognition dinner and invites all Commission members and on-going volunteers as well as the chair/president of each local service organization (i.e. Rotary, Kiwanis, Lions, etc.). It started off well-attended, but after 6 years, the City is exploring a change in format.

Pleasant Hill

Holds an annual volunteer reception in December for on-going volunteers like commissioners, PD volunteers, and senior van service volunteers (not one-timers). It's catered (with wine) and the City gives them a gift and the Mayor says a few words. Funding is in the Community Relations budget (a division of the City Manager's Office) and is approximately \$5,000 per year.

El Cerrito

Holds two events, both buffet dinners, for a total cost of between \$3,200 to \$4,800 depending on venue, usually held at the community center with a BBQ, sides and desert. It comes out of the Council event budget. One is for volunteers (senior center, recreation etc.) and the other for Commissioners. (They have 106 Commissioners being recognized.)

Santa Fe Springs

Holds an annual recognition for all the City's volunteers, where they receive certificates. The event is coordinated by the library.

Santa Cruz

Holds an annual volunteer appreciation event organized through the HR department. A reception is held before a council meeting and Council members thank the volunteers. Volunteers come in to the meeting and the council members read a small description of each volunteer and an award is presented to them.



ADMINISTRATIVE REPORT

Agenda Item L.2.

Meeting Date: 8/6/2018

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

SUBJECT: Appointment - Recreation and Parks Commission

REPORT IN BRIEF

Considers accepting nominations and appointing one individual to the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing one individual to serve on the Recreation and Parks Commission, with a term date of July 1, 2022.

ALTERNATIVES

1. Accept nominations and appoint two individuals to serve as members of the Recreation and Parks Commission; or
2. Appoint select individuals; or,
3. Refer to staff with direction to resume recruitment of applicants for this Commission.

AUTHORITY

Article VII, Sections 700, 702, 702.1, 705, 711, and 712 of the Merced City Charter.

DISCUSSION

The Recreation and Parks Commission, created by City Charter, acts in an advisory capacity to the City Council in all matters pertaining to recreation and parks; considers the annual budget for recreation and parks; and assists in the planning of a recreation program. This Commission consists of seven members who are qualified electors of the City of Merced. Meetings are held on the fourth Monday of each month at 5:30 p.m.

The seat of Michael Pierick became vacant when his term ended and he declined reappointment to the Commission.

All individuals appointed would be eligible for reappointment at the end of their respective terms, provided they continue to meet the requirements set forth in the Charter.

In accordance with Council direction, the Clerk's Office notices vacancies for all boards and commissions in a local newspaper and maintains an updated vacancy notice for all boards and commissions outside City Hall, at the entrance of the Council Chamber, on social media, and on the

City's website. Additionally, in accordance with Government Code 54972, the Clerk's Office posts the Local Appointments List (Maddy Act) yearly.

The City Clerk's Office has received applications from individuals who are qualified voters of the City of Merced. A copy of the current roster and copies of their respective applications are attached for your reference.

ATTACHMENTS

1. Current Roster
2. Application of Monique Williams
3. Application of Francisco Varela
4. Application of Valente Huitron
5. Application of Javier Sanchez
6. Application of Michelle Lee



RECREATION AND PARKS COMMISSION

BOARD ROSTER



JUSTIN J ANDERSON

1st Term Jul 01, 2015 - Jul 01, 2019

Appointing Authority City Council

Position Commissioner

Office/Role Commissioner



MICHAEL R BELLUOMINI

1st Term Dec 19, 2016 - Jul 01, 2019

Appointing Authority City Council

Position Ex-Officio



NORMA C CARDONA

1st Term Jul 01, 2017 - Jul 01, 2021

Appointing Authority City Council

Position Commissioner



ERIC MOORE

1st Term Jul 01, 2017 - Jul 01, 2021

Appointing Authority City Council

Position Vice-Chair



RALPH W. MORRIS

1st Term Jul 01, 2017 - Jul 01, 2021

Appointing Authority City Council

Position Commissioner



YESENIA CURIEL

2nd Term Jul 01, 2018 - Jul 01, 2022

Appointing Authority City Council

Position Commissioner

Office/Role Commissioner



JEREMY L JENKINS

2nd Term Jul 01, 2018 - Jul 01, 2022

Appointing Authority City Council

Position Chair

Office/Role Commissioner



VACANCY

Appointing Authority City Council

Position Commissioner

Profile

Monique

First Name

D.

Middle Initial

Williams

Last Name

State of California CDCR

Employer

Correctional Lieutenant

Job Title

[Redacted]

Email Address

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Are you 18 years of age or older? (Required)

Yes No

Question applies to multiple boards

Do you live within the City Limits of Merced? (Required)

Yes No

[Redacted]

Street Address

[Redacted]

Suite or Apt

[Redacted]

City

State

[Redacted]

Postal Code

Question applies to multiple boards

Are you a registered voter in the City of Merced? (Required)

Yes No

No

Are you currently serving on a Board or Commission? If so, please list:

Which Boards would you like to apply for?

Recreation and Parks Commission: Submitted

Question applies to multiple boards

Highest Level of Education Completed: *

Some College, No Degree

Communication

The City of Merced uses email as a preferred method of communication regarding your application. Is this acceptable to you?

Yes No

If you selected no, please identify how you would like to be contacted:

Interests & Experiences

Tell us about yourself, and why you are applying for this particular Board or Commission:

i am an avid volunteer and i would like to serve on this board. my children have always utilized parks and rec for their fun needs.

Please list your current employer and relevant volunteer experience.

California Department of Corrections and Rehabilitation I have volunteered in my community at my childrens' schools in the capacity of PTO parent teacher org. My Daughter volunteered as an explorer, we attended the events.

What is your understanding of the roles and responsibilities of this Board or Commission?

serve as an advisory in assisting the CITY COUNCIL, with planning and assisting activities for parks and rec.

Do you have experience or special knowledge pertaining to this Board or Commission?

No.

Any other comments you would like to add that may assist the City Council in their decision?

i have great experience and am willing to learn. I work well with others.

Upload a Resume

Requirements

Question applies to multiple boards

AB 1234 Ethics Training

I Agree *

Question applies to multiple boards

Attendance Policy

I Agree *

Statement of Economic Interests - FPPC Form 700

I Agree *

Question applies to multiple boards

Oath of Office

I Agree *

Question applies to multiple boards

Public Scrutiny

I Agree *

How did you hear about this vacancy? *

City Website

If you selected other, please indicate how you learned about the vacancy:

Demographics

Ethnicity

African American

Gender

Female

Date of Birth

Submission

MDW

I declare under penalty of disqualification or termination that all statements in this application are true and complete to the best of my knowledge.

Profile

Francisco

First Name

Varela

Last Name

Middle Initial

Employer

Job Title

Email Address

Primary Phone

Alternate Phone

Are you 18 years of age or older? (Required)

Yes No

Question applies to multiple boards

Do you live within the City Limits of Merced? (Required)

Yes No

Street Address

Suite or Apt

State

City

Postal Code

Question applies to multiple boards

Are you a registered voter in the City of Merced? (Required)

Yes No

Are you currently serving on a Board or Commission? If so, please list:

Which Boards would you like to apply for?

Recreation and Parks Commission: Submitted

Question applies to multiple boards

Highest Level of Education Completed: *

Associate's Degree

Communication

The City of Merced uses email as a preferred method of communication regarding your application. Is this acceptable to you?

Yes No

If you selected no, please identify how you would like to be contacted:

Interests & Experiences

Tell us about yourself, and why you are applying for this particular Board or Commission:

I am very active in my community. I have served on the Measure C board for the city of Merced. I have been a part of Merced's Got Talent for 3 years.

Please list your current employer and relevant volunteer experience.

Volunteer with Merced's Got Talent for 4years, Sober Grad volunteer for 3 years

What is your understanding of the roles and responsibilities of this Board or Commission?

This board gives advise to City Council about all things pertaining to Parks, and Recreation Services as well as budget suggestions on the same topic.

Do you have experience or special knowledge pertaining to this Board or Commission?

Any other comments you would like to add that may assist the City Council in their decision?

Upload a Resume

Requirements

Question applies to multiple boards

AB 1234 Ethics Training

I Agree *

Question applies to multiple boards

Attendance Policy

I Agree *

Statement of Economic Interests - FPPC Form 700

I Agree *

Question applies to multiple boards

Oath of Office

I Agree *

Question applies to multiple boards

Public Scrutiny

I Agree *

How did you hear about this vacancy? *

City Website

If you selected other, please indicate how you learned about the vacancy:

Demographics

Ethnicity

Hispanic

Gender

Male

Date of Birth

Submission

FRV

I declare under penalty of disqualification or termination that all statements in this application are true and complete to the best of my knowledge.

Profile

Valente

First Name

Huitron

Last Name

Middle Initial

County of Merced

Employer

Employment & Training Specialist

Job Title

[Redacted]

Email Address

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Are you 18 years of age or older? (Required)

Yes No

Question applies to multiple boards

Do you live within the City Limits of Merced? (Required)

Yes No

[Redacted]

Street Address

[Redacted]

Suite or Apt

State

[Redacted]

City

[Redacted]

Postal Code

Question applies to multiple boards

Are you a registered voter in the City of Merced? (Required)

Yes No

Are you currently serving on a Board or Commission? If so, please list:

Which Boards would you like to apply for?

Recreation and Parks Commission: Submitted

Question applies to multiple boards

Highest Level of Education Completed: *

Bachelor's Degree

Communication

The City of Merced uses email as a preferred method of communication regarding your application. Is this acceptable to you?

Yes No

If you selected no, please identify how you would like to be contacted:

Interests & Experiences

Tell us about yourself, and why you are applying for this particular Board or Commission:

A twenty year resident of Merced and high user of Merced recreational facilities. Would like to give back so that others benefit from what I and my kids have benefited from.

Please list your current employer and relevant volunteer experience.

I work as an Employment & Training Specialist for the County of Merced, Department of Workforce Investment. Commonly known as Worknet. I have served in all capacities for the Merced Youth Soccer Association for almost twenty years. From coaching and being a Board member. All my organizational and analytical skills have been put to good use.

What is your understanding of the roles and responsibilities of this Board or Commission?

Besides the role of an advisory to the city council on recreation and parks and the budget recommending aspect, I am specially interested in the assisting in planning of recreation programs for the citizens of Merced. All roles I'm willing to assist in.

Do you have experience or special knowledge pertaining to this Board or Commission?

Planning recreation youth programs and budgeting for them has been my strength during my volunteering with youth sports.

Any other comments you would like to add that may assist the City Council in their decision?

I understand that there are monthly meetings and am able to attend them all. With the exception of extreme illness and sporadic family vacations, which I can do my best to not be during the fourth Monday of each month. I speak Spanish and will gladly assist any Spanish speaking Mercedian with any Recreation and Park question. Thank you for your consideration.


Upload a Resume

Requirements

Question applies to multiple boards

AB 1234 Ethics Training

I Agree *

Question applies to multiple boards

Attendance Policy

I Agree *

Statement of Economic Interests - FPPC Form 700

I Agree *

Question applies to multiple boards

Oath of Office

I Agree *

Question applies to multiple boards

Public Scrutiny

I Agree *

How did you hear about this vacancy? *

City Website

If you selected other, please indicate how you learned about the vacancy:

Demographics

Ethnicity

Hispanic

Gender

Male


Date of Birth

Submission

vh

I declare under penalty of disqualification or termination that all statements in this application are true and complete to the best of my knowledge.

Profile

Javier

First Name

Sanchez

Last Name

Middle Initial

Merced Union High School District

Employer

AVID Tutor

Job Title

[Redacted]

Email Address

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Are you 18 years of age or older? (Required)

Yes No

Question applies to multiple boards

Do you live within the City Limits of Merced? (Required)

Yes No

[Redacted]

Street Address

[Redacted]

Suite or Apt

State

[Redacted]

City

[Redacted]

Postal Code

Question applies to multiple boards

Are you a registered voter in the City of Merced? (Required)

Yes No

Are you currently serving on a Board or Commission? If so, please list:

Which Boards would you like to apply for?

Recreation and Parks Commission: Submitted

Question applies to multiple boards

Highest Level of Education Completed: *

Some College, No Degree

Communication

The City of Merced uses email as a preferred method of communication regarding your application. Is this acceptable to you?

Yes No

If you selected no, please identify how you would like to be contacted:

Interests & Experiences

Tell us about yourself, and why you are applying for this particular Board or Commission:

Currently a Merced College student with intention of going to business post-graduate school after obtaining a bachelor's degree in psychology. I grew up in South Merced where my childhood was spent going to parks and recreational events where my parents provided transportation and insight about the events and parks. Essentially parks have been part of the process of keeping me and my brothers out of trouble by participating in recreational sports and maintaining a healthy lifestyle. I am applying for a spot in the Parks and Recreation Commission to bridge the gap between South Merced and the Parks and Rec commission. Ultimately there is a desire to pursue grants to allocate evenly for all the people in Merced.

Please list your current employer and relevant volunteer experience.

MUHSD - AVID Tutor @El Capitan High School Destino's Restaurant -Waiter/Busser Levi's Stadium - Stadium Operations & Code of Conduct

What is your understanding of the roles and responsibilities of this Board or Commission?

I am aware that the Parks and Recreation Commission helps with planning recreational programs for the people of Merced, analyze budgets regarding parks and make suggestions to the city council, particularly the city manager.

Do you have experience or special knowledge pertaining to this Board or Commission?

My special knowledge is being a life-long resident of Merced. My mission is to contribute by echoing the voices of the non-English speaking residents and those from South Merced, and to advise those on the board who may not be familiar with particular parts of town and parks. I played travel soccer and ran for Track and Field clubs, so parks has been included in my youth growing up.

Any other comments you would like to add that may assist the City Council in their decision?

As a proud resident in the city of Merced and being born and raised here, I feel like it is a duty of mine to partake and speak for those who are not vocal for their needs. To some, the growth of this city for the past decade or two may seem minuscule, however the growth that I have lived through is more than enough to inspire me for a position like this.


Upload a Resume

Requirements

Question applies to multiple boards

AB 1234 Ethics Training

I Agree *

Question applies to multiple boards

Attendance Policy

I Agree *

Statement of Economic Interests - FPPC Form 700

I Agree *

Question applies to multiple boards

Oath of Office

I Agree *

Question applies to multiple boards

Public Scrutiny

I Agree *

How did you hear about this vacancy? *

A Friend

If you selected other, please indicate how you learned about the vacancy:

Demographics

Ethnicity

Hispanic

Gender

Male


Date of Birth

Submission

JS

I declare under penalty of disqualification or termination that all statements in this application are true and complete to the best of my knowledge.

Profile

Michelle

First Name

C

Middle Initial

Lee

Last Name

Merced Lao Family Community Inc

Employer

Community Health Advocate

Job Title

[Redacted]

Email Address

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Are you 18 years of age or older? (Required)

Yes No

Question applies to multiple boards

Do you live within the City Limits of Merced? (Required)

Yes No

[Redacted]

Street Address

[Redacted]

Suite or Apt

[Redacted]

City

State

[Redacted]

Postal Code

Question applies to multiple boards

Are you a registered voter in the City of Merced? (Required)

Yes No

No

Are you currently serving on a Board or Commission? If so, please list:

Which Boards would you like to apply for?

Building and Housing Board of Appeals: Submitted
Recreation and Parks Commission: Submitted
Citizens Oversight Committee - Measure C: Appointed

Question applies to multiple boards

Highest Level of Education Completed: *

Bachelor's Degree

Communication

The City of Merced uses email as a preferred method of communication regarding your application. Is this acceptable to you?

Yes No

If you selected no, please identify how you would like to be contacted:

Interests & Experiences

Tell us about yourself, and why you are applying for this particular Board or Commission:

My name is Michelle Lee and I am 23 years old. For the last four and a half years, I left Merced for college in hopes of coming back to make a difference in my community. Now that I am finally finished with school, I feel confident and motivated to start making changes to my beloved hometown. I want to make sure health equity happens in Merced so that every resident regardless of their immigration status have their needs met.

Please list your current employer and relevant volunteer experience.

As a Community Health Advocate for Merced Lao Family, my job is to provide outreach to Southeast Asian/Hmong residents from ages 18-30 years. On top of the outreach, once a month--I recruit and convene/train 15-20 to become active advocates for health coverage expansion in Merced County. However before I left for college back in 2013, I was also did with a lot of community work. I worked as a student-leader volunteer for an after school program, prepared and prepped meal bags for low-income families and volunteered for the Merced Boys and Girls club.

What is your understanding of the roles and responsibilities of this Board or Commission?

From what I understand, the role and responsibilities of being part of the Board or Commission will allow me to make decisions based on what my community needs. I will act as a representative and make decisions based on what my community members.

Do you have experience or special knowledge pertaining to this Board or Commission?

I do not have any experience pertaining to this that is why I would love to have the experience of being part of the Board or Commission.

Any other comments you would like to add that may assist the City Council in their decision?

I feel that we need more diversity in the board and commission. Having a diverse group of passionate people will make Merced a better place for everyone.

Upload a Resume

Requirements

Question applies to multiple boards

AB 1234 Ethics Training

I Agree *

Question applies to multiple boards

Attendance Policy

I Agree *

Statement of Economic Interests - FPPC Form 700

I Agree *

Question applies to multiple boards

Oath of Office

I Agree *

Question applies to multiple boards

Public Scrutiny

I Agree *

How did you hear about this vacancy? *

A Friend

If you selected other, please indicate how you learned about the vacancy:

Demographics

Ethnicity

Asian or Pacific Islander

Gender

Female


Date of Birth

Submission

ML

I declare under penalty of disqualification or termination that all statements in this application are true and complete to the best of my knowledge.