



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

Tuesday, September 5, 2017

6:00 PM

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

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. CALL TO ORDER

A.1. Invocation - Spencer Bolter, Young Life

A.2. Pledge of Allegiance to the Flag

B. ROLL CALL

B.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

C. CEREMONIAL MATTERS

C.1. [17-433](#) **SUBJECT:** Proclamation - Patriot Week

D. WRITTEN PETITIONS AND COMMUNICATIONS

E. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The time will be reduced 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.

F. CONSENT CALENDAR

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

F.1. [17-271](#) **SUBJECT:** Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

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

RECOMMENDATION

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

F.2. [17-447](#) **SUBJECT:** Information-Only Contracts

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$29,000 and of Public Works contracts under \$65,204.

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 threshold of \$65,204.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted threshold of \$29,000.00, the contracts listed on the attached table were entered into by the City.

F.3. [17-443](#)

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of August 7, 2017

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 August 7, 2017.

F.4. [17-438](#)

SUBJECT: Notice of Vacancies (2) - Planning Commission

REPORT IN BRIEF

Requests direction for filling two vacancies on the Planning Commission.

RECOMMENDATION

City Council - Adopt a motion directing staff to notice vacancies (2) on the Planning Commission, due to the resignation of William Baker and the term completion of Kurt Smoot, and to seek applicants for the position, with an application deadline of September 30, 2017.

F.5. [17-419](#)

SUBJECT: Set a Public Hearing for the Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER)

REPORT IN BRIEF

Set a public hearing for Monday, September 18, 2017, to consider the Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).

RECOMMENDATION

City Council - Adopt a motion setting a public hearing for Monday,

September 18, 2017, to consider the Housing and Urban Development Consolidated Annual Performance and Evaluation Report (CAPER).

F.6. [17-427](#)

SUBJECT: Accept and Appropriate Grant Funds from Pacific Gas and Electric for Leadership Merced Class 30's Project "Paint the Town"

REPORT IN BRIEF

Accept and appropriate grant funds (\$3,000.00) from Pacific Gas and Electric to be used for a downtown Merced beautification art project led by Leadership Merced Class 30's class project "Paint the Town".

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the grant funds totaling \$3,000.00 from Pacific Gas and Electric into Fund 001-2006-360.02-00 Contributions and Donations; and
- B. Appropriating the same to Fund 001-2006-572.17-00 (Merced Visitor Services) to be used for the "Paint the Town" art beautification project, via the agreement between "Paint the Town" and the City of Merced; and,
- C. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

F.7. [17-322](#)

SUBJECT: 2017 California Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant

REPORT IN BRIEF

Consider the acceptance of grant funding in the amount of \$120,000 from the California Office of Traffic Safety STEP Grant to reimburse the City for traffic enforcement operations conducted on overtime.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the grant award and increasing the revenue budget in account 035-1016-324.01-02 by \$120,000; and,
- B. Appropriating the same to Fund 035-Police Office of Traffic Safety Grant Fund; and,
- C. Approving the use of pooled cash until reimbursement from the grant is received; and,

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

F.8. [17-430](#)

SUBJECT: Merced City School District Contract for Police Services

REPORT IN BRIEF

Memorandum of Understanding (MOU) between the City of Merced Police Department and the Merced City School District (MCSD) for police services in the District's four middle schools.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Memorandum of Understanding between the City of Merced and the Merced City School District to provide police services in the District's four middle schools; and,

B. Authorizing the City Manager or Assistant City Manager to execute the agreement; and,

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

G. REPORTS

G.1. [17-428](#)

SUBJECT: Create Honorary Historic Neighborhood District for Ragsdale Neighborhood

REPORT IN BRIEF

Consider creating an Honorary Historic Neighborhood District for the Ragsdale Neighborhood in Central Merced.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2017- 45**, A Resolution of the City Council of the City of Merced, California, approving the Ragsdale Subdivision honorary neighborhood residential historic district designation.

H. BUSINESS

H.1. [17-435](#)

SUBJECT: City Council Subcommittee Update on Entry Sign Contest

REPORT IN BRIEF

This item is in response to the City Council Subcommittee's request to discuss an update on entry signs into the City.

RECOMMENDATION

For Information only.

H.2. [17-436](#)

SUBJECT: City Council Position on League of California Cities Resolutions

REPORT IN BRIEF

Provides direction to the City's official League of California Cities voting delegate on two proposed League Resolutions.

RECOMMENDATION

City Council - Adopt a motion stating the City's position on each of the two proposed League Resolutions and directing the City's official League voting delegate to cast votes as such at the League's Annual Business Meeting on Friday, September 15, at the Sacramento Convention Center.

H.3. Request to Add Item to Future Agenda

H.4. City Council Comments

I. ADJOURNMENT



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item C.1.

Meeting Date: 9/5/2017

SUBJECT: Proclamation - Patriot Week

ATTACHMENTS

1. Patriot's Week Proclamation



Proclamation

- WHEREAS, In reverence to the victims of the 9/11 attacks, we acknowledge that American citizens must take time to honor the principles, founders, documents, and symbols of their history; and
- WHEREAS, The events that led to the signing of The Constitution of the United States of America by the delegates of the Constitutional Convention of September 17, 1787 have significance for every American; and
- WHEREAS, Revolution, the rule of law, social compact, equality, unalienable rights, and limited government are the First Principles upon which America was founded and flourishes; and
- WHEREAS, We recognize with great respect, the exceptional, visionary, and indispensable Americans who founded and advanced the United States; and
- WHEREAS, We honor and respect the physical symbols of American history that should be studied and remembered by each American citizen.

NOW, THEREFORE, I, MIKE MURPHY, Mayor of the City of Merced hereby recognize September 11-17 as Patriot Week and in observing Patriot Week, we appreciate the renewal of America's spirit by celebrating the First Principles, persons, documents, and flags that make America the great nation that it is today.

Signed this 5th day of September 2017.

Mike Murphy, Mayor of Merced



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item F.1.

Meeting Date: 9/5/2017

SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

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

RECOMMENDATION

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



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item F.2.

Meeting Date: 9/5/2017

Report Prepared by: Kirkland Greene, Records Clerk II

SUBJECT: Information-Only Contracts

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$29,000 and of Public Works contracts under \$65,204.

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 threshold of \$65,204.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted threshold of \$29,000.00, the contracts listed on the attached table were entered into by the City.

ATTACHMENTS

1. "Information-Only" Contracts Table for August 2017

Exhibit 1 – Table of Contracts

9/5/2017 City Council Meeting

Department/Division	Vendor	Purpose/Location	Amount
0403 – Information Technology	California Department of General Services, Procurement Division (Contract w/ Granite Data Solutions)	Contract for the purchase of Thin and Zero Client Desktop Computers.	(No funds.)
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 2017/2018.	\$ 3,490.00
1201 – Recreation and Parks	Daniel (Danny) Dupont (DBA: Dupont Volleyball Academy)	Independent Contractor Services Agreement to Conduct a Youth Volleyball Camp, from July 17-20, 2017.	\$ 4,200.00
0701 – Finance	Chad Wohlford (DBA: Wohlford Consulting)	Professional Services Agreement to Complete a Citywide Cost Allocation Plan for Fiscal Years 2015-2016 and for 2016-2017.	\$12,750.00
2006 – Economic Development (Welcome Ctr./Transp.)	Gil Gomez-Sereno (DBA: Gil's Lawn Service)	Agreement for Professional Services for Grounds and Facility Maintenance at the Bell Station, located at 415 West 18th Street, for Fiscal Year 2017-2018.	\$13,800.00
1119 – Public Works-Facilities	Emcor Services Mesa Energy Systems	Maintenance Agreement for HVAC at the Merced Civic Center and at the Police Department.	\$13,982.00
0803 – Engineering	Rincon Consultants, Inc.	Perform environmental services related to a CEQA initial study for Well Site No. 3 tank demolition/removal (Project No. 117047). Statement of Services (PO #127904).	\$16,174.00
2002 – Economic Development	Chabin Concepts, Inc.	Agreement for Professional Services to Provide Online Services and a Website for Drawing Investment to the City of Merced's Economic Development.	\$17,000.00
2002 – Economic Development	Chabin Concepts, Inc.	Agreement for Professional Services to Update the City of Merced's 2012 Economic Development Action Plan.	\$25,000.00
2002 – Economic Development	Chabin Concepts, Inc.	Agreement for Professional Services to Provide Support for the City of Merced's Economic Development Efforts Through Outreach, Marketing, and Staff Supplementation.	\$25,000.00



ADMINISTRATIVE REPORT

Agenda Item F.3.

Meeting Date: 9/5/2017

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of August 7, 2017

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 August 7, 2017.

ALTERNATIVES

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

ATTACHMENTS

1. Minutes of August 7, 2017



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, August 7, 2017

6:00 PM

A. CLOSED SESSION ROLL CALL

Clerk's Note: Council Member BELLUOMINI arrived at 5:03 PM.

Clerk's Note: Council Member MARTINEZ arrived at 5:04 PM.

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

Absent: 0

B. CLOSED SESSION

Clerk's Note: Council adjourned to Closed Session at 5:02 PM.

B.1.

SUBJECT: PUBLIC EMPLOYEE APPOINTMENT - Title: Finance Officer; AUTHORITY: Government Code 54957

B.2.

SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 3033 G Street, Merced, CA APN 007-350-009; Agency Negotiator: Frank Quintero, Director, Economic Development; Negotiating Parties: Kevin Crawford representing McClatchey Newspapers Inc. and City of Merced and; Under Negotiation: Price and Terms of Payment

Clerk's Note: Council adjourned from Closed Session at 5:56 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:04 PM.

C.1. Invocation - Jason Wilson, Bear Creek Community Church

The invocation was delivered by Jason WILSON from Bear Creek Community Church.

C.2. Pledge of Allegiance to the Flag

Council Member SERRATTO led the Pledge of Allegiance.

D. ROLL CALL

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

Absent: 0

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

Mayor MURPHY reported that Venus RODRIGUEZ was appointed as the Interim Finance Officer.

F. CEREMONIAL MATTERS

F.1. **SUBJECT:** Proclamation - National Health Center Week

REPORT IN BRIEF

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

Council Member MCLEOD presented Tony WEBER the Proclamation for National Health Center Week.

F.2. **SUBJECT:** Recognition of Outgoing City Commission Members

REPORT IN BRIEF

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

Mayor MURPHY and Assistant City Clerk John TRESIDDER presented certificates of recognition to outgoing City Commission Members for their service; Lisa KEYSER - GRANT, Robert TYLER, Dr. Napoleon WASHINGTON, Nobie REYNOLDS, Kurt SMOOT, and Eric NELSON .

F.3. **SUBJECT:** Recognition of Outgoing Youth Council Members

REPORT IN BRIEF

Certificates for Youth Council Members who are going away to college.

Assistant to the City Manager Mike CONWAY presented certificates of recognition to outgoing Youth Council Members Alex SALAS and Rick SIZEMORE for their service.

G. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office received a flyer from Jeremy JENKINS that was placed on the dais.

H. ORAL COMMUNICATIONS

Rob CARROLL, District Attorney's Office Merced - spoke on the Hookah Lounge incident and requested anyone with video from the incident to turn it into the District Attorney's Office.

Chidera OFOHA, UC Merced Student - spoke on the Hookah Lounge incident.

Manar HARRAN, UC Merced Student - spoke on the Drop the Charges Campaign.

Daniela ARIES, UC Merced Student - spoke on the young men who were arrested at the Hookah Lounge.

Helen MORALES, UC Merced Student - spoke on the young men who were arrested at the Hookah Lounge.

Chigoziri IBECHER, UC Merced Student - spoke on the young men who were arrested at the Hookah Lounge.

Rachelle ABRIL, Merced - spoke on an interaction she had with a police officer.

Monica VILLA, Merced - spoke on her living situation and an incident at the Senior Center.

Brian MEISENHEIMER, Merced City School District - spoke on the school attendance campaign.

Gloria CONLIN and Lori WARD, Merced Downtown Neighborhood Association - encouraged Council to place an item on the agenda.

I. CONSENT CALENDAR

Items I.3. City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of July 5, 2017, I.6.

Selection of Three Street Improvement Projects for the 2016/2017 Regional Surface Transportation Program Exchange Funds; Authorization to Submit the Required Claim Form, and I.8. Lease Agreement Between the City of Merced and Javier Rodriguez, DBA Viajes California for Office Space in the Merced Transportation Center, were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Mayor Pro Tempore 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.2. SUBJECT: Information-Only Contracts

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$29,000 and of Public Works contracts under \$65,204.

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 threshold of \$65,204.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted threshold of \$29,000.00, the contracts listed on the attached table were entered into

by the City.

This Consent Item was approved.

I.4.

SUBJECT: Agreement Between Merced College and Merced Fire Department to Provide In-House Fire Technology Instruction

REPORT IN BRIEF

Agreement between Merced College and the Merced Fire Department to enable City of Merced Fire Department personnel to concurrently earn college credit and certificates in fire related subject matter.

RECOMMENDATION

City Council - Adopt a motion:

A. Increasing revenue account number 001-0901-360.01-01 by \$7,600, and;

B. Appropriating \$7,600 in the training account number 001-0901-522.20-00, and;

C. Authorizing the City Manager or Assistant City Manager to execute the Agreement between Merced College and the Fire Department.

This Consent Item was approved.

I.5.

SUBJECT: Petition to Annex into Community Facilities District (CFD) No. 2003-2 (Services) and Approval of a Deposit and Reimbursement Agreement to Cover the Costs of the Annexation for the University Village Merced - Lake Project

REPORT IN BRIEF

Accept Petition to annex into Community Facilities District (CFD) No. 2003-2 (Services) from Fagundes Dairy and CBCP Assets, LLC and approve a Deposit and Reimbursement Agreement to cover the costs of annexing into CFD No. 2003 for a property located on the south side of Yosemite Avenue at Lake Road (University Village Merced - Lake).

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2017-42**, a Resolution of the City Council of the City of Merced, California, approving the Deposit and Reimbursement Agreement for Commercial Development between the

City of Merced and University Village Merced, LLC, Fagundes Dairy, a General Partnership, and CBCP Assets, LLC; and,

B. Accepting the Petitions for the Initiation of Proceedings for Establishment of a Community Facilities District from Fagundes Dairy, a General Partnership and CBCP Assets, LLC; and,

C. Appropriate the funds from the deposit to Fund 150 to reimburse the City for Community Facilities District formation and related expenditures.

This Consent Item was approved.

I.7.

SUBJECT: Renewal of the Merced Regional Airport Agricultural Ground Lease

REPORT IN BRIEF

Considers Renewing an Agricultural Ground Lease at Merced Regional Airport with John Gurr.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving as recommended by the Regional Airport Authority; and,

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

This Consent Item was approved.

I.3.

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of July 5, 2017

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 5, 2017.

Council Member BELLUOMINI requested to pull this item to suggest a revision in the minutes.

A motion was made by Council Member Belluomini, seconded by Council

Member Pedrozo, that the minutes be approved as amended. The motion carried by the following vote:

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

No: 0

Absent: 0

I.6.

SUBJECT: Selection of Three Street Improvement Projects for the 2016/2017 Regional Surface Transportation Program Exchange Funds; Authorization to Submit the Required Claim Form

REPORT IN BRIEF

Selects three street improvement projects to be funded by Regional Surface Transportation Program (RSTP) Exchange Funds and authorizes filing of the FY 2016/2017 Claim Form.

RECOMMENDATION

City Council - Adopt a motion:

A. Selecting "N Street - 8th Street to Childs Avenue", "Yosemite Avenue and San Augustine", and "HWY 59 and 16th Street Improvements" to be completed utilizing the FY 2016-2017 RSTP Exchange Funds; and,

B. Directing staff to complete the 2016-2017 RSTP Claim Form by listing the selected projects and corresponding project costs; and,

C. Adopting **Resolution 2017-39**, a Resolution of the City Council of the City of Merced California, authorizing the City Manager or Assistant City Manager to file the Regional Surface Transportation Program (RSTP) Exchange Funds claim for Fiscal Year 2016-2017; and,

D. Authorizing the Interim Finance Officer to make necessary budget adjustments for Fiscal Year 2017-18.

Council Member MARTINEZ pulled this item to ask about the process of street selection and the work that will be done to them. He also asked about the Yosemite Avenue street project.

Acting City Engineer Steven SON explained that the streets were chosen by Council at a previous meeting and discussed the process of fixing the streets.

Mayor MURPHY explained the issue with the Yosemite and Augustine intersection.

Council Member SERRATTO asked about funding for the improvements on the 16th Street and Highway 59 intersection.

Mr. SON explained that they are in the process of completing the engineer's cost estimate.

Monica VILLA, Merced - spoke on the road conditions on N Street, G Street, and 16th Street.

Rick MCMILLION, Merced - asked for clarification on Council Member SERRATTO's statement about the 16th Street and Highway 59 intersection.

Council Member SERRATTO explained that he would like to see that project fully funded.

A motion was made by Mayor Pro Tempore Blake, 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, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Mayor Pro Tempore Blake

No: 0

Absent: 0

I.8.

SUBJECT: Lease Agreement Between the City of Merced and Javier Rodriguez, DBA Viajes California for Office Space in the Merced Transportation Center

REPORT IN BRIEF

Authorize the City to enter into a lease agreement with Javier Rodriguez for 330 square feet of office space and use of the common area facilities located at the Merced Transportation Center, 710 West 16th Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Lease Agreement between Javier Rodriguez, a sole proprietor, doing business as Viajes California and the City of Merced;

and,

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

Mayor MURPHY pulled this item for clarification.

Director of Economic Development Frank QUINTERO explained the lease and the conditions of the rent agreement. He also explained a change in the wording in the lease.

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

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

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing - General Plan Amendment #15-03, Zone Change #422, Establishment of Planned Development (P-D) #74, and Certification of a Final Environmental Impact Report (EIR) for the Development of a 601,127-Square-Foot Retail Shopping Center, 178 Apartments, and a Fire Station on 77 Acres Located at the Northeast and Southeast Corners of Campus Parkway and Coffee Street

REPORT IN BRIEF

The City Council is being asked to consider various actions, including the certification of an Environmental Impact Report, to approve the future construction of a 601,127-square-foot regional shopping center (including retail, restaurants, a hotel, gas station, etc.), 178 multi-family units, and a fire station site on 77 acres, bounded by Gerard Avenue, Coffee Street, Mission Avenue, and Pluim Drive.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2017-43**, a Resolution of the City Council of the City of Merced, California, adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring Program, and certifying the Final Environmental Impact Report for the Merced Gateway

Master Plan, including General Plan Amendment #15-03, Zone Change #422, and Planned Development (P-D) Establishment #74; and,

B. Approving **Resolution 2017-44**, a Resolution of the City Council of the City of Merced, California, approving General Plan Amendment #15-03, which amends the General Plan designation for property generally located at the northeast corner of Coffee Street and Campus Parkway by reconfiguring and reducing the area by approximately 12 acres designated as High-Medium Density Residential (HMD), changing the General Plan designation to Regional/Community Commercial (RC), and amending the Circulation Element; and,

C. Introducing **Ordinance 2478**, an Ordinance of the City Council of the City of Merced, California, establishing Planned Development (P-D) #74 and amending the official Zoning Map by rezoning approximately 20 acres of land from R-3-2 to Planned Development (P-D) #74 and approximately 57.5 acres of land from Central Commercial (C-C) to Planned Development (P-D) #74, generally located at the northeast and southeast corners of Coffee Street and Campus Parkway; and,

D. Authorizing the City Manager or Assistant City Manager to execute the Legislative Action Agreement (formerly known as a Developer Agreement). Planning Manager Kim ESPINOSA gave a slide show presentation on the Merced Gateway Retail Project.

Council Member MARTINEZ asked about extending Coffee Street and potential traffic issues.

Ms. ESPINOSA explained that Coffee Street would not be extended due to the traffic impact on the school.

Mayor MURPHY, Council Members BELLUOMINI, BLAKE, MARTINEZ, PEDROZO, and SERRATTO disclosed the previous conversations they had with the developers about this project.

Mayor MURPHY opened the Public Hearing at 7:30 PM.

Eric PLUIM, Josh CROSS, and Ron WOODALL, Developers for the Merced Gateway Project - gave a slide show presentation on the Merced Gateway Project.

Joel KNOX, Golden Valley Neighborhood Association, Merced - spoke in favor of the area for which the project has been proposed.

Mayor Pro Tempore BLAKE asked about hiring people locally to work on this project.

Mr. WOODALL spoke on their plans to hire locally.

Bill LYONS, Modesto - spoke on his support of the Merced Gateway Project.

Loren WRIGHT, Merced - spoke on the positive impact that the Merced Gateway Project will have on the City and the community.

Mayor MURPHY closed the Public Hearing at 7:56 PM.

Council Member PEDROZO spoke in support of this project.

Council Member BELLUOMINI asked about the timing of building out Pluim Drive and the fire station location.

Ms. ESPINOSA explained the timeline for Pluim Drive to be built and the different phases of the project. She also discussed the potential location of the fire station.

Assistant City Manager Stephanie DIETZ discussed the standards of cover regarding the fire station.

Council Member MCLEOD discussed emergency service timing. She asked about the environmental aspect of the project and the timeline of breaking ground.

Ms. ESPINOSA discussed the transit system to bring people to the Gateway Shopping Center.

Mr. WOODALL - spoke on the timeline of the project.

Mayor MURPHY spoke on the positive impact this project will have on the community and the City and thanked the developers for investing in the City.

Council Member BELLUOMINI requested a language change in the Planned Developments section of the Master Plan requirements.

Interim City Attorney Jolie HOUSTON stated the language change was not needed.

Ms. ESPINOSA further discussed the language in the Master Plan proposed by Council Member BELLUOMINI.

A motion was made by Council Member Pedrozo, seconded by Council Member McLeod, to approve Resolution 2017-43, Resolution 2017-44, Introduce Ordinance 2478, and authorize the City Manager or Assistant City Manager to execute the Legislative Action Agreement. The motion carried by the following vote:

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

No: 0

Absent: 0

J.2.

SUBJECT: Public Hearing and Adoption of the Amended Department of the Housing and Urban Development (HUD) 2017 Annual Action Plan

REPORT IN BRIEF

Public hearing for Adoption of the Amended Department of Housing and Urban Development [HUD] 2017 Annual Action Plan and approval of a Resolution for submission to HUD.

RECOMMENDATION

City Council - Adopt a Motion:

A. Approving **Resolution 2017- 41**, a Resolution of the City Council of the City of Merced, California, approving the 2017 HUD Annual Action Plan, certifying compliance with the requirements of the Community Development Block Grant (CDBG) Program and Home Investment Partnership (HOME) Program, and authorizing staff to submit all approved documents to the U.S. Department of Housing and Urban Development; and,

B. Authorizing the City Manager or Assistant City Manager to execute the necessary documents to submit the application; and,

C. Authorizing the City Manager or Assistant City Manager to execute the necessary documents on acceptance of the grant; and,

D. Authorizing the City Manager or Assistant City Manager to sign the SF 424 and HUD Certificates required to be submitted with the 2017 HUD Annual Action Plan; and,

E. Requesting Council to recommend funding the three eligible

administrative activities as submitted. The amount awarded to applicants may not exceed \$88,000 for these activities in the 2017 HUD Annual Action Plan; and,

F. Requesting Council to recommend funding the four eligible capital improvement project activities as submitted. The amount awarded to applicants may not exceed \$472,010 for these activities in the 2017 HUD Annual Action Plan; and,

G. Requesting Council to recommend allocating \$370,590 of CDBG and \$1,014,410 of HOME/CHDO funds towards the Gateway Terrace II Project agreed to per the City Letter of Commitment Agreement (CLCA) with Central Valley Coalition for Affordable Housing submitted; and,

H. Requesting Council to recommend funding for six eligible public service applications. The amount awarded to applicants may not exceed \$98,500 for public service activities in the 2017 HUD Annual Action Plan; and,

I. Authorizing the Interim Finance Officer to make necessary budget adjustments.

Housing Supervisor Mark HAMILTON gave a slide show presentation on the Amended Department of Housing and Urban Development 2017 Action Plan.

Anita HELLAM, Habitat for Humanity Stanislaus County, gave a slide show presentation on the successes of the program.

Mayor MURPHY opened and subsequently closed the Public Hearing at 8:56 PM due to a lack of public comment.

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

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

No: 0

Absent: 0

J.3.

SUBJECT: Public Hearing - Tax Equity and Fiscal Responsibility Act (TEFRA) Regarding the Facilitation of Bond Sales by the Statewide Communities Development Authority for the Gateway Terrace II Project

REPORT IN BRIEF

Conduct a Public Hearing regarding the proposed issuance of revenue bonds to Merced Gateway Investors II, LP for the construction of a 50-Unit low income multi-family apartment complex at 13th and K Streets in Merced.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2017- 40** a Resolution of the City Council of the City of Merced, California, approving the issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Gateway Terrace II Apartments; and,

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

Housing Supervisor Mark HAMILTON gave a brief description of the Tax Equity and Fiscal Responsibility Act regarding the facilitation of bond sales statewide.

Mayor MURPHY opened and subsequently closed the Public Hearing at 8:58 PM due to a lack of public comment.

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

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

No: 0

Absent: 0

K. REPORTS

K.1.**SUBJECT: City of Merced Legislative Platform 2017-18**

REPORT IN BRIEF

Approve City of Merced Legislative Platform for 2017-18.

RECOMMENDATION

City Council - Adopt a motion approving the City of Merced Legislative Platform for 2017-18.

Assistant to the City Manager Mike CONWAY gave a slide show presentation on the legislative platform.

Council Member PEDROZO requested to add the ACE Train under the Community Development and Transportation section.

Council Member MARTINEZ asked about new rules and regulations and regulating smoking in multi-family complexes.

Assistant City Manager Stephanie DIETZ explained the purpose of the legislative platform. She also explained to Council Member MARTINEZ that the regulations only affect common areas in the multi-family complexes.

Council Member BELLUOMINI asked about the cost of consultants.

Ms. DIETZ explained the cost and benefits of hiring a consultant.

Mayor MURPHY requested to add language on signing powers and support for legislation on housing and other services for veterans. He also requested to add language stating support for additional above-ground and underground water storage.

Council Member MCLEOD asked about health care reform in the insurance market.

Ms. DIETZ explained that would be outside the scope of services which the City provides.

City Manager Steve CARRIGAN spoke on the legislative platform that was presented.

A motion was made by Council Member Pedrozo, seconded by Mayor Pro Tempore Blake, to approve the Legislative Platform for 2017-2018 with the amendments that were requested. The motion carried by the following vote:

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

No: 0

Absent: 0

K.2.

**SUBJECT: Purchase and Sale Agreement and Lease Agreement
Between the McClatchy Newspaper, Inc., and the City of Merced for
the Property at 3033 North G Street**

REPORT IN BRIEF

Agreement to purchase the Merced Sun-Star property from McClatchy Newspaper, Inc. for \$1.62 million for use as a future Police Headquarters, and rent the facility back to McClatchy for one-year.

RECOMMENDATION

City Council - Adopt a Motion:

- A. Approving transfers from Public Facilities Financing Fees-Police in the amount of \$816,000 from Fund 47 and \$816,000 from Fund 57 to Fund 449; and,
- B. Appropriating the same to Project #116040 New Police Headquarters; and,
- C. Approving the Purchase and Sales Agreement and associated Lease Agreement between the City of Merced and McClatchy Newspapers, Inc.; and,
- D. Authorizing payment to the current owner, McClatchy Newspapers, Inc.; and,
- E. Authorizing payment of all fees associated with the property acquisition, i.e., document recording, escrow fees, deposit, parcel reconveyance; and,
- F. Authorizing the City Manager or Assistant City Manager to execute all necessary documents.

Director of Economic Development Frank QUINTERO gave a presentation on the purchase and sale agreement and lease agreement between McClatchy Newspapers and the City of Merced for the property at 3033 North G Street.

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

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

No: 0

Absent: 0

L. BUSINESS

L.1. Request to Add Item to Future Agenda

Council Member BELLUOMINI requested to add an item discussing the Police/Fire Station and Corporate Yard for the August 21st meeting.

Mayor Pro Tempore BLAKE requested to add an item for the Neighborhood Historical Designation Project for the Ragsdale Neighborhood.

L.2. City Council Comments

Council Member BELLUOMINI wished Council Member MCLEOD a happy birthday.

Council Member PEDROZO reported on attending the National Night Out Event.

Council Member MARTINEZ thanked the Fire Fighters and City Personnel involved with the Detwiler Fire and thanked the public for sharing their thoughts.

Mayor MURPHY reported on attending the National Night Out Event, Police Officer Swearing-In, and graduation for the Summer at City Hall. He spoke about swearing in the new directors of the Greater Merced Chamber of Commerce and the Thursday Night Street Fair. He also discussed the Detwiler Fire and thanked those involved. He spoke about the passing of former City Council Member Carolyn GOINGS.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 9:45 PM.

A motion was made by Mayor Murphy, seconded by Council Member Pedrozo, that the Regular Meeting be adjourned in memory of Carolyn Goings. The motion carried by the following vote:

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

No: 0

Absent: 0



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item F.4.

Meeting Date: 9/5/2017

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

SUBJECT: Notice of Vacancies (2) - Planning Commission

REPORT IN BRIEF

Requests direction for filling two vacancies on the Planning Commission.

RECOMMENDATION

City Council - Adopt a motion directing staff to notice vacancies (2) on the Planning Commission, due to the resignation of William Baker and the term completion of Kurt Smoot, and to seek applicants for the position, with an application deadline of September 30, 2017.

ALTERNATIVES

1. Direct staff to notice the vacancies and seek applicants for the position; or,
2. Give staff specific instructions regarding how to advertise for the vacancy.

AUTHORITY

Article VII, Sections 700, 702, 702.1, 705, 707, and 708 of the Merced City Charter.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

Background

The Planning Commission, created by City Charter, studies land subdivision, planning, and zoning matters. The Commission recommends to the City Council the adoption, amendment, or repeal of provisions of the City's General Plan and Zoning Code for the physical development of the City. The Commission consists of seven members who are qualified electors of the City of Merced. Meetings are held on the first and third Wednesdays of each month at 7:00 p.m.

Current Vacancies

With the term of Kurt Smoot expiring and the resignation of William Baker, there are two vacancies on the Planning Commission. The term dates of the seats are July 1, 2021 and July 1, 2019. The Commission's roster is attached for your reference.

Posting of Notice

Unless other direction is necessary, the vacancy will be posted in accordance with Government Code

Section 54970, et seq., and the matter of appointment placed on a future City Council agenda. If Council Members have any direction regarding how to advertise for the vacancy other than the normal notice to the newspaper, or if Council feels certain areas of expertise and/or experience are necessary for this appointee, please advise.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Planning Commission Roster



City of Merced, CA

PLANNING COMMISSION

BOARD ROSTER



TRAVIS COLBY

2nd Term Aug 04, 2014 - Jul 01, 2018

Position Commissioner
Appointed by City Council



PETER PADILLA

2nd Term Jul 06, 2015 - Jul 01, 2019

Position Commissioner
Appointed by City Council



MARY K CAMPER

1st Term Mar 14, 2017 - Jul 01, 2020

Position Commissioner
Appointed by City Council



KEVIN R SMITH

2nd Term Jul 02, 2017 - Jul 01, 2021

Position Commissioner
Appointed by City Council



ROBERT DYLINEA

2nd Term Jul 02, 2017 - Jul 01, 2021

Position Chair
Appointed by City Council



VACANCY

Position Commissioner
Appointed by City Council



VACANCY

Position Commissioner
Appointed by City Council



ADMINISTRATIVE REPORT

Agenda Item F.5.

Meeting Date: 9/5/2017

Report Prepared by: Mark E. Hamilton, Housing Division Supervisor, Housing Division, Development Services Department

SUBJECT: Set a Public Hearing for the Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER)

REPORT IN BRIEF

Set a public hearing for Monday, September 18, 2017, to consider the Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).

RECOMMENDATION

City Council - Adopt a motion setting a public hearing for Monday, September 18, 2017, to consider the Housing and Urban Development Consolidated Annual Performance and Evaluation Report (CAPER).

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff; or,
3. Deny; or,
4. Refer to the City 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 et seq., of the City of Merced and Pursuant to 24 CFR 91.520 [Performance Reports] et seq., the City will submit the CAPER to the Department of Housing and Urban Development (HUD).

CITY COUNCIL PRIORITIES

As provided for in the 2016-17 Adopted Budget and approved in the 2016 U.S. Department of Housing and Urban Development Annual Action Plan.

DISCUSSION

Staff is requesting Council to set a public hearing for September 18, 2017, to consider the Consolidated Annual Performance and Evaluation Report (CAPER).

The CAPER describes activities and accomplishments identified in the 2016 HUD Annual Plan.

Additionally, the CAPER lists goals and funds allocated to each activity for the fiscal year. The City used a variety of funding sources with differing guidelines to achieve the community's housing goals.

The CAPER is generally viewed as a report card for how the City performed in executing its previous year's Action Plan and how the Action Plan followed the current 5-year (2015-2020) Consolidated Plan.

The following are major programs within the plan:

- Community Development Block Grant (CDBG) (Federal)
- HOME Investment Partnership Program (HOME) (Federal)
- Neighborhood Stabilization Program I & III (State and Federal)
- CalHome 06 & 12 (State)
- Program Income (from various Federal and State Programs)

Significant resources are used to assist people by providing decent, safe, and affordable housing. Other efforts target community safety, youth programs, recreation, public facilities, economic development, and neighborhood revitalization.

A draft version of the CAPER will be available for public review beginning September 1, 2017. To allow additional exposure and opportunity for public comment, it will be posted within the Housing Division's section on the City's website. Public Hearing Notices were published in both the Merced Sun-Star and Merced County Times and on the City of Merced's website.

History and Past Actions

Each year the City of Merced prepares an Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD). The framework for the Annual Action Plan finds its roots in the *City of Merced 2015-2020 Consolidated Plan*. The *Consolidated Plan* is a five-year planning document, outlining the City's strategy for pursuing federal, state, and local resources to meet housing and community development needs of low and moderate income residents.

The City Council approves the submission of the HUD Annual Action Plan after a public hearing. The HUD Annual Action Plan for FY 2016/17 was adopted by the Merced City Council in May 2016.

IMPACT ON CITY RESOURCES

No appropriation of general funds is needed.



ADMINISTRATIVE REPORT

Agenda Item F.6.

Meeting Date: 9/5/2017

Report Prepared by: Karen Baker, Development Associate, Merced Visitor Services

SUBJECT: Accept and Appropriate Grant Funds from Pacific Gas and Electric for Leadership Merced Class 30's Project "Paint the Town"

REPORT IN BRIEF

Accept and appropriate grant funds (\$3,000.00) from Pacific Gas and Electric to be used for a downtown Merced beautification art project led by Leadership Merced Class 30's class project "Paint the Town".

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the grant funds totaling \$3,000.00 from Pacific Gas and Electric into Fund 001-2006-360.02-00 Contributions and Donations; and
- B. Appropriating the same to Fund 001-2006-572.17-00 (Merced Visitor Services) to be used for the "Paint the Town" art beautification project, via the agreement between "Paint the Town" and the City of Merced; and,
- C. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

ALTERNATIVES

1. Approve; as recommended by Staff; or
2. Approve, subject to other than recommended by staff (identify specific findings and/ or conditions amended to be addressed 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

Economic Development, as provided for in the 2017-2018 Adopted Budget.

DISCUSSION

City of Merced staff and Leadership Merced Class 30's "Paint the Town" representatives have been working together to identify downtown beautification projects. As a result of these discussions, the City made an application to Pacific Gas and Electric (PG&E) for a local grant on behalf of "Paint the Town" to partially support the proposed projects. PG&E awarded the grant of \$3,000.00 to the City of Merced. Staff is requesting the City Council to accept the PG&E grant into Fund 001-2006-360.02-00 (Contributions and Donations), and appropriate the same into Fund 001-2006-572.17-00 (Professional Services-Merced Visitor Services). Should the Council accept the PG&E grant, City staff and "Paint the Town" will develop an Agreement that outlines the downtown beautification project and properly administers grant funding.

IMPACT ON CITY RESOURCES

The appropriation to Fund 001-2006-572.17-00 (Merced Visitor Services) enables the City to use the grant funds for the "Paint the Town" downtown beautification project via the Agreement with Paint the Town.

ATTACHMENTS

1. Letter from PG&E



July 18, 2017

Mr. Steve Carrigan, City Manager
City of Merced
710 W. 16th Street
Merced, CA 95340

Dear Mr. Carrigan:

On behalf of The PG&E Corporation Foundation (the "Foundation"), I am pleased to issue this check for \$3,000 made payable to City of Merced.

At the Foundation, we are committed to working together with the communities we serve to build a better California. By fostering strong partnerships with local non-profits and schools, we believe that together, we can build a California that is even more vibrant, diverse and filled with an abundance of opportunities.

This donation is to be used for the Paint the Town programs. Because the Foundation is recognized as an organization described in Section 501(c)(3) of the Internal Revenue Code and as a private foundation, the Foundation is subject to certain special rules regarding the nature of the organizations to which it makes donations and such donee organization's use of the donated funds.

By endorsing and depositing or cashing the enclosed check, City of Merced covenants and represents to the statements regarding City of Merced and the use of the donation set forth in this letter, and specifically including Attachment A. Please ensure that appropriate staff members and officers of City of Merced read Attachment A to this letter, which describes those requirements. Should any change in circumstances pertaining to any of the requirements listed above occur at any time, City of Merced must notify the Foundation immediately.

This letter also confirms that City of Merced, certified in the Foundation donation application, is in compliance with all local, state, and federal laws, as well as with Foundation policies.

Please ensure that all recognition provided as a result of this donation is credited to Pacific Gas and Electric Company, the primary funder of The PG&E Corporation Foundation.

Please make every effort to deposit this check as promptly as possible as checks will be voided 90 days after the issued date.

At the Foundation, we take great pride in the community partnerships we have created and are grateful for the opportunity to support organizations such as yours. Thank you for your shared commitment to building a better California.

Sincerely,

Thomas Reeves

Attachments

ATTACHMENT A

1. City of Merced has been recognized by the Internal Revenue Service as an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") and is in compliance with all requirements with respect to such status, and has not received any notice or other correspondence from the Internal Revenue Service threatening to revoke, suspend, or otherwise modify such status.
2. City of Merced is, and shall remain, in compliance with all federal, state, and local laws, rules, and regulations, including if applicable the California Nonprofit Integrity Act of 2004;
3. City of Merced agrees not to expend any grant funds: (A) to carry on propaganda or otherwise attempt to influence legislation; (B) to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive; (C) for any purpose other than one specified in Section 170(c)(2)(B) of the Code, i.e., a religious, charitable, scientific, literary or educational purpose.
4. City of Merced does not and shall not, in its by-laws, policies, or practices, discriminate on the basis of race, color, religion, age, sex, national origin, ancestry, physical or mental disability, medical condition, veteran status, marital status, pregnancy, sexual orientation, gender identity, or any basis prohibited by applicable law;
5. This donation will not be used to personally benefit, make a gift to, or compensate any public official or employee; and,
6. City of Merced and each of its donees, if any, is in full compliance with all statutes, Executive Orders, and regulations restricting or prohibiting U.S. persons from engaging in transactions and dealings with countries, entities, or individuals subject to economic sanctions administered by the U.S. Department of the Treasury's Office of Foreign Assets Control, and City of Merced does not and shall not promote or engage in violence, terrorism, bigotry, or the destruction of any state, or make donations or otherwise furnish support of any kind to any individual or entity that engages in such activities.
7. The Foundation donates this gift to City of Merced without any restrictions other than that it must be used for the public purpose of official agency business. City of Merced shall have the exclusive control over this donation, including the sole discretion to determine who shall make use of the donation. Pursuant to California Code of Regulations section 18944, this may be a "Gift to an Agency." If this is a "Gift to an Agency," then City of Merced may be required to memorialize receipt of the Foundation's gift in a written public record, containing certain required information.

Should any change in circumstances pertaining to any of the requirements listed above occur at any time, City of Merced will notify the Foundation immediately. Because the donation from the Foundation is contingent on City of Merced meeting all of the requirements above, please note that if they are not met, the donation will be void and the Foundation may require that it be repaid in full.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item F.7.

Meeting Date: 9/5/2017

Report Prepared by: Lance Eber, Crime Analyst, Police Department

SUBJECT: 2017 California Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant

REPORT IN BRIEF

Consider the acceptance of grant funding in the amount of \$120,000 from the California Office of Traffic Safety STEP Grant to reimburse the City for traffic enforcement operations conducted on overtime.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the grant award and increasing the revenue budget in account 035-1016-324.01-02 by \$120,000; and,
- B. Appropriating the same to Fund 035-Police Office of Traffic Safety Grant Fund; and,
- C. Approving the use of pooled cash until reimbursement from the grant is received; and,
- D. Authorizing the City Manager to execute the necessary documents.

ALTERNATIVES

- 1. Approve, as recommended by Staff; or,
- 2. Deny; or,
- 3. Refer back to Staff for reconsideration of specific items.

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

As provided for in the 2017-18 Adopted Budget

DISCUSSION

Background

The Merced Police Department (MPD) first received this same grant funding beginning in October

2007. This upcoming grant funding/award will be our tenth year that the California Office of Traffic Safety (OTS) has offered us grant funding to operate their traffic/DUI enforcement grants.

Description

The MPD submitted a grant application for grant funding from the OTS. OTS is offering the grant funding to the MPD.

The grant requested funding under OTS's Selective Traffic Enforcement Program (STEP) Grant. The grant's mission is to reduce the number of persons killed and injured in alcohol involved crashes and other primary collision factors. The funded strategies include conducting DUI checkpoints and DUI patrols. The program will also conduct stakeout operations for officers to concentrate on repeat DUI offenders on probation who have had their license suspended or revoked. Court sting operations will focus on DUI offenders with suspended or revoked license who get behind the wheel after leaving court. Warrant service operations target repeat DUI violators who failed to appear in court or violated their probation. Other operations include targeted patrols for speeding, distracted driving, motorcycle enforcement, seat belt violations, and other traffic laws. These operations are designed to earn media attention with press releases thus enhancing the overall deterrent effect for drinking and driving and obeying traffic laws.

There is money set aside to conduct assemblies at the middle schools.

There is money set aside to purchase a Crash Data Retrieval System with a laptop and supplies for conducting the DUI Checkpoints.

The application included our request to fund the program accordingly:

Personnel & Benefits	=	\$89,823
Travel (in state only)	=	\$2,186
Contractual Services	=	\$6,000
Equipment/supplies	=	\$21,991
TOTAL REQUEST	=	\$120,000
Match Amount	=	\$-0-

This grant does not require a match of any type (in-kind or cash). It is a 100% reimbursement grant. Funds are first expended by the MPD and then requests for reimbursement are submitted on a quarterly basis. The grant program period will be October 1, 2017 through September 30, 2018


IMPACT ON CITY RESOURCES


Staff is requesting that Council accept the grant award and increase the revenue budget in account 035-1016-324.01-02 by \$120,000; and, appropriate the same to Fund 035; and, allow the use of pooled cash until reimbursement from the grant is received. Without grant funding, the operations described in this grant would not get accomplished.

ATTACHMENTS

1. OTS STEP Grant Agreement/Award

APPROVED AS TO FORM:


Jeffrey S. Kantman
Interim City Attorney, Merced

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
402PT-18	20.600	0521-0890-101	2016	2016	23/16	\$12,000.00
164-AL-18	20.608	0521-0890-101	2016	2016	23/16	\$12,000.00
402PT-18	20.600	0521-0890-101	2017	2017	14/17	\$48,000.00
164-AL-18	20.608	0521-0890-101	2017	2017	14/17	\$48,000.00
				AGREEMENT TOTAL		\$120,000.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				AMOUNT ENCUMBERED BY THIS DOCUMENT		
				\$120,000.00		
				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		
ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED	TOTAL AMOUNT ENCUMBERED TO DATE		
				\$120,000.00		

1. PROBLEM STATEMENT

As evidenced below, Merced continues to have concerns and problems with collisions that have injuries and fatalities. In 2016, Merced had 4 fatalities. We only had 3 in 2015. Total number of people injured in collisions in Merced in 2016 was 533 which is an increase from 2015 when we had 432. During 2016, MPD issued 619 tickets for traffic moving violations and 1,060 traffic administrative citations. MPD had 255 DUI arrests in 2016. This is an increase from the 242 in 2015. Collisions involving pedestrians rose from 54 to 67 from 2015 to 2016. Collisions involving bicycles rose from 53 to 58 from 2015 to 2016. Nighttime collisions increased from 135 to 174. Total calls for service for collisions increased from 1,939 to 2,172. MPD is continuing to have issues with traffic violations, unsafe driving resulting in injuries and fatalities, and driving while under the influence of alcohol. MPD will use OTS grant funding to drastically reduce all of these traffic related issues. MPD will use OTS funding to impact the City of Merced, our jurisdiction for law enforcement activities.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic collisions.
2. Reduce the number of persons injured in traffic collisions.
3. Reduce the number of pedestrians killed in traffic collisions.
4. Reduce the number of pedestrians injured in traffic collisions.
5. Reduce the number of bicyclists killed in traffic collisions.
6. Reduce the number of bicyclists injured in traffic collisions.
7. Reduce the number of persons killed in alcohol-involved collisions.
8. Reduce the number of persons injured in alcohol-involved collisions.
9. Reduce the number of persons killed in drug-involved collisions.
10. Reduce the number of persons injured in drug-involved collisions.
11. Reduce the number of persons killed in alcohol/drug combo-involved collisions.
12. Reduce the number of persons injured in alcohol/drug combo-involved collisions.
13. Reduce the number of motorcyclists killed in traffic collisions.
14. Reduce the number of motorcyclists injured in traffic collisions.
15. Reduce hit & run fatal collisions.
16. Reduce hit & run injury collisions.
17. Reduce nighttime (2100 - 0259 hours) fatal collisions.
18. Reduce nighttime (2100 - 0259 hours) injury collisions.

B. Objectives:

	Target Number
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
2. Participate and report data (as required) in the following campaigns, National Walk to School Day, NHTSA Winter & Summer Mobilization, National Bicycle Safety Month, National Click it or Ticket Mobilization, National Teen Driver Safety Week, National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Child Passenger Safety Week, and California's Pedestrian Safety Month.	10
3. Develop (by December 31) and/or maintain a "HOT Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated HOT sheets should be distributed to patrol and traffic officers monthly.	12
4. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	2
5. Send law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.	2
6. Send law enforcement personnel to the Drug Recognition Expert (DRE) training.	2
7. Send law enforcement personnel to the DRE Recertification training.	2
8. Send law enforcement personnel to SFST Instructor training.	1
9. Send law enforcement personnel to DRE Instructor training.	1

10. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	5
11. Conduct DUI Saturation Patrol operation(s).	27
12. Conduct Warrant Service operation(s) targeting multiple DUI offenders who fail to appear in court.	2
13. Conduct Stakeout operation(s) that employ police officers to observe the "worst of the worst" repeat DUI offender probationers with suspended or revoked driver licenses.	1
14. Conduct Traffic Enforcement operation(s), including but not limited to, primary collision factor violations.	18
15. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	8
16. Conduct highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary collision factor violations by motorcyclists and other drivers.	2
17. Conduct Nighttime (1800-0559) Click It or Ticket enforcement operations.	8
18. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or during events with a high number of pedestrian and/or bicycle collisions resulting from violations made by pedestrians, bicyclists, and drivers.	16
3. METHOD OF PROCEDURE A. Phase 1 – Program Preparation (1st Quarter of Grant Year) <ul style="list-style-type: none"> The police department will develop operational plans to implement the “best practice” strategies outlined in the objectives section. All training needed to implement the program should be conducted this quarter. All grant related purchases needed to implement the program should be made this quarter. In order to develop/maintain the “Hot Sheets,” research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver’s name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. Hot Sheets should be updated and distributed to traffic and patrol officers at least monthly. Implementation of the STEP grant activities will be accomplished by deploying personnel at high collision locations. <u>Media Requirements</u> <ul style="list-style-type: none"> Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release. 	
B. Phase 2 – Program Operations (Throughout Grant Year) <ul style="list-style-type: none"> The police department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes. <u>Media Requirements</u> <ul style="list-style-type: none"> Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. <ul style="list-style-type: none"> If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time. 	

- Press releases reporting the results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
- Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Invoice Claims (due January 30, April 30, July 30, and October 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
402PT	20.600	State and Community Highway Safety	\$60,000.00
164AL	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$60,000.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
A. PERSONNEL COSTS		
Positions and Salaries		
Full-Time		\$0.00
Overtime		
DUI/DL Checkpoints	20.608	\$32,000.00
DUI Saturation Patrols	20.608	\$17,280.00
Warrant Service Operations	20.608	\$4,000.00
Stakeouts	20.608	\$2,000.00
Benefits	20.608	\$4,229.00
Traffic Enforcement	20.600	\$11,520.00
Distracted Driving	20.600	\$3,840.00
Motorcycle Safety	20.600	\$1,280.00
Night-time Click It Or Ticket	20.600	\$3,840.00
Pedestrian and Bicycle Enforcement	20.600	\$7,680.00
Benefits	20.600	\$2,154.00
Part-Time		\$0.00
Category Sub-Total		\$89,823.00
B. TRAVEL EXPENSES		
In State Travel	20.600	\$2,186.00
		\$0.00
Category Sub-Total		\$2,186.00
C. CONTRACTUAL SERVICES		
Multi-Media Presentations	20.600	\$6,000.00
Category Sub-Total		\$6,000.00
D. EQUIPMENT		
Crash Data Retrieval System	20.600	\$20,000.00
Category Sub-Total		\$20,000.00
E. OTHER DIRECT COSTS		
DUI Checkpoint Supplies	20.608	\$491.00
Laptop Computer	20.600	\$1,500.00
Category Sub-Total		\$1,991.00
F. INDIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00

GRANT TOTAL	\$120,000.00
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BUDGET NARRATIVE	
PERSONNEL COSTS	QUANTITY
DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	5
DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	27
Warrant Service Operations - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	2
Stakeouts - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	1
Benefits - 7.65% 1.45% - Medicare 6.20% - Social Security	1
Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	18
Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	8
Motorcycle Safety - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	2
Night-time Click It Or Ticket - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	8
Pedestrian and Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	16
Benefits - 7.65% 1.45% - Medicare 6.20% - Social Security	1
TRAVEL EXPENSES	
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	1
CONTRACTUAL SERVICES	
Multi-Media Presentations - To provide high-impact traffic safety presentations to convey the message about the consequences of drinking and driving, distracted driving and making the right choices when behind the wheel.	4
EQUIPMENT	
Crash Data Retrieval System - Hardware and software necessary to retrieve and analyze information from vehicle event data recorders for the purpose of investigating serious traffic collisions. Costs may	1

include tax, shipping and accessories needed to make the system fully functional.	
OTHER DIRECT COSTS	
DUI Checkpoint Supplies - On-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS device supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.	1
Laptop Computer - For use in tracking grant activities and producing required reports. Costs may include a printer and accessories.	1
INDIRECT COSTS	
-	
STATEMENTS/DISCLAIMERS	
There will be no program income generated from this grant.	
Nothing in this 'agreement' shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives.	

CERTIFICATIONS AND ASSURANCES

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR §18.12.

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
- 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1200—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88- 352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101-336), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all sub-recipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

BUY AMERICA ACT

The Grantee Agency will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)), which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

POLITICAL ACTIVITY (HATCHACT)

The Grantee Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Certification

1. By signing and submitting this grant agreement, the Grantee Agency Official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency Official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency Official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The Grant Agency Official shall provide immediate written notice to the department or agency to which this grant agreement is submitted if at any time the Grantee Agency Official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *grant agreement*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this grant agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency Official agrees by submitting this grant agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who

- is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The Grantee Agency Official further agrees by submitting this grant agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
 8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
 9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

1. The Grantee Agency Official certifies to the best of its knowledge and belief, that its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b. Have not within a three-year period preceding this grant agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/grant agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the Grantee Agency Official is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this grant agreement.

Instructions for Lower Tier Certification

1. By signing and submitting this grant agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this grant agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *grant agreement*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this grant agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this grant agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or

voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this grant agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion— Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this grant agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this grant agreement.

Account Number: _____

Amount: _____

VERIFIED

BY: _____
Finance Officer

FINANCE ENTRY	
Contract No:	_____
Vendor Number:	_____
P.O. Number:	_____
Funds Available:	_____
08/24/17	



ADMINISTRATIVE REPORT

Agenda Item F.8.

Meeting Date: 9/5/2017

Report Prepared by: Matt Williams, Police Captain, City of Merced Police Department

SUBJECT: Merced City School District Contract for Police Services

REPORT IN BRIEF

Memorandum of Understanding (MOU) between the City of Merced Police Department and the Merced City School District (MCSD) for police services in the District's four middle schools.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Memorandum of Understanding between the City of Merced and the Merced City School District to provide police services in the District's four middle schools; and,
- B. Authorizing the City Manager or Assistant City Manager to execute the agreement; and,
- C. Authorizing the Finance Officer to make the appropriate budget adjustments.

ALTERNATIVES

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

AUTHORITY:

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

Council Requested Projects - Elementary School District - School Resource Officers.

DISCUSSION

Historically, the Merced Police Department assigned officers to the four middle schools as School Resource Officers. Several years ago, due to budgetary constraints, the Merced City School District and the Police Department discontinued the School Resource Officer Program in the middle schools.

In the 2015-16 school year the Merced City School District and the City of Merced negotiated an

MOU in order to implement the School Resource Program. The school district would like to continue the SRO program and have signed a new MOU with the City of Merced.

Under the proposed agreement, part-time School Resource Officers will be used to implement the program.

Under the agreement, the City agrees to pay the SRO's hourly wage at the rate of Temporary Senior Police Officer, Step 5, and any employment benefits in accordance with the applicable salary schedules and employment practices in place at the time of the agreement.

Pursuant to the agreement, the part-time SRO may not work more than 25 hours per week, or 960 hours per calendar year. The part-time SRO's time will be split between no more than two City School District middle schools.

The Merced City School District agrees to reimburse the City of Merced for one hundred percent (100%) of the part-time SRO's hourly wages. The part-time SRO's are not allowed to work overtime. The total reimbursement for each part-time SRO shall not exceed \$38,484.69 per fiscal year.

The part-time SRO will be assigned to work with school administrators, staff and students at no more than two of the District's middle schools at one time. The objective is to promote and facilitate a safe learning environment for staff and students.

In addition to providing basic police services in the middle schools, implementing the School Resource Officer Program is one intervention strategy that has been effective in identifying at-risk youth and providing services that help the schools and the families of at-risk youth to establish and maintain acceptable standards of behavior in schools and in their neighborhoods.

IMPACT ON CITY RESOURCES

Not Applicable.

ATTACHMENTS:

1. Memorandum of Understanding between the City of Merced and the Merced City School District.

MEMORANDUM OF UNDERSTANDING
CITY OF MERCED
AND THE
MERCED CITY SCHOOL DISTRICT
School Resource Officers Program – Partnership Agreement
2017-2018

THIS AGREEMENT is made and entered into on July 1, 2017, by and between the City of Merced (hereinafter referred to as “the City”) and the Merced City School District (hereinafter referred to as “MCSD”).

WHEREAS, The MCSD and the City’s desire to set forth in this Memorandum of Understanding (hereinafter “MOU” or “Agreement”) the specific terms and conditions of the services to be performed and provided by the School Resource Officers (hereinafter referred to as “SRO”) at Tenaya, Rivera, Hoover and Cruickshank Middle Schools (hereinafter referred to as “Schools”).

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

1.0 Goals and Objectives - It is understood and agreed that the MCSD and the City officials share the following goals and objectives with regard to the School Resource Officer (SRO) Program in the school:

- 1.1** To foster educational programs and activities that will increase students' knowledge of and respect for the law and the function of law enforcement agencies;
- 1.2** For the SRO to attend extra-curricular activities held at school, such as parent meetings, athletic events and concerts; when appropriate for the site and planned collaboratively between the SRO and the principals;
- 1.3** To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school, such as: disorderly conduct by trespassers, the possession and use of weapons on campus, the illegal sales and/or distribution of controlled substances, and riots;
- 1.4** To report serious crimes that occur on campus and to cooperate with the law enforcement officials in their investigation of crimes that occur at school;
- 1.5** To cooperate with law enforcement officials in their investigations of criminal offenses which occur off campus.

2.0 Employment and Assignment of School Resource Officer

- 2.1** The City agrees to make one or more SROs available during the term of this Agreement. The number of SROs employed under this Agreement is dependent on the City’s ability to employ qualified police officers who have both the ability and

required skill set to perform the required duties of a SRO for the purposes intended by this Agreement. The SROs shall be an employee of the City of Merced and be subject to the administration, supervision and control of the Merced Police Department except as such administration, supervision and control are subject to the terms and conditions of this Agreement.

- 2.2 The City agrees to provide and to pay the SRO's salary or hourly wage at the rate of a Temporary Senior Police Officer, step 5 and any employment benefits in accordance with the applicable salary schedules and employment practices of the City which are in effect during the time of this Agreement. The salary scale for a Temporary Senior Police Officer is set forth in Exhibit A, which is attached hereto and incorporated herein by reference. The SROs shall be subject to all other personnel policies and practices of the City and the Merced Police Department except as such policies or practices may have to be modified to comply with the terms and conditions of this Agreement.
- 2.3 The Merced Police Department will assign a SRO to MCSD's middle schools for an assignment of about 25 hours per week, depending on the operational needs of MCSD. An SRO working pursuant to this Agreement shall not exceed 960 hours per fiscal year. The SROs time and assignment will be split between no more than two MCSD middle schools. MCSD agrees to reimburse the City of Merced for One Hundred Percent (100%) of the SRO's salary or hourly wages, for the services provided under this Agreement. SRO's are not authorized to work overtime under this Agreement. The total reimbursement amount for each SRO position shall not exceed \$38,484.69 per fiscal year.
- 2.4 The City, in its sole discretion, shall have the power to hire, discharge and discipline the SRO; however, a MCSD school representative will participate in the selection of the SRO to be placed on each campus.
- 2.5 In the event an SRO is absent from work, the SRO shall notify both his or her supervisor and duty Sergeant in the Merced Police Department and the Principal (or designee) of the school to which the SRO is assigned.

3.0 Duty Hours

The Merced Police Department officer in charge of the SRO program shall set specific duty hours at the assigned schools by mutual agreement, at the discretion of the principals of the schools, and the Merced Police Department. The SRO will typically work about 25 hours per week, but no more than 960 hours per fiscal year, in and around the Schools, which includes community policing activities.

4.0 Basic Qualifications of School Resource Officers (SRO)

To be a SRO, an officer must first meet all of the following minimum qualifications:

- 4.1 Shall be a city employed Police Officer with two years of law enforcement experience;

- 4.2 Shall possess sufficient knowledge of the applicable Federal and State laws and regulations;
- 4.3 Shall be capable of conducting criminal investigations;
- 4.4 Shall possess an even temperament and set a good example for students; and
- 4.5 Shall possess communication skills, which would enable the officer to function effectively within the school environment.

5.0 Duties of School Resource Officer

- 5.1 The SRO shall coordinate all of his/her activities with the Principal (or designee) and will seek permission, advice and guidance prior to enacting any program within the schools.
- 5.2 The SRO shall develop expertise in presenting various subjects to the students, staff, parents and community. Such subjects shall include, but not be limited to: a basic understanding of the law, the role of the police officer and law related areas;
- 5.3 The SRO shall encourage individual and small group discussions with students, based upon material presented in class to further establish rapport with students.
- 5.4 When requested by the principal, the SRO shall attend parent/staff/administrative meetings to solicit support and understanding of the program, including the SRO Collaborative Meeting.
- 5.5 The SRO shall make himself/herself available for conference with students, parents and faculty members in order to assist them with problems of a law enforcement or crime prevention nature. The SRO will work collaboratively with the school staff to develop plans and strategies, presentations and programs for staff, students, parents and the community;
- 5.6 The SRO shall become familiar with all community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc.;
- 5.7 The SRO shall assist the Associate Superintendent of Personnel Services, the Director of Pupil Services, the principal, or their designees in developing plans and strategies to prevent and/or minimize dangerous situations that may result in student arrest;
- 5.8 Should it become necessary to conduct formal police interviews with students, the SRO shall adhere to school board policy, police policy and legal requirements for conducting such interviews.
- 5.9 The SRO shall take all law enforcement action as required. As soon as practical, the SRO shall make the principal or his/her designee aware of such action. The SRO shall take appropriate law enforcement actions against intruders and unwanted guests who may appear at the school and related school functions, to the extent that the SRO may do so under the authority of law;

- 5.10** The SRO shall, whenever possible, participate in and/or attend school functions;
- 5.11** The SRO shall give assistance to other law enforcement personnel in matters regarding his/her school assignment as well as responding to an officer needing assistance.
- 5.12** The SRO shall maintain detailed and accurate records of the operation of the School Resource Officer Program. These records requested by the MCSD supervisor of the SRO Program shall include, but not be limited to, statistical findings from his/her school. These records will be submitted to the supervisor of the School Resource Officer Program.
- 5.13** The SRO shall not act as a school disciplinarian, as disciplining students is a school responsibility. However if the principal believes an incident is a violation of the law, the principal may contact the SRO, and the SRO shall then determine whether law enforcement action is appropriate.

6.0 Chain of Command

- 6.1** As employees of the Merced City Police Department, the SRO shall follow the chain of command as set forth in the Merced Police Department Policies and Procedures Manual.
- 6.2** In the performance of their duties, the SRO shall make every reasonable effort to coordinate and communicate with the Associate Superintendent of Personnel Services, the Director of Pupil Services, the principals or the principals' designee(s) of the assigned schools as set forth in this agreement.

7.0 Training

- 7.1** The SRO shall be required by the Merced Police Department to attend police training sessions. Training sessions will be conducted to provide SROs with appropriate in-service training, such as updates in the law, in-service firearm training and law enforcement-school related training. The MCSD will not be responsible for reimbursement of salary during required training sessions.
- 7.2** The School District also may provide training in Board of Education policies, regulations and procedures.

8.0 Supplies and Equipment

- 8.1** The Merced Police Department agrees to provide SRO's with standard issue equipment, firearm and rounds of ammunition as needed to perform their duties;
- 8.2** The Merced Police Department agrees to provide the SROs with the required duty uniform.
- 8.3** The School District agrees to provide an office, desk, desk chair, computer and the usual and customary office supplies to the SROs.

9.0 Access to Education Records

- 9.1** School officials shall allow the SRO to inspect and copy any public records maintained by the school including student directory information, classroom assignments and discipline files. However, the SRO may not inspect and/or copy confidential student education records except as allowed by law.
- 9.2** If some information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials may disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation and the extent to which time is of the essence;
- 9.3** If confidential student records information is needed, but no emergency situation exists, the information may be released only upon the issuance of a search warrant or subpoena to produce the records.

10.0 Evaluation

It is mutually agreed that the MCSD and the Schools shall evaluate annually the SRO program and the performance of any assigned SROs. It is further understood that the MCSD and the School's evaluation of each officer is advisory only and that the Merced Police Department retains the final authority to evaluate the performance of the SRO.

11.0 Term of Agreement

This is a limited duration Agreement. The term of agreement is one year, commencing on July 1, 2017, ending June 30, 2018, unless sooner terminated in accordance with this Agreement.

12.0 Notices

All notices, requests, demands or other communications under this Agreement shall be in writing. Notice shall be sufficiently given for all purposes as follows:

- A. Personal Delivery. When personally delivered to the recipient, notice is effective upon delivery.
- B. First Class Mail. When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three mail delivery days after deposit in a United States Postal Service office of mailbox.
- C. Certified Mail. When mailed certified mail, return receipt requested, notice is effective upon receipt if delivery is confirmed by a return receipt.
- D. Overnight Delivery. When delivered by an overnight delivery service, charges prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.

- E. Facsimile Transmission. When sent by fax to the last fax number of the recipient known to the party giving notice, notice is effective upon receipt, provided that: a) a duplicate copy of the notice is promptly given by first class mail or certified mail or by overnight delivery, or b) the receiving party delivers a written confirmation of receipt. Any notice given by fax shall be deemed received on the next business day if received after 5:00 p.m. or on a non-business day.

Any correctly addressed notice that is refused, unclaimed or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that the notice was refused, unclaimed or deemed undeliverable by the postal authorities, messengers or overnight delivery service.

Mailing and contact information for notice to the parties to this Agreement at the time of endorsement of this Agreement is as follows:

Merced City School District

444 W. 23rd Street
Merced, CA 95340

RoseMary Parga-Duran
Superintendent

(209) 385-6640

Doug Collins
Associate Superintendent- Personnel
Services
(209) 385-6759

City of Merced
678 W. 18th Street
Merced, CA 95340

Steve Carrigan, City Manager
(209) 385-6834

Merced Police Department
611 W. 22nd Street
Merced, CA 95340

Norman Andrade, Chief of Police
(209) 385-6915

Any party may change its address or fax number by giving the other party notice of the change in any manner permitted by this Agreement.

13.0 Termination

This Agreement, notwithstanding anything to the contrary herein, may be terminated by either party at any time without cause or legal excuse by providing the other party with thirty (30) calendar days written notice of such termination.

14.0 Disposition of Work Upon Termination

In the event of termination, all finished or unfinished documents and other materials, if any, at the option of the MCSD and to the extent permitted by law, shall become the property of the MCSD.

15.0 Modification of Agreement

Notwithstanding any of the provisions of this Agreement, the parties may agree to amend the Agreement. No alteration of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto. No oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.

16.0 Indemnification

- 16.1** MCSD shall indemnify, defend, and hold harmless the City, its officers, officials, employees, and volunteers from and against any and all liability, claims, damage, cost, expenses, awards, fines, judgments, and expenses of litigation (including, without limitation, costs, attorney fees, expert witness fees and prevailing party fees and costs) of every nature arising out of or in connection with the assigned officer's performance of work or his or his failure to comply with any of its obligations contained in the Agreement, except such loss or damage which was caused by the active negligence by the City, or the gross or willful misconduct of the assigned officer.
- 16.2** The City shall indemnify, defend, and hold harmless MCSD, its officers, officials, employees, and volunteers from and against any and all liability, claims, damage, cost, expenses, awards, fines, judgments, and expenses of litigation (including, without limitation, costs, attorney fees, expert witness fees and prevailing party fees and costs) of every nature arising out of the active negligence by the City, or the gross or willful misconduct of the assigned officer during the performance of work hereunder.

17.0 Completeness of Contract

This Agreement and any additional or supplementary document or documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the parties hereto.

18.0 Applicable Law; Venue

Any dispute concerning any question of fact or law arising under this Agreement or any litigation or arbitration arising out of this Agreement, shall be tried in Merced County, unless the parties agree otherwise or are otherwise required by law.

19.0 Confidentiality

This Agreement shall comply with all applicable Federal, State and County laws relating to the confidentiality of information. The MCSD and the City shall not publish, use or permit or cause to be published, disclose, or use confidential information pertaining to any minor, without express written permission from the minor's parent or legal guardian, except as permitted by law.

20.0 Nondiscrimination in Employment, Services, Benefits and Facilities

- 20.1** The MCSD and the City shall comply with all applicable Federal, State and local antidiscrimination laws, regulations, and ordinances. Neither party shall unlawfully discriminate, harass, or allow harassment against any employee, applicant for employment, employee or agent of the other, or recipient of services contemplated to be provided or actually provided under this Agreement because of race, ancestry, marital status, color, religious creed, political belief, national origin, ethnic group identification, sex, sexual orientation, age (over 40), medical condition (including HIV and AIDS), or physical or mental disability. Both parties shall ensure that evaluation and treatment of their employees and applicants for employment, and recipients of services, are free from such discrimination and harassment.
- 20.2** Both parties represent that they are in compliance with and agree to continue to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.), the Fair Employment and Housing Act (Government Code §12900 et seq.), and regulations and guidelines issued pursuant thereto.

21.0 Agency Relationship

This Agreement is not intended to and shall not create the relationship of principal-agent, master-servant, or employer-employee between the City and the MCSD. There is no employee relationship between the SRO's and MCSD.

22.0 Severability

If a court of competent jurisdiction holds any provisions of this Agreement to be illegal, unenforceable or invalid, in whole or in part, for any reason, the validity and enforceability of the remaining provisions, or portion of them will not be affected.

IN WITNESS WHEREOF, the parties hereto have caused this Operations Agreement to be executed the day and year first written above.

CITY OF MERCED

A Municipal Corporation

By: _____
Steve Carrigan, City Manager

Date

By: _____
Norman Andrade, Chief of Police

Date

MERCED CITY SCHOOL DISTRICT

By: _____
RoseMary Parga-Duran, Superintendent

Date

By: _____
Douglas J. Collins, Associate Superintendent

Date

Approved as to Form:

By: Kelly Fincher
Kelly Fincher, City Attorney

8/29/17
Date

Account Data:

By: _____
Verified by Finance Officer

Date



ADMINISTRATIVE REPORT

Agenda Item G.1.

Meeting Date: 9/5/2017

Report Prepared by: Mike Conway, Assistant to the City Manager

SUBJECT: Create Honorary Historic Neighborhood District for Ragsdale Neighborhood

REPORT IN BRIEF

Consider creating an Honorary Historic Neighborhood District for the Ragsdale Neighborhood in Central Merced.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2017- 45**, A Resolution of the City Council of the City of Merced, California, approving the Ragsdale Subdivision honorary neighborhood residential historic district designation.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to other than recommended by staff (identify specific findings and/or conditions amended to be addressed 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

N/A

DISCUSSION

The Merced Downtown Neighborhood Association is requesting that the City Council create an Honorary Historic Neighborhood District for the Ragsdale Neighborhood. The Merced DNA believes it would serve to recognize the historic character of the neighborhood, and call attention to the rich history of the homes and the past and present homeowners.

The designation would not require any zoning changes or place any land use restrictions on property owners within the district, and it does not impose any kinds of restrictions on the homeowners, nor

does it prevent any future changes or modifications to the structures. There would be no changes in property taxes. Any signage to reflect the designation would be paid for by the residents after the design was approved by City staff.

The Merced DNA has held a community meeting to discuss the designation with Ragsdale residents and approximately 45 people attended and supported the idea. In addition, there is a petition with 78 signatures from residents in support of the designation.

Representatives of the Merced DNA and the Ragsdale neighborhood plan to present to the City Council their proposal and discuss the merits of the designation.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Report from the Merced Downtown Neighborhood Association
2. Resolution 2017-45



PO Box 7, Merced CA 95341

DNAMerced@gmail.com

Board of Directors:

Cindy R. Morse, President
Wayne Eisenhart, Vice President
Lori Ward, Chief Financial Officer
Diana Gunn, Secretary
Gloria Conlin
Ryan Heller
Phil Woods

July 25, 2017

The Honorable Mayor and City Council of Merced
Merced City Hall
678 West 18th Street
Merced CA 95340

Dear Sirs and Madam:

RAGSDALE SUBDIVISION HONORARY NEIGHBORHOOD DISTRICT DESIGNATION

The Merced Downtown Neighborhood Association (DNA) requests that the City Council approve the Ragsdale Neighborhood as an Honorary Historic Neighborhood District. This designation would recognize the historic character of the Ragsdale neighborhood, without placing special land use restrictions or requiring zoning changes.

To facilitate the City Council's consideration of this request, DNA has prepared this summary report, which includes background on the project and discussion of the neighborhood in relation to the proposal for Honorary Historic Neighborhood District status. Attached is supporting documentation, including a resolution for the City Council's consideration to designate the Ragsdale neighborhood as an Honorary Historic Neighborhood District.

The materials and process outlined here, are modeled on one undertaken by the City of Woodland, included here as **Attachment 1**.

Background

In spring 2015, the Historic Designation Committee, a working group of DNA, initiated efforts to establish a process by which the City could recognize the historic nature of Merced's downtown neighborhoods. The Committee and DNA nominated the Ragsdale Subdivision as the pilot neighborhood for this process.

The intention is to recognize residential historic districts in Merced using an "honorary" designation to acknowledge and make known the number of historic and well-maintained homes within downtown neighborhoods. A district designation will better identify these homes as a significant part of the community's rich past and stable future. An honorary designation does not result in zoning changes and will not place additional restrictions on homes in the district.

Discussion

An honorary district is a geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, architectural design, materials, etc. It includes contributing and non-contributing properties. Non-contributing properties are those properties that do not share the architectural, historical or geographical characteristics of the district except for their physical presence in the district. New construction and those older buildings, altered so much that they are no longer recognizable as historic, are non-contributing properties. An honorary district designation is a means by which to recognize and call attention to a neighborhood that not only has a concentration of older well-maintained homes but also recognizes the conservation of the historic character. There are approximately 157 homes in the district of which one (1) was built prior to 1919, eighteen (18) were built in the 1920's, twelve (12) in the 1930's, forty-six (46) in the 1940's, forty-three (43) in the 1950's, one (1) in the 1960's, and six (6) in the 2000's. The DNA has prepared a *Ragsdale Addition Architectural Overview*, included as **Attachment 2**, to assist in identifying some of the styles of historic homes found in Ragsdale. Please also see **Appendix A**, *Historic Overview of Ragsdale and FAQ's*.

The educational benefits of creating local districts are the same as those derived from any historic preservation effort. Districts help explain the development of a place, the source of inspiration, and technological advances. They are a record of the neighborhood, the residents who lived there and the distinct communities within Merced.

DNA recommends an honorary district as it will not involve property rights issues and would not involve special review or permits. However, an honorary designation will have a positive impact through the association of an identified district and will most likely have the effect of increasing property values. DNA hopes recognition will foster reinvestment consistent with historic preservation, and will result in continued preservation of neighborhood fabric and character.

Fiscal Impact

Adoption of the resolution should have no fiscal impact beyond the utilization of staff time. The designation will not impose restrictions on the homeowners in the honorary district.

Public Outreach

In mid-March, 2017, DNA volunteers hand-carried an informational brochure to every single home in the Ragsdale neighborhood and spoke to residents inviting them to attend a March 23, 2017, public meeting. The brochure is included here as **Attachment 3**. At that time DNA members obtained seventy-eight (78) signatures that are included here as **Attachment 4**. Also attached as **Attachment 4.A**, are photos of the Ragsdale residents at that public meeting.

On March 23, 2017, the DNA hosted said public outreach meeting for Ragsdale residents at Hoover Middle School to answer questions about the proposed neighborhood designation. Approximately 45 residents attended. There were questions pertaining to changes in property taxes, potential changes to

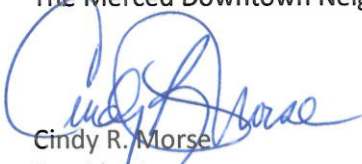
land use designation, and design suggestions for signage. The DNA addressed these questions to the satisfaction of the residents, and everyone in attendance ultimately expressed support. The District boundaries are as shown on **Attachment 5**, a copy of the subdivision map filed with the County of Merced.

A DNA-prepared resolution for the City Council's consideration to designate the Ragsdale Subdivision as an Honorary Neighborhood District is included as **Attachment 6**.

The Merced Downtown Neighborhood Association, It's Board of Directors and Historic Designation committee thanks the Honorable Mayor and City Council of Merced for their consideration of this proposal and request its placement on the next City Council Meeting Agenda for formal consideration and approval.

Sincerely,

The Merced Downtown Neighborhood Association

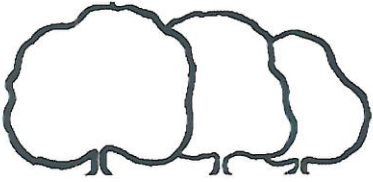


Cindy R. Morse
President

CRM/gc

Index of Attachments:

1. *City of Woodland Report to Mayor and City Council*
 2. *Ragsdale Subdivision Architectural Overview, 1920 through 1950*
 3. *DNA's Honorary Historic District Proposal Meeting Notice*
 4. *Petition and Signature Pages, and 4.A) Photos of Community Meeting 03/23/17*
 5. *Merced County Map of Ragsdale Subdivision*
 6. *Resolution*
- Appendix A: Historic Overview of Ragsdale*



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: March 4, 2008

SUBJECT: Beamer-Motroni Honorary Neighborhood District Designation

Report in Brief

The City's Historic Preservation Commission has approved the designation of the Beamer- Motroni neighborhood as an Honorary Historic Neighborhood District. This designation recognizes the historic character of a neighborhood without placing special land use restrictions or requiring zoning changes. In order for the designation to be recognized, a resolution supporting such action must be approved by the City Council.

Staff recommends that the City Council approve Resolution No. _____ designating the Beamer-Motroni as an Honorary Neighborhood District as described herein.

Background

In May 2005, the Historic Preservation Commission expressed interest in evaluating the Beamer Park Neighborhood based on date of construction if there was a geographical concentration or split between pre and post-World War II homes. The Commission evaluated the dates of construction and conducted a field trip in July 2005. After further discussion, the preliminary boundaries were recommended.

A neighborhood meeting was held on October 10, 2007 by the Commission to provide information to residents and take comments on the proposed honorary district designation and boundary. An informational brochure mailed to residents is included as **Attachment 1**. Approximately 10 residents came to the meeting to speak in favor of the designation and to recommend boundary changes for the district. The original boundary did not include two lots north of Hollister Avenue and West of Third Street, parcels 22 and 36. Additional requests were heard to include the lots north of Hollister Avenue east of Bruton Lane and west of East Keystone Avenue.

At their November 7, 2007 meeting, the Historic Preservation Commission recommended that the Beamer-Motroni neighborhood be recognized as a residential historic district that will be "honorary" in nature to acknowledge and make known the number of historic and well maintained homes within

this neighborhood. A district designation will better identify these homes as a significant part of the community's rich past and stable future. The District boundaries reflect the comments from residents as shown in **Attachment 2**.

An honorary designation does not result in zoning changes and will not place additional restrictions on homes in the district. The recognition of a neighborhood as an Honorary Residential Historic District was previously approved by the City Council over five years ago. On September 3, 2002 the City Council approved Resolution 4376, adopting a Residential Historic District (Honorary) for the residential neighborhood located south of Lincoln Avenue, north of Marshall Avenue, east of Walnut and west of Fourth Street. This is the only other neighborhood that has been designated in this manner.

Staff prepared a resolution for the City Council's consideration to designate the Beamer-Motroni neighborhood as an Honorary Neighborhood District. Resolution No. _____ is included as **Attachment 3**.

Discussion

An honorary district is a geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, architectural design, materials, etc. It includes contributing and non-contributing properties. Non-contributing properties are those properties which do not share the architectural, historical or geographical characteristics of the district except for their physical presence in the district. New construction and those older buildings which have been changed so much that they are no longer recognizable as historic are non-contributing properties. An honorary district designation is a means by which to recognize and call attention to a neighborhood that not only has a concentration of older homes but recognizes the fact that many have been well maintained and the historic character conserved. There are approximately 105 homes in the district of which twelve (12) were built prior to 1919; nine (9) were built in the 1920's, thirty-five (35) were built in the 1930's and twenty-four (24) were built in the 1940's.

The educational benefits of creating local districts are the same as those derived from any historic preservation effort. Districts help explain the development of a place, the source of inspiration, and technological advances. They are a record of the neighborhood, the residents who lived there and the distinct communities within Woodland.

An honorary district is recommended as it will not involve property rights issues and would not involve special review or permits. However, an honorary designation will have a positive impact through the association of an identified district and will most likely have the effect of increasing property values. Recognition will hopefully foster reinvestment consistent with historic preservation, and will result in continued preservation of neighborhood fabric and character.

The City's Historical Preservation Ordinance, 12A, includes procedures for historic district designation; however, official designation requires written consent of all property owners for a district affecting residential properties. Official designation would require review by the Historic Preservation Commission for any exterior alterations including new construction, additions and

relocation of a structure in that district. Designation of Beamer-Motroni as an Honorary District **does not** involve this level of regulation.

Fiscal Impact

Adoption of the resolution should have no fiscal impact beyond the utilization of staff time. The designation will not impose restrictions on the homeowners in the honorary district.

Public Contact

Posting of the City Council agenda. A notice concerning the proposed City Council Resolution and district boundary was sent to residents and neighbors 10 days prior to the meeting date.

Alternative Courses of Action

1. Approve Resolution No. _____ designating the Beamer-Motroni as an Honorary Neighborhood District as described herein.
2. Do not approve at this time. Council may request possible revisions or decline to approve at this time.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

Prepared by: Cindy Abell-Norris
Principal Planner

Reviewed by: Barry Munowitch, AICP
Assistant City Manager

Mark G. Deven
City Manager

Attachment:

1. Beamer-Motroni Honorary Neighborhood District Meeting Notice
2. Boundaries for the Proposed Beamer-Motroni Honorary Neighborhood District
3. Resolution Adopting an Honorary Residential Historic Neighborhood District

City of Woodland

BEAMER-MOTRONI HONORARY NEIGHBORHOOD DISTRICT

NEIGHBORHOOD MEETING

Neighborhood Meeting

October 10, 2007

6:00 pm

City Council Chambers

300 First St & (upstairs)

Purpose of meeting--to discuss with neighbors a proposed honorary district designation.

Contact: Cindy Norris, Senior Planner
(530) 661-5820, e-mail:

cindy.norris@cityofwoodland.org

Comments will be accepted through November 1, 2007 and should be directed to Cindy Norris.

Historic Overview

Bay area entrepreneur Hewitt Davenport subdivided Beamer Park in 1913 creating an upscale residential enclave of Woodland. Davenport was assisted by noted landscape architect, Mark Daniels. Several local builders began constructing homes in the Park in 1914. William Fait, a designer-builder who arrived in Woodland in 1912 from Spokane, was very active in Beamer Park, crafting an assortment of bungalows both before and after World War I. He and Joseph Motroni, who built more houses in this section of town than any single builder, were residents of Beamer Park.

After the depression, the housing market began to rebound in the late 1930s. In 1936, Motroni's Subdivision was approved. Motroni began filling in West Keystone Avenue in Beamer Park with an assortment of houses

including his own dream house with a floor plan in the shape of an airplane. This house, built in 1937, is located at 524 W. Keystone Avenue.

This was a very productive period in Motroni's career as his design talent and stature as a trusted builder and successful businessman rose to a peak.

A private train was chartered from Sacramento to promote the grant opening of Beamer Park in June 1914. The complete build out of the park took more than 40 years and, thus, a broad range of housing styles are represented.

(Source: *Crafting a Valley Jewel, Architects and Builders of Woodland*, by David L. Wilkinson).

District Recommendation

The Historic Preservation Commission is recommending that the Beamer-Motroni neighborhood be recognized as a residential historic district that will be "honorary" in nature to acknowledge and make known the number of historic and well maintained homes within this neighborhood. A district will better identify these homes as a significant part of the Community's rich past and stable future.

An honorary designation does not result in zoning changes and will not place additional restrictions on homes in the district.

Questions:

1. What is an honorary district?

An honorary district is a geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, architectural design, materials, etc. It includes contributing and non-contributing properties. (Non-contributing properties are those properties which do not share the architectural, historical or geographical characteristics of the district except for their physical presence in the district. New construction and those older buildings which have been changed so much that they are no longer recognizable as historic are non-contributing properties.) An honorary district designation is a means by which to recognize

and call attention to a neighborhood that not only has a concentration of older homes but recognizes the fact that many have been well maintained and the historic character conserved.

The educational benefits of creating local districts are the same as those derived from any historic preservation effort. Districts help explain the development of a place, the source of inspiration, and technological advances. They are a record of ourselves and our communities.

2. Will this create greater awareness of neighborhood character and quality?

Local districts encourage better design. It has been shown through comparative studies that there is a greater sense of relatedness, more innovative use of materials, and greater public appeal within historic districts than in areas without historic designations.

One of the benefits of an honorary district designation is that it will provide greater awareness of the historic character of the Beamer-Motroni neighborhood, which in turn will encourage the maintenance and preservation of the character of the district and foster a sense of neighborhood stability. Designation will help encourage new construction and renovations that are complementary to the neighborhood. Designation will help assure that the features the residents and community value for the Beamer-Motroni neighborhood will be clearly identified and expectations for the type and quality of future development expressed.

The Beamer Park neighborhood and many of the homes are included in the City's Walking Tour guide book and the neighborhood was featured in last year's Stroll Through History tour. The characteristics and features of the homes are discussed in the write-ups that are provided in the guide book.

3. What does it mean for me as a property owner?

Recognition, stability, increased property value,

neighborhood renewal and pride of ownership are benefits of designation. Local districts protect the investments of owners and residents. Buyers know that the aspects that make a particular area attractive will be protected over a period of time.

4. Why is this being done for this neighborhood?

The Beamer-Motroni neighborhood has a significant concentration of homes built by several Woodland master builders, including William Fait and Joseph Motroni. There are 39 structures featured in the *Explore Historic Woodland* self-guided walking tour book.

5. Does everybody have to agree? What if some property owners disagree?

No, everyone does not have to agree in the case of an honorary district, because it does not impose regulatory restrictions. If a property owner disagrees it is possible that the home will still be included as it is the concentration of homes of significant character that together makes up the district. However, the designation as a historic landmark does require full ownership agreement.

6. What effect will this have on property values?

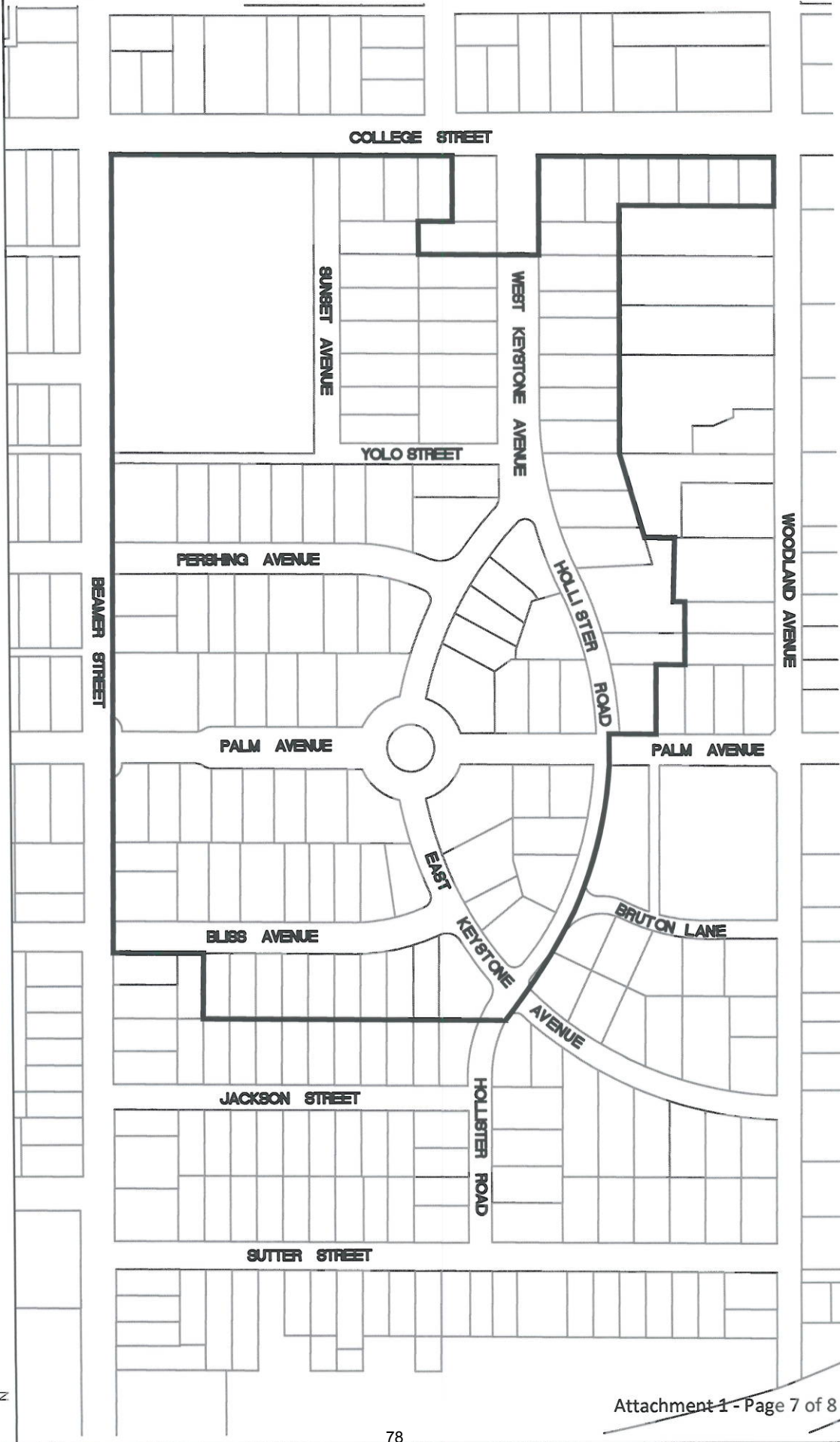
In general, being associated with a recognized "district" will most likely have the effect of increasing property values. This may be the result of recognition and pride of ownership. Recognition will hopefully foster reinvestment consistent with historic conservation, and will result in preservation of neighborhood fabric and character. Real estate agents in many cities use historic district status as a marketing tool to sell homes.

7. Does this affect my ability to work on my home and make changes?

If you want to alter, move or demolish a structure you will follow the same procedures of permit application as you would without the honorary district. There is no obligation to restore or rehabilitate your property.

DISTRICT BOUNDARY

BEAMER - MOTRONI HONORARY DISTRICT



RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND,
CALIFORNIA, ADOPTING THE BEAMER-MOTRONI HONORARY HISTORIC
NEIGHBORHOOD RESIDENTIAL DISTRICT**

The City Council of the City of Woodland, California ("City Council") hereby finds, determines, resolves and orders as follows:

WHEREAS, In 1913 Hewitt Davenport subdivided Beamer Park, creating an upscale residential enclave of Woodland; and

WHEREAS, In June of 1914 a private train was chartered from Sacramento to promote the grand opening of Beamer Park; and

WHEREAS, In 1936 Motroni's Subdivision was approved; and

WHEREAS, Motroni began filling in West Keystone Avenue and in Beamer Park with an assortment of houses including his own dream house with a floor plan in the shape of an airplane; and

WHEREAS, on October 10, 2007 the City held a neighborhood meeting, at which time 10 individuals spoke in favor of the district designation; and

WHEREAS, on November 7, 2007 the Historical Preservation Commission considered and approved the proposed honorary residential historic district as shown on the attached map identified as Exhibit A; and

WHEREAS, an honorary district designation is a means by which the City can recognize and call attention to a neighborhood that not only has a concentration of older homes but recognizes the fact that many have been well maintained and the historic character conserved.

NOW THEREFORE, BE IT RESOLVED, We, the members of the Woodland City Council hereby approve the Beamer-Motroni Honorary Neighborhood Residential District.

PASSED AND ADOPTED by the City Council of the City of Woodland this 4th day of March, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW

1920 through 1950

The Ragsdale Subdivision, established in the early 1920's, is one of many unique neighborhoods in Merced. It includes many noteworthy homes situated along slowly winding streets covered by a lovely canopy of mature trees. Many engaging home styles evolved during the first half of the 20th century. The following is a brief overview of some of those conforming styles that appear in Ragsdale today.

By way of background, the Industrial Revolution at the end of the 19th century created a powerful backlash against the large, ornate and highly detailed gingerbread *Victorian* and *Queen Anne* styles, e.g., the "Painted Ladies" so prevalent in San Francisco. Also widely embraced was the traditional *Colonial Revival* style, including *Federal* and *New England Colonials*. *Neo-Classical* style was replete with the ostentatious details and grand facades that decorate government offices and banks built during the 19th century. For our purposes we will concentrate on some of the examples of homes built in the early 1920's through the 1950's, the era the Ragsdale Addition was developed.

Sarah Lim from the Merced County Courthouse Museum shared some historical details of Ragsdale that are of interest here. In 1920, James Ragsdale, purchased Lot 59 of the Bradley Addition #1, a 52-acre parcel located east of G Street -between G Street and 6th Avenue, south of Bear Creek and north of the Santa Fe Railroad. The area was surveyed and platted in 1923 and demand for new homes was strong. Today the beautiful tree-lined streets and historic houses represent some of the loveliest homes in Merced. We briefly describe below the more prominent architectural designs that appear in Ragsdale today.

1. California Craftsman and Bungalows: The early 20th century ushered in a period of enthusiastic building of the smaller homes. Simple living was the order of the day and striving for "honesty of design" is the hallmark of the Craftsman and Craftsman-style home. Californians loved the hand-crafted Craftsman Bungalows, large or small. Artistic and quaint, they still hold a stylish place in Ragsdale and throughout Merced. Bungalow style means different things to different people but it generally connotes a Craftsman-style house, and is widely used by most people that way. Blurring the definition are some who describe any small house built from 1900 to about 1950 as a bungalow.



Address: 299 East 26th Street, Merced

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW
1920 through 1950



Address: 2655 Third Avenue, Merced

Craftsman and Bungalow Characteristics

- Broad eaves with low-pitched roof, hipped or gabled, often with dormers
- Exposed rafter tails, beams and elaborated rafter ends
- Open floor plan
- Fireplace, brick or native stone
- Handcrafted, built-in cabinetry including as buffets, bookcases
- Craftsman-designed hardware, lighting, and tile work
- Windows, double-hung, multiple lights over single pane below; multiple windows appear together in banks, casement windows are also seen
- Substantial covered porches that create an outdoor room
- Shingle, lapped, and stucco siding is common
- Entry typically opens directly into living room
- Open floor plan maximized efficiency and flow from room to room with minimal space wasted on hallways

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW

1920 through 1950

2. **Colonial Revival:** One of the most classic, understated house styles is the Colonial Revival. Stately and distinguished, rather than cute or cottage like, they are substantial homes that declare traditional values. The reason for the continued popularity of the Colonial Revival is its timeless design.



Address: 298 East 26th Street, Merced

Colonial Revival Characteristics

- A symmetrical façade, but may have side porches or sunrooms on either or both sides
- Rectangular mass, 1 - 2+ stories
- Usually a medium pitch, side-gable roof with narrow eaves. Hipped roofs and dormers are occasionally seen
- Multi-pane (six-over-six or six-over-one lights are common), double-hung windows with correctly proportioned shutters, bay windows
- The entrance is centered and accented with columns, pilasters, pediment, and/or maybe hooded to create a covered porch; it may have a fanlight or transom, sidelights, and/or a paneled door
- Brick or wood clapboard is the most common siding, but shingle is occasionally seen
- Other design elements may include classical columns, dentil trim under eaves, or Palladian windows

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW

1920 through 1950

3. **Cape Cod:** This subtype of the Colonial Revival style peaked from 1920 to 1960. The simplest type of small New England home, the Cape Cod, is seen in almost every neighborhood. The principal advantage of the Cape Cod was its small size and economy. Where a larger Colonial Revival was out of reach for many a young couple or first time buyers, the Cape Cod was often relatively affordable.



Address: 255 East 26h Street, Merced

Cape Cod Characteristics

- Usually fairly small
- Symmetrical
- Rectangular mass
- 1 - 1 1/2 stories
- Side gabled roof with narrow eaves, medium pitch. Sometimes with wood shingles. Dormers are often seen.
- Multi-light (six-over-six or six-over-one lights are common), double-hung windows with shutters, bay windows.
- Centered entrance with a paneled door. Occasionally accented with columns, pilasters, or pediment; fanlight or transom, or sidelights
- Wood clapboard and shingle siding is most common

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW

1920 through 1950

4. **Mediterranean:** The Italian style, sometimes called Mediterranean, draws on classical design principles. The floor plan is not forced into a rectangle, nor do the windows have to be placed in a regular position. Stucco is often used, but stone, brick and concrete blocks can be employed equally. During the 1920s in particular, Americans became much more familiar with the various architectural influences. Some of the key points made this style were that proportion and simplicity would determine the success of the design. Less was definitely more and where more was to be considered, it should be in the setting, landscaping, and gardens surrounding the house.



Address: 206 East 26th Street, Merced

Mediterranean Characteristics

- 1 – 2 stories
- Elegant façade may be symmetrical or asymmetrical, but is always harmonious. Proportion is everything
- Balanced, low-pitched hipped roofs, often of tile. Occasionally, roofs may be flat
- Masonry exterior is most often stucco, stone, or brick, and in best examples may be completely unadorned
- Entry is may be slightly recessed or enclosed and emphasized by classical columns or pilasters
- Doors and windows on first floor are often arched, with upper story windows smaller and simpler
- Chimney is simple, rectangular shape; often stucco or plastered stone or brick
- Windows are often casements with minimal wood trim
- Design elements include paired French doors, classic arches, and restrained use of wrought iron
- Italian style homes are integrated with their setting, so considerable thought to landscape architecture and gardens was important to the house design

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW

1920 through 1950

5. **Spanish Revival:** One of the styles best adapted and seen throughout the Southwest is the Spanish Revival. Stucco walls, rounded arches, tile roofs, and patios set in semi-tropical and hot climates are charming, but relatively comfortable too. Borrowing from the bungalow's open floor plan with its cross ventilation and easy access to outdoor spaces, the rambling Spanish Revival (also called Spanish Eclectic and Spanish Colonial) uses walled courtyards for indoor-outdoor living. Though particularly well-suited to the California and the Southwest United States examples are seen throughout the country.



Address: 317 East 26th Street, Merced

Spanish Revival Characteristics

- 1 - 2 stories
- Asymmetrical facade
- Side or cross-gabled, occasionally hipped, low pitched roofs
- Minimal eave with little or no overhang
- Arched windows and doors
- Tile roof
- Stucco walls

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW

1920 through 1950

6. **Prairie / Foursquare:** Prairie Style is said to be the first original American architectural style. Houses at the time were described as "bungalows of the Middle-Western type." Instead of the Victorian plan with its small, compartmentalized rooms, this modern innovation opened up interior spaces by creating a more natural flow between rooms. In even relatively small houses, spaciousness was achieved by removing doors and walls and increasing the line of sight from room to room. In Frank Lloyd Wright's words, designs should be "trimmed to the last ounce of the superfluous." ("Ladies Home Journal", April 1907) The use of many windows allowed ample light and cross-ventilation, which were coming to be considered essential to health and well-being. The Prairie style became more widely accepted and became more stylized, evolving into the popular Ranch styles.



Address: 2600 East 26th Street, Merced

Prairie Style Characteristics

- 1 - 2 story
- Open floor plan with free-flowing spaces (sometimes blurring the line between indoor and outdoor spaces)
- Projecting or cantilevered wings
- Integrated with landscape and environment
- Open floor plan
- Low-pitched hipped or flat roof (less common is gabled)
- Broad, overhanging eaves (usually boxed)
- Strong horizontal lines
- Ribbons of windows, often casements, arranged in horizontal bands
- Clerestory windows

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW

1920 through 1950

- Prominent, central chimney
- Wide use of natural materials especially stone and wood
- Restrained ornamentation such as friezes around windows and doors, or as bands under the eaves

7. Ranch Style: The origins of the Ranch Style include influences of the Spanish Colonial and the California Bungalow. The goal was an open floor plan that provided an easy living, unpretentious home to accommodate the modern American lifestyle. Design elements of the earlier Prairie style with its long, low profile and innate elegance are easily seen in the broad eaves and low-pitched, hipped roofs of many ranches. During the 1950s, with a booming economy and exploding population, the ranch was adapted to tract home production in the burgeoning suburbs. Today, the ranch style is enjoying a resurgence in popularity and restoration. It's easy to see why ... it shares many of the same easy living features as the enormously popular bungalow style.



Address: 599 East 27th Street, Merced

Ranch Characteristics

- Single story
- Asymmetrical, wide facade usually set parallel to the street
- Low-pitched roof, gabled or hipped, often with wide eaves (occasionally a gable-on-hip is seen)
- Garage incorporated into house plan, most often prominently front facing
- Low, horizontal profile
- Shape may be a simple rectangle, L-shaped, or U-shaped and built around a court yard
- Windows may be double hung or sliding. Sliding glass doors to deck or patio. Large plate glass picture windows are often prominent at front of house.

RAGSDALE SUBDIVISION ARCHITECTURAL OVERVIEW

1920 through 1950

- Open floor plan
- Natural materials
- Minimal ornamentation



Address: 595 East 26th Street, Merced

In summary, there are many variations in Ragsdale of the several architectural styles discussed above along with many homes that have been remodeled and modernized so the architectural origins are often unclear. An attempt has been made to point out some of the most common styles and examples of conforming design, that is, those that have maintained most of the original design features.

FAQs

1. What does this mean for my property values?

The designation has no direct effect on property values, but usually will serve to enhance them by acknowledging the special architectural character of the neighborhood.

2. Can I still modify my house as I want?

Yes, you still have freedom to modify your property to meet your needs. There are no special panels to review changes.

3. If it doesn't change anything, why should we do it?

The district designation provides an acknowledgement of the coherence and character of the neighborhood.



Merced Downtown Neighborhood Association

The Downtown Neighborhood Association was formed in 2015 to unite the neighbors of the downtown area in various projects for the purpose of advocacy and outreach, beautification of the downtown area, and community engagement.

Historic designation of the Ragsdale neighborhood is our first advocacy and outreach project. The Ragsdale neighborhood is one of Merced's most historically significant and beautiful areas of the downtown area. We are proud of Merced and want to show this pride in a substantial and highly visible way.

Honorary Historic District Proposal

RAGSDALE

YOU ARE INVITED!

Neighborhood Meeting

March 23, 2017

6:00 PM

Hoover Middle School

What is an honorary historic district?

An honorary district is a geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, architectural design, materials, etc. An honorary district designation is a means by which to recognize and call attention to a neighborhood that not only has a concentration of older homes but recognizes the fact that many have been well maintained and the historic character conserved.

Such districts benefit the neighborhood itself, but also the wider community by making visible its history and the development of the area.

MERCED DOWNTOWN NEIGHBORHOOD ASSOCIATION

Post Office Box 7

Merced CA 95341-0007

DNAMerced@gmail.com

Facebook.com/DNAMerced

BOARD MEMBERS

Cindy Morse, President

Jill McLeod, Vice President

Diana Odom-Gunn, Secretary

Lori Ward, Chief Financial Officer

Wayne Eisenhart, Director

Ryan Heller, Director

Phil Woods, Director

HISTORIC DESIGNATION COMMITTEE

Susan Amussen

Gloria Conlin

Kathleen Crookham

Ryan Heller

Laura Martin

Cindy Morse

Lori Ward

Ragsdale The Neighborhood

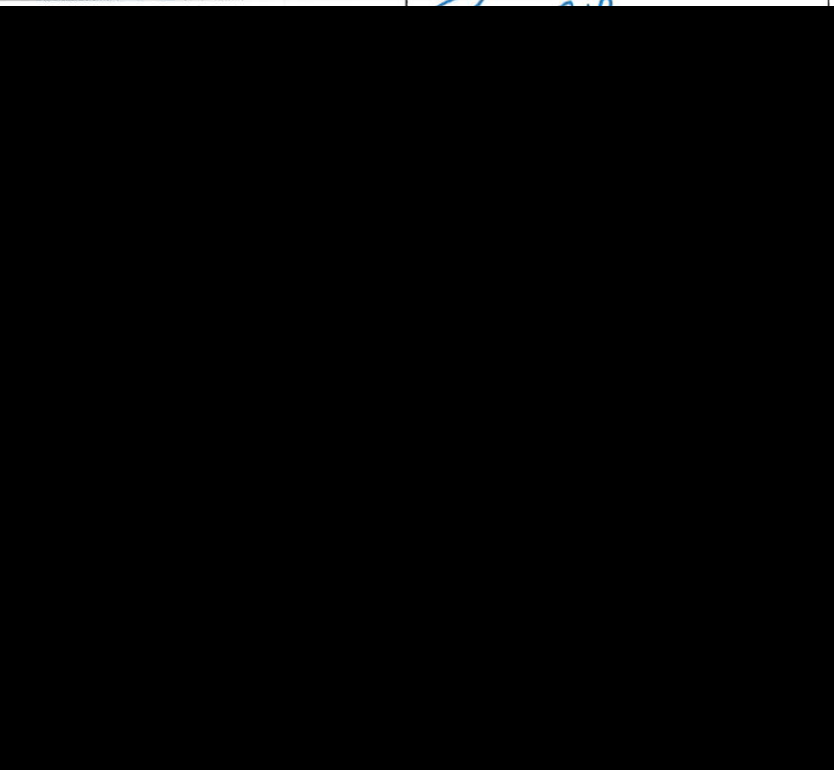
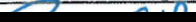

In 1920, James Ragsdale purchased lot 59 of the Bradley Addition #1, east of G street. The area was platted in 1923, and the homes currently in the neighborhood primarily date from the 1920s to the 1950s. There are exemplary houses from all the major architectural styles of the period, from California Craftsman to mid-century ranches. The neighborhood is marked by well-maintained homes of varied architectural styles, and relatively narrow tree-lined streets. The layout fosters a friendly and welcoming atmosphere.



We the undersigned support an honorary historic district designation for the Ragsdale Addition. The Historic Ragsdale Addition was established and developed principally in the 1920s through the 1950s. The Ragsdale Addition has a significant concentration of buildings, structures unified by past events, physical development and architectural design. It is bounded on the west by G St, the north by S Bear Creek, on the east by 6th avenue, and on the south by Santa Fe.

By recognizing the Ragsdale Addition as an historically significant neighborhood the City of Merced can foster stronger sense of community. Therefore we support Merced Downtown Neighborhood Association's efforts to obtain historic designation by the Merced City Council and the City of Merced at no cost to the city.

We respectfully ask the City of Merced to establish this honorary historic designation forthwith so that the neighborhood and City can begin to realize the benefits.

Name	Address	Signature
Bruce Reisdorph		
Shirley Reisdorph		
Rita Brown		
LAWRENCE J. BROWN		
Bob ANDERSON		
Sarah Lim		
Marc Smith		
Vincent S. Versage		
LISA Longora		
Megan Verstoppen		
Sean Nickerson		
Mary Nickerson		
Dan Baladad		
Kelly Soerensen-Smith		
Joel Prozo		

Honorary Historic District Designation Petition p. 1



We the undersigned support an honorary historic district designation for the Ragsdale Addition. The Historic Ragsdale Addition was established and developed principally in the 1920s through the 1950s. The Ragsdale Addition has a significant concentration of buildings, structures unified by past events, physical development and architectural design. It is bounded on the west by G St, the north by S Bear Creek, on the east by 6th avenue, and on the south by Santa Fe.

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We respectfully ask the City of Merced to establish this honorary historic designation forthwith so that the neighborhood and City can begin to realize the benefits.

Name	Address	Signature
AHMAD AHMADI		
Ash Linden		
Ann Ahmadi		
Richard Cummins		
Maria Gonzalez		
THOMAS J DAVIES		
Jesse Decker		
Patricia Torborg		
Bryan Verstappen		
Casen Anderson		
Casen Anderson		
Sara Forbes		
Cynthia Kelly		
Rick Graves		



Name

Address

Signature

[illegible]



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We respectfully ask the City of Merced to establish this honorary historic designation forthwith so that the neighborhood and City can begin to realize the benefits.

Name	Address	Signature
Susan Weston		
alan Hensher		
Marian Slep		
Janetla Gleson		
Kris Edin graham		
Rory Carter		
Tom Clarkson		
Rhonda Sancibrian		
LONDON COLLINS		
SHERI COLLINS		
STEVE BUCKENGTAM		
PATTY McNamara		
Robert Lindsey		
Hugie + Lourdes Lin		
Lourdes Linan		
Ashley Brendel		
RANDALL PELISSIER		
Cara Ruffe		
Derek Daley		
Carolyn Silva		
LYNN George		



DOWNTOWN NEIGHBORHOOD ASSOCIATION

Ashley Gustin
Darren Sakata
Cesime Franco

[illegible]



We the undersigned support an honorary historic district designation for the Ragsdale Addition. The Historic Ragsdale Addition was established and developed principally in the 1920s through the 1950s. The Ragsdale Addition has a significant concentration of buildings, structures unified by past events, physical development and architectural design. It is bounded on the west by G St, the north by S Bear Creek, on the east by 6th avenue, and on the south by Santa Fe.

By recognizing the Ragsdale Addition as an historically significant neighborhood the City of Merced can foster stronger sense of community. Therefore we support Merced Downtown Neighborhood Association's efforts to obtain historic designation by the Merced City Council and the City of Merced at no cost to the city.

We respectfully ask the City of Merced to establish this honorary historic designation forthwith so that the neighborhood and City can begin to realize the benefits.

Name	Address	Signature
MARY THOMAS ON		
Duan Polino		
Michelle Garcia		
Robin Ludwigsen		
and [unclear]		
Shirley Scott		
Melissa Oliver		
Russ Oliver		
Rocio Campos		
Diana Campos		

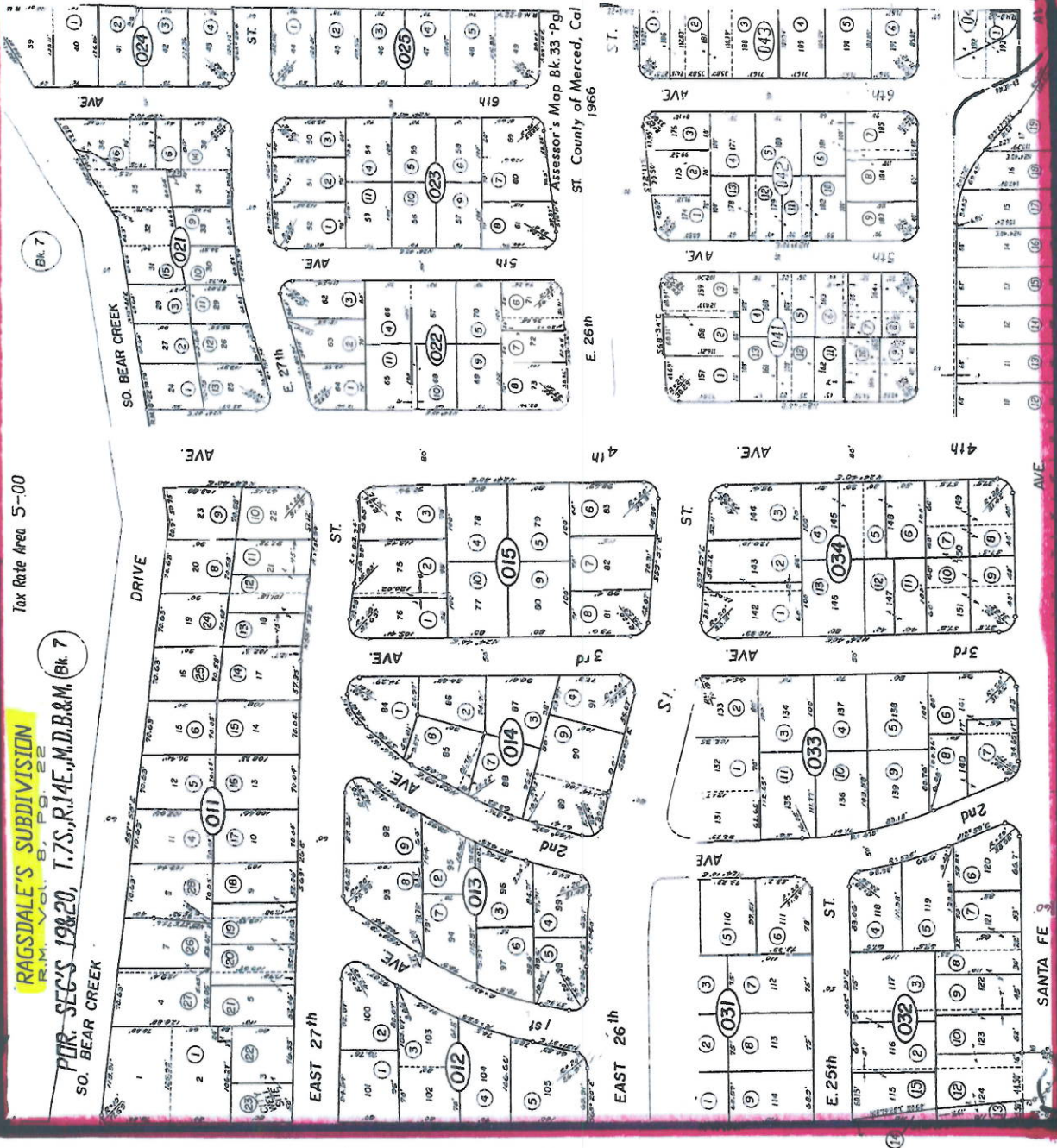


ATTACHMENT 4A

Tax Rate Area 5-00

RAGSDALE'S SUBDIVISION
R.M. Vol. B, Pg. 22

PAR. SECS 19&20, T.7S., R.14E., M.D.B.&M. Bk. 7
SO. BEAR CREEK



Assessor's Map Bk. 33 - Pg. 1966
ST. County of Merced, Cal

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, ADOPTING THE
RAGSDALE SUBDIVISION HISTORIC NEIGHBORHOOD RESIDENTIAL DISTRICT**

The City Council of the City of Merced, California ("City Council") hereby finds, determines, resolves and orders as follows:

WHEREAS, in 1920 James Ragsdale purchased Lot 59 of the Bradley's Addition #1, a 52-acre parcel located just east of G Street and south of Bear Creek, and

WHEREAS, in 1921 Ragsdale began filling in the purchased property with an assortment of custom houses including his own home, and

WHEREAS, in 1923 the Bradley's Addition #1 parcel was surveyed and platted and the Ragsdale Subdivision was approved and became known as Ragsdale's Subdivision on the official map, and

WHEREAS, in 1946 the Ragsdale Subdivision was annexed to the City of Merced, and

WHEREAS, on March 23, 2017 the Merced Downtown Neighborhood Association ("DNA") completed a survey of the Ragsdale Subdivision residents and obtained signatures of 64 residents in favor of the District designation, and

WHEREAS, the Board of Directors and the Historic Designation Committee of the DNA considered and approved the proposed honorary residential historic district for the Ragsdale Subdivision as shown on the attached map identified as Exhibit A, and

WHEREAS, an honorary district designation is a means by which the City Council can recognize and call attention to a neighborhood that not only has a concentration of well-maintained older homes but also the conservation of their historic character.

NOW THEREFORE, BE IT RESOLVED, we the members of the Merced City Council hereby approve the Ragsdale Subdivision Honorary Neighborhood Residential District.

PASSED AND ADOPTED by the City Council of the City of Merced on this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

HISTORIC OVERVIEW OF RAGSDALE

The summary that follows is drawn from Sarah Lim's *The History of the Ragsdale Addition* (11-08-08).

In 1920, James T. and Nannie F. Ragsdale purchased Lot 59 of the Bradley's Addition #1, a fifty-two acre parcel east of G Street and south of Bear Creek. The area was surveyed and platted and was officially recognized as the Ragsdale Subdivision by the Board of Supervisors in the County of Merced in 1923. As represented on this map, the subdivision lay between G Street and 6th Avenue and Bear Creek and the Santa Fe Railroad.

The subdivision's development in the 1920's was part of a decade-long building boom in Merced. With its location just beyond the northern boundary of the City, the Ragsdale addition was considered suburban living for many early Merced residents. Ragsdale, himself, moved to the addition in 1921. Some of the early Ragsdale addition residents listed in the 1928 Polk's Merced City Directory included Walter J. Chenoweth, James H. McCabe, S. P. McMurray, Elbert A. Baleme, Fred Symons, Hans Gilbertsen, and Leslie P. Corcoran.

In 1946, the City of Merced annexed the Ragsdale addition. As Sarah Lim put it, "Today, this well-established neighborhood is graced with beautiful tree-lined streets and historic houses that capture the 1920's era of Merced."

DISTRICT RECOMMENDATION

The Merced Downtown Neighborhood Association (DNA) is recommending that the City Council of Merced recognize the Ragsdale neighborhood as a residential historic district that will be "honorary" in nature to emphasize the neighborhood's status as Merced's first subdivision and acknowledge the number of historic and well-maintained homes within the neighborhood. The district status will better identify these homes as a significant part of Merced's history and recognize the area's value to Merced's future.

FREQUENTLY ASKED QUESTIONS

1. What is an Honorary Historic Designation?

An honorary district is a geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, architectural design, materials, etc. It includes contributing and non-contributing properties (Non-contributing properties are those properties that do not share the architectural, historical or geographical characteristics of the district except for their physical presence in the district. New construction and those older buildings altered so much that they are no longer recognizable as historic are non-contributing properties.) An honorary district designation is a means by which to recognize and call attention to a neighborhood that has a concentration of older homes and recognizes the fact that many are well-maintained and the historic character conserved.

The educational benefits of creating local districts are the same as those derived from any historic preservation effort. Districts help explain the development of a place, the source of inspiration, and technological advances. They are a record of our communities and ourselves.

2. Will this create greater awareness of neighborhood character and quality?

Local districts encourage better design. Comparative studies have shown that there is a greater sense of relatedness, more innovative use of materials, and greater public appeal within historic districts than in areas without historic designations.

One of the benefits of an honorary district designation is that it will provide greater awareness of the historic character of the Ragsdale neighborhood, which in turn will encourage the maintenance and preservation of the character of the district and foster a sense of neighborhood stability. Designation will help encourage new construction and renovations that are complementary to the neighborhood.

Designation will also help assure clear identification of the features the residents and community value for the Ragsdale neighborhood and expression of the expectations for the type and quality of future development.

3. What does it mean for me as a property owner?

Recognition, stability, increased property value, neighborhood renewal and pride of ownership are benefits of designation. Local districts protect the investments of owners and residents. Buyers know that the aspects are protected that make a particular area attractive over time.

4. Why is this being done for this neighborhood?

The Ragsdale neighborhood has special status as Merced's first subdivision, with a significant concentration of the homes reflecting the architecture of Merced's development from the 1920's through the 1940's.

5. Does everyone have to agree? What if some property owners disagree?

No, not everyone has to agree in the case of an honorary district, because it does not impose regulatory restrictions. Homes within the boundaries of the original subdivision will be included in the district. However, the designation as a historic landmark does require full ownership agreement.

6. What effect will this have on property values?

In general, being associated with a recognized "district" will most likely have the effect of increasing property values. This may be the result of recognition and pride of ownership. DNA hopes that recognition will foster reinvestment consistent with historic conservation, and will result in preservation of neighborhood fabric and character. Real estate agents in many cities use historic district status as a marketing tool to sell homes.

7. Does this affect my ability to work on my home and make changes?

If you want to alter, move or demolish a structure you will follow the same procedures of permit application as you would without the honorary district. There is no obligation to restore or rehabilitate your property.

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING THE RAGSDALE SUBDIVISION
HONORARY NEIGHBORHOOD RESIDENTIAL
HISTORIC DISTRICT DESIGNATION**

WHEREAS, in 1920 James Ragsdale purchased Lot 59 of the Bradley's Addition #1, a 52-acre parcel located just east of G Street and south of Bear Creek; and

WHEREAS, in 1921 began filling in the purchased property with an assortment of custom houses including his own home; and

WHEREAS, in 1923 the Bradley's Addition #1 parcel was surveyed and platted and the Ragsdale Subdivision was approved and became known as Ragsdale's Subdivision on the official map; and

WHEREAS, in 1946 the Ragsdale Subdivision was annexed to the City of Merced; and

WHEREAS, on March 23, 2017 the Merced Downtown Neighborhood Association ("DNA") completed a survey of the Ragsdale Subdivision residents and obtained signatures of 64 residents in favor of the proposed honorary residential district designation for the Ragsdale Subdivision; and

WHEREAS, the Board of Directors and the Historic Designation Committee of the DNA considered and approved the proposed honorary residential district designation for the Ragsdale Subdivision, as shown on Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, an honorary district designation is a means by which the City Council can recognize and call attention to a neighborhood that not only has a concentration of well-maintained older homes but also the conservation of their historic character.

**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 Ragsdale Subdivision
Honorary Neighborhood Residential Historic District designation.

PASSED AND ADOPTED by the City Council of the City of Merced at a
regular meeting held on the ____ day of _____ 2017, 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:

Kelly Fowler 8/25/17
City Attorney Date



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item H.1.

Meeting Date: 9/5/2017

SUBJECT: City Council Subcommittee Update on Entry Sign Contest

REPORT IN BRIEF

This item is in response to the City Council Subcommittee's request to discuss an update on entry signs into the City.

RECOMMENDATION

For Information only.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

Agenda Item H.2.

Meeting Date: 9/5/2017

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

SUBJECT: City Council Position on League of California Cities Resolutions

REPORT IN BRIEF

Provides direction to the City's official League of California Cities voting delegate on two proposed League Resolutions.

RECOMMENDATION

City Council - Adopt a motion stating the City's position on each of the two proposed League Resolutions and directing the City's official League voting delegate to cast votes as such at the League's Annual Business Meeting on Friday, September 15, at the Sacramento Convention Center.

ATTACHMENTS

1. League of California Cities Resolution Packet



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

July 26, 2017

TO: Mayors, City Managers and City Clerks
League Board of Directors

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2017 Annual Conference Resolutions Packet.

Annual Conference in Sacramento. This year's League Annual Conference will be held September 13 - 15 in Sacramento. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Closing Luncheon/General Assembly - Friday, September 15, 12:30 p.m. The League's General Assembly Meeting will be held at the Sacramento Convention Center.

Resolutions Packet. At the Annual Conference, the League will consider two resolutions introduced by the deadline, Saturday, July 15, 2017, midnight. The resolutions are included in this packet. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on the resolution. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

The resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which the resolutions will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the General Assembly Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. If your city has not yet appointed a voting delegate, please contact Meg Desmond at (916) 658-8224 or email: mdesmond@cacities.org.

**Please Bring This Packet to the Annual Conference
September 13 - 15, Sacramento**



***Annual Conference
Resolutions Packet***

2017 Annual Conference Resolutions



***Sacramento, California
September 13 – 15, 2017***

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: One policy committee will meet at the Annual Conference to consider and take action on the resolutions referred to it. The committee is Public Safety. The committee will meet from 9:00 – 11:00 a.m. on Wednesday, September 13, at the Hyatt Regency. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 14, at the Hyatt Regency in Sacramento, to consider the report of the policy committee regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, September 15, at the Sacramento Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, September 14. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principles around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 13
Hyatt Regency Sacramento
1209 L Street, Sacramento
9:00 – 11:00 a.m.: Public Safety

General Resolutions Committee

Thursday, September 14, 1:00 p.m.
Hyatt Regency Sacramento
1209 L Street, Sacramento

Annual Business Meeting and General Assembly Luncheon

Friday, September 15, 12:30 p.m.
Sacramento Convention Center
1400 J Street, Sacramento

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number Key Word Index Reviewing Body Action

		1	2	3
--	--	---	---	---

1 - Policy Committee Recommendation
to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Implement Strategies to Reduce Negative Impacts of Recent Changes to Criminal Laws			
2	Local Control for Emergency Medical Response			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

2017 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

Source: City of Whittier

Concurrence of five or more cities/city officials: Cities: La Mirada; Lakewood; Monrovia; Pico Rivera; Rolling Hills; Santa Fe Springs; and South Gate

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, during the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences; and

WHEREAS, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little to no prison time; and

WHEREAS, negative impacts from State legislative changes have been far reaching and crime rates and the number of victims are skyrocketing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders; and

WHEREAS, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities; and

WHEREAS, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in incarcerations, resulting in lower-level criminals being released early, directly impacting rising property crime rates throughout the State; and

WHEREAS, many probationers who have severe mental illness are released into communities where they continue to commit crimes that adversely impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors—drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs; and

WHEREAS, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal injury to a child as “non-violent” felonies and offenders convicted of violating such laws are able to avoid appropriate prison sentences; and

WHEREAS, under Proposition 57, criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim and allows repeat criminals to be eligible for release after the same period of incarceration as first time offenders; and

WHEREAS, cities must join together to voice their concerns for these legislative changes that have created an adverse impact on the safety of residents and businesses in local communities.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 15, 2017, to:

1. Direct League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent and future criminal law based on appropriate documentation by local agencies to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.
2. Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.
3. Continue to advocate to place into law that for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following:
 - Murder or voluntary manslaughter.
 - Mayhem.
 - Rape.
 - Sodomy by force, violence, duress, menace, or threat of great bodily harm.
 - Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
 - Lewd acts on a child under the age of 14 years.
 - Any felony punishable by death or imprisonment in the state prison for life.
 - Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.
 - Attempted murder.
 - Assault with intent to commit rape or robbery.

- Assault with a deadly weapon or instrument on a peace officer.
 - Assault by a life prisoner on a non-inmate.
 - Assault with a deadly weapon by an inmate.
 - Arson.
 - Exploding a destructive device or any explosive with intent to injure.
 - Exploding a destructive device or any explosive causing great bodily injury.
 - Exploding a destructive device or any explosive with intent to murder.
 - Robbery.
 - Kidnapping.
 - Taking of a hostage by an inmate of a state prison.
 - Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
 - Any felony in which the defendant personally used a dangerous or deadly weapon.
 - Escape from a state prison by use of force or violence.
 - Assault with a deadly weapon.
 - Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22.
 - Carjacking.
 - Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
 - Throwing acid or flammable substances with intent to injure.
 - Continuous sexual abuse of a child.
4. Request the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.
 5. Encourage the collection and organization of real world data from cities and counties on the universe of post-release community supervision (PRCS) offenders.
 6. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent policy changes to the criminal justice system.
 7. Call for the Governor and the Legislature to work with the League and others stakeholders to consider and implement such criminal justice system reforms.

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Background Information on Resolution No. 1

Source: City of Whittier

Background:

During the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Some changes have been needed, as not all crimes should be punished with jail sentences. These changes included AB 109 as well as Propositions 47 and 57.

Approved in 2011, AB 109 was approved, transferring nearly 45,000 felons from the State prison system to local jail systems, resulting in lower-level criminals being released early. Then, Proposition 47, so called The Safe Neighborhoods and Schools Act, was approved by California voters in 2014. It reclassified and downgraded a number of serious crimes from felonies to misdemeanors. Similarly, Proposition 57, called The Public Safety and Rehabilitation Act, was approved by voters in 2016 and allows the State to provide for the release of up to 30,000 criminals convicted of "non-violent" felonies, including rape by intoxication, driveby shooting, human trafficking involving sex act with minors, assault with a deadly weapon, to name a few. Additionally, under Prop 57 repeat criminals are eligible for release after the same period of incarceration as first time offenders.

Now, California cities and counties are facing increasing crime rates which are being connected to these legislative actions which created a situation where violent and career criminals are serving little to no prison time while low-level offenders commit multiple crimes with limited consequences. This increasing level of crime endangers the health and safety of our residents, police officers, and property. Negative impacts from these State legislative changes have been far reaching, and crime rates and the number of victims are increasing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders.

As an example, the Public Policy Institute of California reports since 2015:

- California has experienced an uptick in overall crime
- Property crime is up 145%, violent crime up 54%
- One in four Californians view violence and street crime in their community as a substantial problem
- Arrests dropped 31% for property crimes and 68% for drug offenses (due to Prop. 47)
- The report concludes auto theft increase is a direct result of AB109

To make matters even worse, during the past two years we've seen officers shot, wounded and killed in communities throughout California including Whittier, Downey, Lancaster, Palm Springs, San Diego, Stanislaus County, and Modoc County. Further, the number of U.S. police officers killed in the line of duty hit a five-year high in 2016. The National Law Enforcement Officers Memorial Fund's preliminary report shows that this year's 135 fatalities were a 10% increase over the 123 officers who died in the line of duty last year.

When taken together the increases in crime in our communities and reductions in arrests for many crimes plus violent attacks against police officers underscores the need for a call to action amongst California's state and local leaders. This conference resolution is an important first step and seeks to initiate both a dialogue as well as actions to begin reforming California's criminal justice system by requesting that League staff analyze the negative impacts of recent criminal law, identify necessary changes, and work with stakeholders to promote support for such advocacy efforts. The resolution also calls on the Governor, Legislature, cities, and other stakeholders to work together toward reforms.

The resolution contains three specific reforms:

1. Address Issues with AB 109

The conference resolution promotes the amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.

2. Revise the Definition of Violent Crime

The resolution calls for the League to advocate to place into law for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following crimes:

- Murder or voluntary manslaughter
- Mayhem
- Rape
- Sodomy by force, violence, duress, menace, or threat of great bodily harm
- Oral copulation by force, violence, duress, menace, or threat of great bodily harm
- Lewd acts on a child under the age of 14 years
- Any felony punishable by death or imprisonment in the state prison for life
- Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven
- Attempted murder
- Assault with intent to commit rape or robbery
- Assault with a deadly weapon or instrument on a peace officer
- Assault by a life prisoner on a non-inmate
- Assault with a deadly weapon by an inmate
- Arson
- Exploding a destructive device or any explosive with intent to injure
- Exploding a destructive device or any explosive causing great bodily injury
- Exploding a destructive device or any explosive with intent to murder
- Robbery
- Kidnapping
- Taking of a hostage by an inmate of a state prison

- Attempt to commit a felony punishable by death or imprisonment in the state prison for life
- Any felony in which the defendant personally used a dangerous or deadly weapon
- Escape from a state prison by use of force or violence
- Assault with a deadly weapon
- Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22
- Carjacking
- Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
- Throwing acid or flammable substances with intent to injure.
- Continuous sexual abuse of a child.

3. Data Sharing

The resolution requests the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Tim Cromartie
Committee: Public Safety

Summary:

This Resolution seeks to address increases in crime in the wake of AB 109 (2011), Proposition 47 (2014), which reclassified a host of felony offenses as misdemeanors, and Proposition 57 (2016), which revised the rules of parole for what are designated “non-violent” offenders under the California Penal Code, but in fact comprise a number of criminal acts that are violent in nature, or may be committed to facilitate a violent outcome (for example, discharging a firearm from a motor vehicle).

This Resolution would direct staff to seek legislation expanding the term “violent felony” as defined in the California Penal Code; to tighten the criteria for the release of non-violent, non-serious, non-sex offender inmates; to mandate consideration of an inmate’s entire criminal history as part of the deliberations involving whether to grant individual parole; and to consider creation of a task force that would be charged with issuing a report recommending further changes in law, and supported by documentation collected by local agencies and other key stakeholders.

Background:

Since 2011, changes in state law, starting with AB 109, altered the fabric of California's criminal justice system. In 2011, AB 109 began to shift nearly 45,000 felons from the state prison system to local county jails. Prior to AB 109, many of California's more heavily populated counties already had jail systems that were operating under court-ordered or self-imposed population caps. As a result, AB 109 implementation triggered changes in that county jails experienced over time an influx of a rougher class of offender, and many lower level petty criminals committing new offenses were simply booked and released, serving no jail time at all.

Proposition 47 followed in 2014, reclassifying a host of felony offenses as misdemeanors and increasing the threshold amount for a felony charge of grand theft from \$450.00 to \$900.00. The effect of this change was to significantly stimulate the volume of petty theft, shoplifting, auto theft, and organized retail theft (shoplifting involving multiple persons with cell phones, designated getaway drivers, and a pre-determined escape route often involving a short trip to a major highway). Proposition 57, approved by voters in 2016, facilitates the potential early release of a large number of "non-violent" offenders by providing that inmates are eligible for parole once they have served 100% of their base sentence, without regard to any time served as a result of any sentencing enhancements. The universe of "non-violent" offenders could include individuals who have committed the following offenses: rape by intoxication, attempted drive-by shooting, assault with a deadly weapon, throwing acid with the intent to disfigure, to name but a few offenses. Since current law defines a "non-violent offender" based on the individual's most recent commitment offense, even if the individual is a repeat offender, the State Parole Board must still consider that person's parole application.

This state of affairs includes factors such as a higher proportion of offenders at large on our city streets, many of whom have had little in the way of rehabilitation programming while incarcerated, some with drug habits, who are more violent now than when initially incarcerated. Unless they engage in major illegal activity (murder, rape, arson, armed robbery), the available sanctions for any violations they commit, such as flash incarceration, i.e. temporary incarceration for 48-72 hours in a city or county jail, scarcely provide a meaningful deterrent to further criminal activity.

Communities in California are now facing increasing crime rates which can be linked to these recent legislative changes, which probation officers and local law enforcement are struggling to monitor and contain a situation in which a dramatically increase universe of offenders are at large in our communities.

The Public Policy Institute of California reports that since 2015:

- California has experienced an increase in overall crime
- Property crime is up 145%
- Violent crime is up 54%
- One in four Californians view violence and street crime in their community as a substantial problem
- Arrests dropped 31% for property crimes and 68% for drug offenses (due to Prop. 47)
- The report concludes auto theft increase is a direct result of AB 109

Support:

Cities of La Mirada, Lakewood, Monrovia, Pico Rivera, Rolling Hills, Santa Fe Springs, and South Gate

Opposition:

None received.

Fiscal Impact:

The collective and cumulative effect of the current criminal justice policies has led to increased pressure on county general funds for increased resources for probation supervision and incarceration in county jails, as well as identical pressure on municipal general funds related to increased law enforcement activity and in some areas, increased emergency medical services calls. Should the objectives outlined by the resolution be achieved, those pressures will be alleviated to a significant but undetermined amount.

Comment:

This measure is a response to a trend of rapidly mounting frustration among cities beset by calls for more law enforcement resources as a result of ongoing, sustained criminal activity. There is a growing sense among law enforcement professionals and local elected officials that current policies which have reduced criminal penalties, reclassified felonies as misdemeanors and facilitated what amounts to early release of many offenders who are not truly non-violent, will in time result in a high-profile tragedy involving significant loss of life.

Existing League Policy:

In regard to incarceration policy, the League supports stiffer penalties for violent offenders. In 2014, the League joined the California Police Chiefs in opposing Proposition 47, which reduces sentencing penalties for specified non-serious and non-violent drug and property crimes. It directed that the following offenses would be treated as misdemeanors, in most instances irrespective of the circumstances:

- Commercial Burglary
- Forgery
- Passing Bad Checks
- Grand Theft
- Receipt of Stolen Property
- Petty Theft with a Prior Offense
- Drug Possession

In 2013, the League Board of Directors approved a resolution pertaining to AB 109 (2011), which implemented Public Safety Realignment and brought significant changes to the state's incarceration policy. Specifically, it provided that specified categories of felony offenders previously sentenced to state prison, would prospectively be sentenced to terms in county jails.

The League's Resolution had two significant components relevant to this resolution:

- 1) It urged the Governor's office to adjust the implementation of Public Safety Realignment so that the criteria examined to evaluate the appropriateness of release of non-violent, non-serious, non-sex offender inmates would include their total criminal and mental

history, instead of merely the most recent criminal conviction for which they are currently committed; and

- 2) It urged the Governor's office to expedite the development of an effective statewide data sharing mechanism allowing state and local law enforcement agencies too rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

Finally, the League in 2016 opposed Proposition 57, which altered rules for parole eligibility for non-violent felons, potentially facilitating parole before an individual has served any time toward a sentencing enhancement, and ushered in new rules for good time behavior seeking to incentivize inmates to undergo rehabilitation programming of an educational/vocational nature.

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS

Source: City of Tracy

Concurrence of five or more cities/city officials: Cities: Lathrop, Lodi, Manteca, Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt)

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, Government Code Section 38611 was last amended in 1957 and does not contain language clarifying the broad scope of emergency services as provided by present day fire departments; and

WHEREAS, Government Code Section 38611 requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body; and

WHEREAS, pursuant to Section 7 of Article XI of the California Constitution, municipal governments are vested with police power which imposes on the responsibility to protect public safety and public health and municipal governments must provide or contract for fire and/or emergency medical services; and

WHEREAS, the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state; and

WHEREAS, local fire and/or emergency medical services are financed by local taxpayers and the availability and use of such services is determined by the local governing body of the jurisdiction to which services are directly provided; and

WHEREAS, amending Government Code Section 38611 would provide the chief of a fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

RESOLVED, that the League of California Cities General Assembly, assembled at the League Annual Conference on September 15, 2017 in Sacramento, calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

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Background Information on Resolution No. 2

Source: City of Tracy

Background:

In 1980, the State Legislature enacted the Emergency Medical Services (EMS) Act in response to the development of paramedic services and a concern that there was a lack of medical oversight and coordination of emergency medical services. The EMS Act contains 100 different provisions in nine separate chapters of the California Health and Safety Code. The EMS Act created a two-tiered system that established a State EMS Agency to coordinate state-wide EMS activities and to develop state-wide minimum EMS policies and a local tier (Local EMS Agency) to plan, implement and evaluate an EMS System. The statute also includes language that establishes “*The medical direction and management of an emergency medical services system shall be under the medical control of the medical director of the local EMS Agency.*” In each county, the local EMS Agency sets local EMS policy, administers and provides medical oversight for cities and special fire districts to deliver EMS services within the county.

In the late 1970’s, as the EMS Act was being developed, the League of California Cities weighed heavily concerning the impact of the proposed EMS Act on cities. The League of California Cities argued against depriving a city of local control over EMS service levels. The League of California Cities wrote, “*We believe (local control) is important because city taxpayers financially support (EMS) programs and city management is responsible for their efficient utilization. The city council is responsible for the level of service and the cost of the program, wholly unrelated to the medical questions.*” Based on that argument, additional language was included in the EMS policy that allowed local agencies that were providing EMS service to continue (and even obligated) them to continue to provide EMS services at the same levels as prior to 1980. This addition to the EMS Act (Section 1797.201 – became known as “201

Rights”) has been very controversial and has led to several lawsuits between cities/special districts and local EMS Agencies.

The City of Tracy in San Joaquin County has become the epicenter on the issue of local control as it relates to who has the authority to determine which resources will respond to medical emergencies. Several incidents have been noted where poor patient outcomes were the result of a failed county policy (SJCEMS Agency Policy 3202) that restricts local fire departments from responding to “low-level” emergencies. The EMS policy decisions within San Joaquin County have potential implications on every local community within the state of California and increasingly threaten local control.

Proposed Amendment

The proposed amendment to Government Code Section 38611 would clarify local control and allow the local governing bodies to determine which services are directly provided within their respective jurisdictions. The existing law is extremely limited in scope having been last amended in 1957, at a time when fire departments did not routinely provide many of the specialized services of today. Changes in services provided include but are not limited to hazardous materials response, specialized rescue, and emergency medical services. The amendment aims to support the long-standing tradition in California of local control over the types, levels, and availability of these services.

////////

League of California Cities Staff Analysis on Resolution No. 2

Staff: Tim Cromartie
Committee: Public Safety

Summary:

This resolution calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Background:

In 1980, the State Legislature enacted the Emergency Medical Services (EMS) Act in response to the development of paramedic services and a concern that there was a lack of medical oversight and coordination of emergency medical services. The EMS Act contains 100 different provisions in nine separate chapters of the California Health and Safety Code. The EMS Act created a two-tiered system that established a State EMS Agency to coordinate state-wide EMS activities and to develop state-wide minimum EMS policies and a local tier (Local EMS Agency) to plan, implement and evaluate an EMS System.

The statute also includes language that establishes “*The medical direction and management of an emergency medical services system shall be under the medical control of the medical director*”

of the local EMS Agency.” In each county, the local EMS Agency sets local EMS policy, administers and provides medical oversight for cities and special fire districts to deliver EMS services within the county.

In the late 1970's, as the EMS Act was being developed, the League of California Cities weighed heavily concerning the impact of the proposed EMS Act on cities. The League argued against depriving a city of local control over EMS service levels. The League wrote, *“We believe (local control) is important because city taxpayers financially support (EMS) programs and city management is responsible for their efficient utilization. The city council is responsible for the level of service and the cost of the program, wholly unrelated to the medical questions.”* Based on that argument, additional language was included in the EMS policy that allowed local agencies that were providing EMS service to continue (and even obligated) them to continue to provide EMS services at the same levels as prior to 1980. This addition to the EMS Act (Section 1797.201 – became known as “201 Rights”) has been very controversial and has led to several lawsuits between cities/special districts and local EMS Agencies.

The City of Tracy in San Joaquin County has become one of the epicenters on the issue of local control as it relates to who has the authority to determine which resources will respond to medical emergencies. Several incidents have been noted where poor patient outcomes have been attributed by some observers to a county policy (SJCEMS Agency Policy 3202) that restricts local fire departments from responding to “low-level” emergencies. The EMS policy decisions within San Joaquin County have potential implications on every local community within the state of California and increasingly threaten local control.

Support:

Cities of Lathrop, Lodi, Manteca, City of Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt)

Opposition:

None received.

Fiscal Impact:

This resolution, if its directive can be achieved, will have no direct fiscal impact on cities. It will however, provide an atmosphere in which cities that have invested significant resources in building up and maintaining an independent EMS capability can have confidence that it will be deployed as intended.

Comment:

While this resolution calls for very specific action to clarify the rules governing emergency medical services, ideally it would be more generally worded to allow greater flexibility in pursuing legislative and other solutions to a problem that has existed for decades, spawning both legislation and multiple incidents of litigation.

However, it accurately expresses the legitimate frustration of cities in their efforts to provide emergency medical services (EMS) while abiding by the directives of their local emergency medical services authorities (LEMSA's), which are county entities. Counties have broad

discretion under existing case law in how they administer EMS under the doctrine of medical control. To the degree there is dissatisfaction on the part of cities within a given county or counties, the following should be noted:

- 1) A task force convened by the California Emergency Medical Services Authority, the state entity with jurisdiction over this subject matter, made significant headway in crafting regulations governing the provision of ground emergency medical transport -- until disputes over local control and the criteria under which a local (municipal) agency could lay claim to the exclusive right to provide EMS in a specific operating area led to a lawsuit being filed by the California Fire Chiefs Association. That suit effectively suspended the work of the Task Force.
- 2) Over the past two decades, multiple attempts at legislation to resolve this issue have been tried, most without success. It was in part the multiple attempts at legislation that triggered the formation of the above-referenced task force.

Existing League Policy:

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc. as well as cities' authority and discretion to provide all emergency services to their communities.

The League supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided within local boundaries for the purpose of improving the level of pre-hospital emergency medical service.

The League supports legislation to provide the framework for a solution to longstanding conflict between cities, counties, the fire service and LEMSA's particularly by local advisory committees to review and approve the EMS plan and to serve as an appeals body. Conflicts over EMS governance may be resolved if stakeholders are able to participate in EMS system design and evaluation and if complainants are given a fair and open hearing.

The League opposes legislation, regulations and standards that impose minimum staffing and response time standards for city fire and EMS services since such determinations should reflect the conditions and priorities of individual cities.

The League supports Emergency 911 systems to ensure cities and counties are represented on decisions affecting emergency response.

LETTERS OF CONCURRENCE

Resolution No. 1

**Implement Strategies to Reduce Negative Impacts of
Recent Changes to Criminal Laws**



CITY OF LA MIRADA

DEDICATED TO SERVICE

13700 La Mirada Boulevard
La Mirada, California 90638

P.O. Box 828
La Mirada, California 90637-0828

Phone: (562) 943-0131 Fax: (562) 943-1464
www.cityoflamirada.org

July 11, 2017

LETTER OF SUPPORT

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2017 CONFERENCE RESOLUTION STRATEGIES TO IMPROVE NEGATIVE IMPACTS OF CRIMINAL LAW

Dear Committee:

The City of La Mirada supports the League of California Cities Annual Conference Resolution proposed by the City of Whittier calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of La Mirada has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. Specifically, since 2014 the City of La Mirada has seen property crime increase by 41 percent. The proposed resolution seeks to correct these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include one's total criminal and mental health history instead of only the most recent criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms to enhance public safety in our community. For these reasons, the City of La Mirada strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

CITY OF LA MIRADA

Ed Eng
Mayor

EE:JB:vdr

Ed Eng
Mayor

Lawrence P. Mowles
Mayor Pro Tem

Steve De Ruse, D. ~~127~~
Councilmember

John Lewis
Councilmember

Andrew Sarega
Councilmember

Jeff Boynton
City Manager

Steve Croft
Vice Mayor

Jeff Wood
Council Member

Ron Piazza
Council Member

Todd Rogers
Council Member



Diane DuBois
Mayor

July 10, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 Conference Resolution – Notice of Support
Strategies to Improve Negative Impacts of Criminal Law**

Dear Committee:

The City of Lakewood supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

Like other cities, Lakewood has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts. These include:

- Request League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes and work with key stakeholders to promote support for resulting advocacy efforts.
- Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent."
- Request that the State improve the "Smart Justice" platform to allow state and local law enforcement agencies to rapidly share information to track offenders and encourage data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Lakewood strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

Diane DuBois
Mayor

Lakewood



July 11, 2017

President JoAnne Mounce
The League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Letter of Support for the Resolution Brought Forward by the City of Whittier Regarding the Unintended Negative Consequences of Recent Legislative Changes to California's Criminal Justice System

Dear Ms. Mounce:

The City of Monrovia strongly supports the Resolution brought forth by the City of Whittier, which asks the League of California Cities (League) to initiate and facilitate further discussion between the Governor, the State Legislature, and other key public safety stakeholders regarding the legislative changes that have been made to California's criminal justice system during the past few years.

Taken together, Assembly Bill 109, Proposition 47, and Proposition 57 have reshaped how we approach public safety issues in our State. And certainly, the identified measures have resulted in measurable and positive impacts to California's criminal justice system, such as a decrease in the State prison system population. However, the cumulative effect of these legislative actions have had several significant unintended consequences, which have resulted in California cities now needing to address increasingly complex public safety challenges.

For example, in the City of Monrovia, violent and property crimes increased by 19% when comparing 2016 crime levels against 2015 rates. On-the-street information being provided by our Police Officers seems to correlate that the increasing levels of crime are connected with the legislative changes that have been enacted in California during the past several years. Additionally, the public safety issues we are experiencing in Monrovia are not occurring in a vacuum, as other neighboring jurisdictions are reporting similar concerns that impact our region as a whole.

Given these factors, we believe that California's overall criminal justice system needs to be carefully reexamined for potential methods to mitigate these emerging public safety issues. The City of Whittier's Resolution represents a positive first step, which includes the formation of a task force to examine possible criminal justice system modifications in greater detail. We believe that such a step would be a move in the right direction for California.

For these reasons, the City of Monrovia strongly supports the Resolution brought forth by the City of Whittier. Of course, please feel free to contact me if I can provide any additional information. I can be reached at (626) 932-5501, or via email at ochi@ci.monrovia.ca.us.

Best regards,

Oliver Chi
City Manager



René Bobadilla, P.E.
City Manager

City of Pico Rivera

OFFICE OF THE CITY MANAGER

6615 Passons Boulevard · Pico Rivera, California 90660

(562) 801-4379

Web: www.pico-rivera.org · e-mail: rbobadilla@pico-rivera.org

City Council

Bob J. Archuleta
Mayor

Gustavo V. Camacho
Mayor Pro Tem

David W. Armenta
Councilmember

Gregory Salcido
Councilmember

Brent A. Tercero
Councilmember

July 12, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 Conference Resolution
Strategies to Improve Negative Impacts of Criminal Law
Notice of Support**

Dear Committee:

The City of Pico Rivera supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of Pico Rivera has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. Following are some specific impacts provided by the Pico Rivera Sheriff's Department:

Part I crimes

Robbery is up 10.26% in 2017 compared to 2016

Larceny Theft is up 4.09% in 2017 compared to 2016

Part II crimes

Weapon Law is up 9.68% in 2017 compared to 2016

Felony Transport & or Sales of controlled substance (except Marijuana) is up 44.44% compared to 2016

Misdemeanor Possession of a Controlled Substance (excluding Marijuana) is up 56.06% compared to 2016

Under the influence of Narcotic is up 28.57% in 2017 compared to 2016

The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

General Resolutions Committee

2017 Conference Resolution – Strategies to Improve Negative Impacts of Criminal Law

Notice of Support

July 12, 2017

Page 2

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make “violent offenses” include crimes that meet the plain language definition of “violent”.

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Pico Rivera strongly supports this resolution to strategically address criminal justice reforms.

Best regards,

A handwritten signature in blue ink, appearing to read 'René Bobadilla', with a stylized flourish at the end.

René Bobadilla, P.E.
City Manager
City of Pico Rivera



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

July 12, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 Conference Resolution
Strategies to Improve Negative Impacts of Criminal Law
Notice of Support**

Dear Members of the General Resolutions Committee:

As a member of the Rolling Hills City Council, I support the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and with other public safety stakeholders to identify and implement strategies that will relieve the unintended negative impacts of existing criminal law.

The City of Rolling Hills has seen increases in burglaries, mail/package theft and other property related crime that may have resulted from a combination of legislative actions and voter-approved initiatives. The City has also seen a significant jump in identity theft. The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

General Resolutions Committee

July 12, 2017


Re: 2017 Conference Resolution Strategies to Improve Negative Impacts of Criminal Law -
Notice of Support

Page 2

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, I strongly support this resolution to strategically address criminal justice reforms.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bea Dieringer", with a stylized, cursive script.

Bea Dieringer
Councilmember
City of Rolling Hills

RC:BD:hl

07-12-17League Resolution Support.docx



July 11, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 Conference Resolution
Strategies to Improve Negative Impacts of Criminal Law
Notice of Support**

Dear Committee:

The City of Santa Fe Springs supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of Santa Fe Springs has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. In addition, the City of Santa Fe Springs contracts with the Whittier Police Department for Law Enforcement Services. In February, Whittier Police Department Officer Keith Boyer was gunned down by a AB 109 offender in a heinous act of indiscriminate violence. We feel strongly that AB 109 and the loosening of oversight and control over recidivist offenders was at least partially responsible in Officer Boyer's death. We believe that the proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

July 10, 2017

Page 2

2017 Conference Resolution

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Santa Fe Springs strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

A handwritten signature in blue ink, appearing to read "William K. Rounds". The signature is stylized with a large "W" and a prominent "R".

William K. Rounds, Mayor
City of Santa Fe Springs



City of South Gate

8650 CALIFORNIA AVENUE + SOUTH GATE, CA 90280-3075 + (323) 563-9543
WWW.CITYOFSOUTHGATE.ORG FAX (323) 569-2678

MARIA DAVILA, Mayor
MARIA BELEN BERNAL, Vice Mayor
DENISE DIAZ, Council Member
JORGE MORALES, Council Member
AL RIOS, Council Member

July 11, 2017

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2017 ANNUAL CONFERENCE RESOLUTION: STRATEGIES TO IMPROVE
NEGATIVE IMPACTS OF CRIMINAL LAW-NOTICE OF SUPPORT**

Dear Committee:

As a Council Member of the City of South Gate, and a Member of the League's Public Safety Policy Committee, I am writing to express my support of the City of Whittier's 2017 Annual Conference Resolution (Resolution.) The proposed Resolution calls on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders, to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

Cities in Los Angeles County have experienced increases in property crimes that may have resulted from a combination of legislative actions and voter-approved initiatives. The proposed Resolution seeks to remedy many of the negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The passage of this Resolution would provide a range of important League directives to address the growing public safety concerns in these communities. For these reasons, I strongly support this Resolution to strategically address criminal justice reforms.

Sincerely,

Jorge Morales
Council Member

LETTERS OF CONCURRENCE

Resolution No. 2

Local Control for Emergency Medical Response



COSUMNES FIRE DEPARTMENT

10573 E Stockton Blvd.
Elk Grove, CA 95624

(916) 405-7100
Fax (916) 685-6622
www.yourcsd.com

July 13, 2017

The Honorable JoAnne Mounce, President
League of California Cities
1400 K Street
Sacramento, California 95814

**RE: RESOLUTION THAT SUPPORTS LEGISLATION TO AMEND GOVERNMENT
CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL**

Dear President Mounce,

The Cosumnes CSD Fire Department, which encompasses the Cities of Elk Grove and Galt supports the proposed resolution that would support legislation to amend Government Code Section 38611 to clarify the definition of local control as it pertains to emergency services.

A core function of local government is the ability to determine and provide the appropriated level of emergency response resources. Allowing Local Emergency Medical Services Agencies (LEMSAs) to determine when and how local fire agencies respond to emergencies circumvents the role of Fire Chiefs and municipal and special fire district legislative bodies. It should be the role of the Fire Chief to determine the required service levels and the role of the local legislative bodies to support the Fire Chief's recommendations based on community expectations, community risk reduction strategies and available resources.

Therefore, the Cosumnes CSD Fire Department supports the proposed resolution and future legislation that would serve to ensure local government determines their emergency response service levels. If further clarification is required, please let me know.

Sincerely,

Michael W. McLaughlin
Fire Chief



Office of the City Manager

390 Towne Centre Dr. – Lathrop, CA 95330
Phone (209) 941-7220 – fax (209) 941-7248
www.ci.lathrop.ca.us

July 14, 2017

The Honorable JoAnne Mounce, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Sent to Via Email to: Meg Desmond mdesmond@cacities.org <<mailto:mdesmond@cacities.org>>

**Re: RESOLUTION THAT SUPPORTS LEGISLATION TO AMEND GOVERNMENT
CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL**

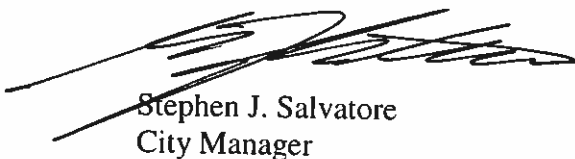
Dear President Mounce,

The City of Lathrop supports the proposed resolution that would support legislation to amend Government Code Section 38611 to clarify the definition of local control as it pertains to emergency services.

A core function of local government is the ability to determine and provide the appropriated level of emergency response resources. Allowing Local Emergency Medical Services Agencies (LEMSAs) to determine when and how local fire agencies respond to emergencies circumvents the role of Fire Chiefs and municipal and special fire district legislative bodies. It should be the role of the Fire Chief to determine the required service levels and the role of the local legislative bodies to support the Fire Chief's recommendations based on community expectations, community risk reduction strategies and available resources.

Therefore, the City of Lathrop supports the proposed resolution and future legislation that would serve to ensure local government determines their emergency response service levels. If further clarification is required, please let me know.

Thank you,



Stephen J. Salvatore
City Manager

Cc: Members of the City of Lathrop City Council
Lathrop Manteca Fire Chief, Gene Neely
Tracy City Manager, Troy Brown
Tracy Fire Chief, Randall Bradley
Central Valley Regional Public Affairs Manager LOCC, Stephen Qualls

CITY COUNCIL

DOUG KUEHNE, Mayor
ALAN NAKANISHI,
Mayor Pro Tempore
MARK CHANDLER
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

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www.lodi.gov cityclerk@lodi.gov

STEPHEN SCHWABAUER
City Manager

JENNIFER M. FERRAILOLO
City Clerk

JANICE D. MAGDICH
City Attorney

July 19, 2017

The Honorable JoAnne Mounce, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING
LEGISLATION AMENDING GC §38611 TO CLARIFY DEFINITION OF LOCAL
CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL
OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT
EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS**

The City of Lodi supports the proposed resolution to support legislation amending Government Code §38611 to clarify the definition of local control providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Accordingly, we concur in the submission of the resolution for consideration by the League of California Cities General Assembly at its annual meeting on September 15, 2017.

Government Code Section 38611 does not contain language clarifying the broad scope of emergency services as provided by present day fire departments. The code requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body. Amending Government Code Section 38611 would provide the chief of a fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

The City of Lodi is in strong support of providing statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Sincerely,



Doug Kuehne
Mayor, City of Lodi

DK/JMF

cc: Larry Rooney, Fire Chief, City of Lodi
Randall Bradley, City of Tracy, randall.bradley@ci.tracy.ca.us
Stephen Qualls, League of California Cities, squalls@cacities.org



CITY OF MANTECA - FIRE DEPARTMENT

1154 S. UNION ROAD • MANTECA, CA 95337
(209) 456-8300 • FAX (209) 923-8936

July 13, 2017

League of California Cities
1400 K Street, Suite 400
Sacramento CA 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS

To Whom It May Concern:

This letter confirms that the City of Manteca supports the resolution on Emergency Medical Services submitted to the League of California cities by the City of Tracy. The City of Manteca believes that local control of Emergency Services is critical to ensure that the best possible service and protection of our citizens/taxpayers is provided.

We appreciate the City of Tracy's willingness to bring this crucial issue to the forefront.

Respectfully,


Greg Showerman, Acting City Manager

Date: 13 July 2017


Kyle Shipherd, Fire Chief

Date: 13 July 2017

MICHAEL TUBBS
Mayor

ELBERT HOLMAN
Vice Mayor
District 1



CITY OF STOCKTON

OFFICE OF THE CITY COUNCIL
CITY HALL • 425 N. El Dorado Street • Stockton, CA 95202
209 / 937-8244 • Fax 209 / 937-8568

DAN WRIGHT
District 2

SUSAN LOFTHUS
District 3

SUSAN LENZ
District 4

CHRISTINA FUGAZI
District 5

JESÚS ANDRADE
District 6

July 13, 2017

The Honorable JoAnne Mounce, President
League of California Cities
1400 K Street
Sacramento, CA 95814

**SUBJECT: Resolution of the League of California Cities Supporting Legislation
Providing Broad Statutory Authority for Local Officials to Determine
Emergency Service Levels - SUPPORT**

Dear President Mounce,

On behalf of the City of Stockton, I wish to voice our support of the City of Tracy proposed resolution for consideration by League membership. Stockton supports this resolution for the following reasons:

- 1) The City of Stockton Legislative Program seeks the broadest authority for the City Council to make decisions locally, particularly related to the local exercise of police powers;
- 2) The City of Stockton Legislative Program advocates for efforts that impact the City's ability to enhance the well-being, quality of life, health, and safety of residents;
- 3) The City of Stockton has experienced challenges and frustrations in delivering the highest quality of emergency medical services to our residents due to provision of the Emergency Medical Services (EMS) Act.
- 4) Amendments to the EMS Act would clarify local control and allow governing bodies to determine which services are directly provided within their respective jurisdictions.

For these reasons, the City of Stockton concurs with and supports the City of Tracy proposed resolution for consideration by League membership.

MICHAEL TUBBS
MAYOR

MT:cc

cc: Stockton City Councilmembers
Kurt Wilson, Stockton City Manager