



# 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

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Monday, March 21, 2016

7:00 PM

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

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#### Study Session at 5:30 PM/Regular Meeting at 7:00 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](http://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. STUDY SESSION ROLL CALL

#### B. STUDY SESSION

- B.1. [16-087](#) **SUBJECT: Joint Planning Commission/City Council Study Session on the Draft Zoning Ordinance**

#### REPORT IN BRIEF

The City Council will meet in a joint study session with the Planning Commission to discuss suggested changes to the Public Review Draft of the Merced Zoning Ordinance discussed at the December 7, 2015, Joint Study Session.

**RECOMMENDATION**

Provide direction to staff on the Zoning Ordinance.

**B.2.** [16-096](#)

**SUBJECT:** Study Session - Fire Fee Study

**REPORT IN BRIEF**

Draft of Fire Fee Study.

**C. CALL TO ORDER**

C.1. Invocation - Monika Grasley, Lifeline Community Development Corp.

C.2. Pledge of Allegiance to the Flag

**D. ROLL CALL**

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority, and 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 Public Financing and Economic Development Authority receive no compensation.

**E. SPECIAL PRESENTATIONS**

E.1. CivicSpark Presentation - Rebecca True, CivicSpark Fellow

E.2. Homeless Presentation - Steven S. Carrigan, City Manager

**F. WRITTEN PETITIONS AND COMMUNICATIONS**

**G. 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. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. The Mayor may, at his discretion, decrease the time allotted to speakers in order to accommodate as many speakers as possible. 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.

**H. 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.

H.1. [16-083](#)      **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.

H.2. [16-085](#)      **SUBJECT:** Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for Sidewalk Infill on Alexander Avenue, CML-5085(041), Project 114051

**REPORT IN BRIEF**

Consider accepting California Department of Transportation Program Amendment Modification Summary (E-76), CMAQ Grant Funding, in the amount of \$332,076, for construction costs associated with the sidewalk infill on Alexander Avenue, bounded by Bel Air Drive and Nottingham Lane.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting and appropriating \$332,076 in grant funds from CMAQ for construction costs associated with sidewalk infill on Alexander Avenue; and,

B. Transferring matching funds of \$43,024 from Street and Signal CIP Fund 450-1104-637.65-00-Projects to be Determined to 450-1104-637.65-00-114051; and,

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

D. Authorizing the City Manager or his designee to execute the necessary documents.

- H.3. [16-035](#)      **SUBJECT:** Increase Contingency Percentage and Approve Change Order for Black Rascal Creek Bike Path Project 111065

**REPORT IN BRIEF**

Authorizes approval of a change order to the Black Rascal Creek Bike Path - McKee Road to Yosemite Avenue construction contract in the amount of \$2,756.60 for additional electrical work.

**RECOMMENDATION**

**City Council** - Adopt a motion increasing the contingency to 13% and approving a change order for the Black Rascal Creek Bike Path - McKee Road to Yosemite Avenue Project 111065, to Avison Construction, Inc., in the amount of \$2,756.60; and, authorizing the City Manager to sign the necessary documents.

- H.4. [16-062](#)      **SUBJECT:** Blue Star Memorial

**REPORT IN BRIEF**

Approve request from Merced Garden Club to locate Blue Star Memorial in Applegate Park.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the request from the Merced Garden Club to locate the Blue Star Memorial in Applegate Park, and authorizing the City Manager to execute the necessary documents.

- H.5. [16-022](#)      **SUBJECT:** Brokerage Services Agreement With McLaughlin Hay Service, Incorporated for Wastewater Treatment Plant Land Application Crops

**REPORT IN BRIEF**

Authorizes a three-year agreement with McLaughlin Hay Service, Inc. for the Wastewater Treatment Plant Land Application Area fodder crops.

**RECOMMENDATION**

**City Council** - Adopt a motion authorizing the approval of the agreement for brokerage services with McLaughlin Hay Service, Incorporated for the Wastewater Treatment Plant Land Application crops, and authorizing the City Manager to execute the necessary documents.

- H.6. [16-092](#)      **SUBJECT:** City School District Crossing Guards Agreement

**REPORT IN BRIEF**

Authorize a three-year agreement with the City School District to reimburse a portion of the cost associated with the School Crossing Guard Program.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the agreement with the Merced City School District for reimbursement of a portion of the cost associated with the School Crossing Guard Program and authorizing the City Manager to execute the necessary documents.

H.7. [16-084](#)

**SUBJECT:** Street Closure #16-04 for Sacred Heart Catholic Church to Host the "Stations of the Cross" Reenactment and the Silent March for Good Friday

**REPORT IN BRIEF**

Consider a request for use of City streets.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the street closures of 13th Street (between M Street and Canal Street), Canal Street (between 13th Street and 11th Street), 11th Street (between Canal Street and M Street), M Street (between 11th Street and 13th Street), and the two alleyways located within the street closure boundary, as requested by Sacred Heart Catholic Church, on Friday, March 25, 2016, from 3:00 p.m. to 4:30 p.m. and from 7:00 p.m. to 8:00 p.m.; subject to the conditions outlined in the administrative staff report.

H.8. [16-094](#)

**SUBJECT:** Transfer of 19th and "N" Streets Property to Merced Designated Local Authority

**REPORT IN BRIEF**

Authorizes transfer of the property at 19th and "N" Streets to the Merced Designated Local Authority, which - in turn - will license the property to UC Merced as a construction staging site for UC Merced's new downtown administrative building project.

**RECOMMENDATION**

**Parking Authority** - Adopt a motion authorizing the Executive Director of the Parking Authority to sign all necessary documents to facilitate the transfer of the parcel at the corner of 19th and "N" Streets to the Merced Designated Local Authority, the successor agency to the Merced Redevelopment Agency.

**ALTERNATIVES**

1. Approve as recommended;
2. Refer back to staff with specific direction;
3. Take no further action regarding this matter.

**I. REPORTS**

I.1. High Speed Rail Plan Update - Diana Gomez, HSR Representative

**J. BUSINESS**

J.1. [16-088](#)      **SUBJECT: Recreation and Parks Commission Appointments**

**REPORT IN BRIEF**

Consider accepting nominations and appointing individual(s) to the Recreation and Parks Commission.

**RECOMMENDATION**

**City Council** - Adopt a motion accepting nominations and appointing one individual to serve as a member of the Recreation and Parks Commission until July 2017 and one individual to serve as a member until July 2019.

J.2. Request to Add Item to Future Agenda

J.3. City Council Comments

**K. ADJOURNMENT**



## ADMINISTRATIVE REPORT

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**Agenda Item: B.1.**

Meeting Date: 3/21/2016

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**Report Prepared by:** *Kim Espinosa, Planning Manager, Development Services Department*

**SUBJECT:** Joint Planning Commission/City Council Study Session on the Draft Zoning Ordinance

### REPORT IN BRIEF

The City Council will meet in a joint study session with the Planning Commission to discuss suggested changes to the Public Review Draft of the Merced Zoning Ordinance discussed at the December 7, 2015, Joint Study Session.

### RECOMMENDATION

Provide direction to staff on the Zoning Ordinance.

### ALTERNATIVES

None

### AUTHORITY

Title 20 of the Merced Municipal Code is the current Merced Zoning Ordinance.

### CITY COUNCIL PRIORITIES

Under the "Future Planning" section, the Zoning Ordinance Update is listed as a Council priority.

### DISCUSSION

#### Introduction

On December 7, 2015, the Planning Commission and City Council held a joint study session on the Public Review Draft of the Merced Zoning Ordinance that was released in September 2015. At the study session, Council Member Belluomini provided an outline of different issues that he wanted to have addressed in the new ordinance. After briefly discussing these items, the Planning Commission and City Council asked that the Zoning Ordinance Focus Group meet again to discuss the items in more detail.

#### Focus Group Recommendations

Focus Group meetings were held on January 21, and February 4, 2016. Staff had provided the Focus Group with information to facilitate the discussion as well as a feedback form for those members who were not able to attend the meetings (Attachment 1). Unfortunately, attendance at both meetings was sparse (see Attachment 1) and no members took advantage of the feedback

form. However, those Focus Group members who did attend had very thorough and thoughtful discussions about the items and did come to a consensus regarding each item. Council Member Belluomini was able to attend the meetings and described his proposals in detail with the Focus Group members present.

The Zoning Ordinance Focus Group made the following recommendations by consensus regarding the specific items from Council Member Belluomini.

1. *Variation in Lot Dimensions for R-1-6 subdivisions*: The Focus Group recommended that this section remain as written.
2. *Development Guidelines for C-C and B-P Zoning Districts, Pedestrian Circulation*: The Focus Group recommended that functional awnings “should” (but not “shall”) be added to protect pedestrians from the rain when walking along building frontages of businesses which abut each other.
3. *Development Standards for Industrial Zoning Districts*: The Focus Group recommended to increase the Heavy Industrial (I-H) Exterior Setback from zero to 15 feet.
4. *Side Court Apartments*: The Focus Group recommended that the following additional subsections be added: “4a) The side courtyard shall be a shared space accessible to all building residents. 4b) Pathways shall be provided from each unit to the side courtyard and from the side courtyard to a public sidewalk adjacent to the site.”
5. *Off Street Parking Requirements for Multi-Family Dwellings*: The Focus Group recommended the following modified Option C from Attachment 5 of Attachment 1: “1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 spaces per additional full or partial bathroom over 3 (instead of 2 as originally proposed by Council Member Belluomini) in each unit.”
6. *Standards for Solar Carports*: The Focus Group recommended that such standards be developed by staff and presented to City Council in the future due to the evolving nature of this technology but should not hinder the adoption of the ordinance at this time.
7. *Design Standards for Single-Family Dwellings*: The Focus Group recommended that a reference to the Fire Code requirement for addresses to be a certain height and visible from the street be added.
8. *“Defensible Space” Design Standards for Multi-Family*: The Focus Group recommended that Items #8, #9, #10, #11, and #12 be included as guidelines (“should”) instead of standards (“shall”) so that they were recommendations only and not strict requirements.
9. See #8 above.
10. See #8 above.
11. See #8 above.
12. See #8 above.
13. *Development Standards for Residential Zoning Districts*: The Focus Group recommended that the Interior Yard (a.k.a. “backyard”) setback remain at 10 feet, not 12 feet as proposed by Council Member Belluomini, for all residential zones.
14. *12 Foot by 20 Foot Outdoor Private Space*: The Focus Group recommended that the such spaces should be encouraged as guidelines (“should”) but not required (“shall”) and if provided, that they be useable spaces, not just decorative, of a minimum size of 5 feet by 8 feet.
15. *6 Foot by 12 Foot Balcony*: The Focus Group recommended that such spaces should be

encouraged as guidelines (“should”), but not required (“shall”) and if provided, that they be useable spaces, not just decorative, of a minimum size of 5 feet by 8 feet.

### Purpose of Study Session

The purpose of tonight’s study session is for the Planning Commission and City Council to give direction to staff regarding the following:

1. Should staff incorporate the Focus Group recommendations on the suggestions from Council Member Belluomini into the draft Zoning Code?
2. Are there any additional suggestions or changes that staff should incorporate into the draft Zoning Code?
3. Does the Planning Commission and City Council want to have more joint study sessions on the Draft Zoning Code to review the document in detail using the review questions in Attachment 2?
4. If not, should staff proceed with scheduling public forums and public hearings to consider adoption this summer?

Please bring your copy of the Public Review Draft of the Merced Zoning Ordinance to the study session with you.

### **IMPACT ON CITY RESOURCES**

No appropriation of funds is necessary.

### **ATTACHMENTS**

1. Focus Group Recommendations (February 2016)
2. Zoning Ordinance Review Questions (September 2015)

**MEMORANDUM**

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**DATE:** February 4, 2016  
**TO:** City Council and Planning Commission  
**FROM:** Kim Espinosa, Planning Manager  
**SUBJECT:** Final Recommendations from Merced Zoning Ordinance Update Focus Group regarding Specific Items from the Planning Commission/City Council Study Session on December 7, 2015

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Introduction

On December 7, 2015, the Planning Commission and City Council held a study session on the Public Review Draft of the Merced Zoning Ordinance that was released in September 2015. At the study session, Council Member Belluomini provided an outline of different issues that he wanted to have addressed in the new ordinance. After briefly discussing these items, the Planning Commission and City Council asked that the Zoning Ordinance Focus Group meet again to discuss the items in more detail. The Planning Commission and City Council expressed a great deal of respect for all the time and effort that the Focus Group had put into reviewing the Draft Ordinance and, therefore, wanted the Focus Group's opinions of the proposed changes.

Focus Group Meetings

Focus Group meetings were held on January 21, and February 4, 2016. Staff had provided the Focus Group with information described below to facilitate the discussion as well as a feedback form for those members who were not able to attend the meetings. Unfortunately, attendance at both meetings was sparse (see below) and no members took advantage of the feedback form despite it being sent out several times. However, those Focus Group members who did attend had very thorough and thoughtful discussions about the items and did come to a consensus regarding each item. Council Member Belluomini was able to attend the meetings and described his proposals in detail with the Focus Group members present.

Focus Group Members in Attendance on January 21, 2016: Kenra Bragonier, Adam Cox, Tony Dossetti, Flip Hassett, Jack Lesch, Elmer Lorenzi, Michelle Paloutzian, and Acting Chairman Guy Maxwell (Note: Items #1 through #5 were discussed.)

Focus Group Members in Attendance on February 4, 2016: Ann Andersen, Kenra Bragonier, Tony Dossetti, Jack Lesch, Elmer Lorenzi, and Acting Chairman Guy Maxwell (Note: Items #5 through #15 were discussed.)

### Focus Group Recommendations

The Zoning Ordinance Focus Group made the following recommendations by consensus regarding the specific items from Council Member Belluomini. (Please note that Council Member Dossetti abstained from the voting since the City Council would be making the final decision, and Adam Cox abstained since Council Member Belluomini was presenting the same items to the Greater Merced Chamber of Commerce of which he is the CEO.)

- 1) *Variation in Lot Dimensions for R-1-6 subdivisions:* The Focus Group recommended that this section remain as written.
- 2) *Development Guidelines for C-C and B-P Zoning Districts, Pedestrian Circulation:* The Focus Group recommended that functional awnings “should” (but not “shall”) be added to protect pedestrians from the rain when walking along building frontages of businesses which abut each other.
- 3) *Development Standards for Industrial Zoning Districts:* The Focus Group recommended to increase the Heavy Industrial (I-H) Exterior Setback from zero to 15 feet.
- 4) *Side Court Apartments:* The Focus Group recommended that the following additional subsections be added: “4a) The side courtyard shall be a shared space accessible to all building residents. 4b) Pathways shall be provided from each unit to the side courtyard and from the side courtyard to a public sidewalk adjacent to the site.”
- 5) *Off Street Parking Requirements for Multi-Family Dwellings:* The Focus Group recommended the following modified Option C from Attachment 5: “1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 spaces per additional full or partial bathroom over 3 (instead of 2 as originally proposed by Council Member Belluomini) in each unit.”
- 6) *Standards for Solar Carports:* The Focus Group recommended that such standards be developed by staff and presented to City Council in the future due to the evolving nature of this technology but should not hinder the adoption of the ordinance at this time.
- 7) *Design Standards for Single-Family Dwellings:* The Focus Group recommended that a reference to the Fire Code requirement for addresses to be a certain height and visible from the street be added.
- 8) *“Defensible Space” Design Standards for Multi-Family:* The Focus Group recommended that Items #8, #9, #10, #11, and #12 be included as guidelines (“should”) instead of standards (“shall”) so that they were recommendations only and not strict requirements.
- 9) See #8 above.
- 10) See #8 above.
- 11) See #8 above.
- 12) See #8 above.
- 13) *Development Standards for Residential Zoning Districts:* The Focus Group recommended that the Interior Yard (a.k.a. “backyard”) setback remain at 10 feet, not 12 feet as proposed by Council Member Belluomini for all residential zones.

- 14) *12 Foot by 20 Foot Outdoor Private Space:* The Focus Group recommended that the such spaces should be encouraged as guidelines (“should”) but not required (“shall”) and if provided, that they be useable spaces, not just decorative, of a minimum size of 5 feet by 8 feet.
- 15) *6 Foot by 12 Foot Balcony:* The Focus Group recommended that the such spaces should be encouraged as guidelines (“should”) but not required (“shall”) and if provided, that they be useable spaces, not just decorative, of a minimum size of 5 feet by 8 feet.

#### Background Information Provided to Focus Group

The background information provided to the Focus Group included the following:

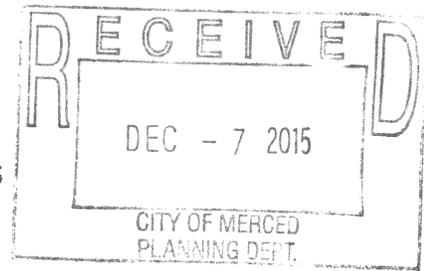
- At Attachments 1 and 2, the suggested changes from Council Member Belluomini in the form of a memo and an op-ed that was published in the Merced County Times are included. His comments have been numbered by staff.
- Relevant excerpts from the Draft Zoning Ordinance (with the corresponding number above) are included at Attachment 3. Please note that although Council Member Belluomini did not indicate where in the actual ordinance he would prefer to see the proposed standards for multi-family development mentioned in the op-ed piece, staff would recommend that if those changes are made, that they be added to Chapter 20.46—Residential Design Standards, which is also included in Attachment 3.
- Attachment 4 is the Feedback form.
- Attachment 5 is a memo dated January 21, 2016, regarding Multi-Family Parking Options (relating to Item #5 in Attachment 3), including calculations based on three recent multi-family projects reviewed by the City.

#### Attachments

1. Memo from Council Member Belluomini (dated December 7, 2015)
2. Opinion Editorial by Council Member Belluomini (dated November 2015)
3. Relevant excerpts from the Public Review Draft of the Merced Zoning Ordinance (September 2015) regarding Attachments 1 and 2
4. Focus Group Feedback Form on Suggestions
5. Multi-Family Parking Options Memo (January 21, 2016)

To : Merced City Council , and Merced Planning Commission

Dec. 7, 2015



From : Michael Belluomini

*Michael Belluomini*

Reference : Comments on Revised and Reorganized Zoning Code

Attached are comments that apply to all higher density residential zones regarding standards of design and livability of private open space which appeared in the County Times newspaper. In addition to these comments which apply broadly to many zones, below are listed specific pages and sections for which there are comments.

**1** Page 14 section 20.08.030B3 Variation in Lot Dimensions for R-1-6 subdivisions

"Excluding corner lots, no more than 40% of the remaining lots may be less than the minimum required width."

40% is excessively high for lots to deviate from the zone standard for lot size. What is the point of having a standard when nearly half of the lots can not conform to it ? Recommend changing to 25% of the lots may be less than the required minimum width similar to the section B2 of the same section.

**2** Page 31 Section 5 a Pedestrian Circulation, add to the last sentence "and protect pedestrians from the rain when walking along building frontages of businesses which abut each other." This makes awnings more than decorative but also serve to keep shoppers dry in the rain.

**3** Page 36 section 20.12.030 Table 20.12-2 Development Standards for Industrial Zoning Districts

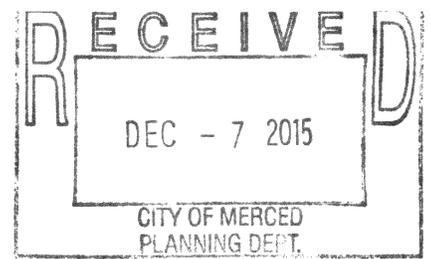
I-H (Heavy Industrial Zone) Exterior (Front Yard) Setback change from zero to 15 ft. As written the wall of a factory can come next to the public sidewalk and street. The publicly viewed street frontage of heavy industrial development should be attractive even if interior yards are not.

**4** Page 84 h Side Court Apartments. Add sections (3) Pedestrian Access; (4) Central Courtyard; and (5) Frontage found on page 86 describing standards for Courtyard Apartments to provide residents good access to outdoor common areas.

**5** Page 120 Table 20.38-1 Off - Street Parking Requirements Multiple Family Dwelling/Condominiums add phrase end of last sentence (shown here with underlining) "...plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 space per additional full or partial bathroom over 2 in each unit." This addresses student dormitory apartment designs using three and four bathroom apartments.

**6** Page 132 Parking lot do standards not provide uniform, predictable design guidelines for incorporating solar panel "carports" which conflict with landscape requirements. There are no clear standards in the solar panel section of the ordinance on page 160 either regarding parking lot landscaping. We need staff to develop alternate draft standards to consider.

**7** Page 165 section 20.46.020 Design Standards for Single-Family Dwellings and Mobile Homes C. Exterior Walls add section 4 as follows : "4. The street address number of the house shall be on the front wall of the house clearly visible from the street and of a minimum height of 4 inches." This provides easier delivery of services and products to homes especially in emergency situations.



Opinion Editorial by Michael Belluomini November 2015

The city is about to approve a revised and reorganized zoning ordinance. Zoning laws affect our daily lives at home, at work, while shopping, and our experience of how safe and attractive we perceive our surroundings to be. Zoning requirements strongly influence how visitors and residents of Merced experience living in the city as enjoyable, safe, convenient, and welcoming, or not. I write this article to express concerns regarding the proposed revised zoning ordinance's treatment of housing especially apartments and other forms of high density with the hope that the citizens and leaders of Merced will make changes to improve the proposed ordinance.

The proposed zoning ordinance allows high density residential in a zone labeled as "Inner Village Residential" which sounds rustic and pastoral but is the opposite. Inner Village Residential at 36 apartments per acre allows more apartments per acre than the traditional R-3 apartment zoning. As proposed it may be allowed within a quarter mile of any neighborhood shopping center which includes an area of approximately 80 acres and allows approximately 3,000 apartments. To achieve 3,000 apartments around a supermarket shopping center it allows apartment buildings 40 feet tall and individual house lots as small as 30 feet wide and 100 feet deep. High density housing and apartments are not necessarily bad but years of experience in analyzing apartments and high density housing have taught city planners that careful design precautions must be taken to make high density living safe, healthy, attractive, enjoyable, and resistant to criminal activity. Such design precautions are not included in the proposed zoning ordinance.

**Important principles in high density housing design make major improvements in the residents' sense of safety and enjoyment of their homes. These principles are :**

8

1) Placement of windows and doors should facilitate neighbor surveillance of their neighbor's entryways thereby creating potential spontaneous "neighborhood watch" for vandals, thieves etc.

9

2) Limiting the number of apartments that enter their front door from the same hallway or courtyard, so that residents can learn to recognize neighbors who belong there and distinguish them from visitors and intruders who can be questioned as to their purpose for being there.

10

3) Designing of apartment common recreational areas to be easily viewed by residents while their children or neighbors are using them, and designing such common areas to have boundaries that define them as symbolically "belonging to" a limited

number of adjoining apartments such that neighbors are recognized and intruders are easily identified and challenged.

11

4) Using physical changes to mark and define areas near a dwelling as its "territory" in which residents and neighbors can challenge intruders. Examples of such "territory" markers are a picket fence, a covered porch, a raised platform/deck around an entryway, and a continuous landscape feature separating the entryway area from other common or public areas.

12

5) Including keyed access gates and surveillance cameras to enter common areas of apartment complexes.

**These principles should to be added to the proposed zoning ordinance for higher density residential development in order to promote safety, enjoyment of the dwelling and yard, and to discourage crime.**

13

Besides being safe, high density developments in Merced ought to be enjoyable to live in --- they should have "livability". The proposed zoning ordinance allows rear yards of only ten feet from house wall to rear fence in the following residential zones: R-1-5, R-1-6, R-1-10, R-2, R-3-2, R-3-1.5, and R-4. In townhouse developments the rear yard can be only five feet from house to fence !! In the R-3 zone the ten foot rear yard can be converted to an asphalt/concrete carport. Is this how we want people to experience living in Merced?

14

Merced is not the big city where dwellings are cold structures with no connection to nature. Peoples' physical and mental health need outdoor living space to enjoy sunshine, exercise, a fresh breeze, the rain, to garden, and enjoy pets and native wildlife. Backyards provide a private space for friends and family to enjoy Merced's good weather to barbecue and eat together or to play games with each other or with their pets. A ten foot narrow backyard doesn't work to do these outdoor activities. Using the seating of eight people around a table with a barbecue at one end and room to move around the table, the minimum width is 12 feet from house wall to backyard fence and a minimum length of 20 feet. This additional two feet of rear yard width makes the difference between a functional space and a nonfunctional outdoor storage space. **The zoning ordinance should implement the principle that every dwelling which is on the ground floor should have a private outdoor space of a minimum of 12 feet by 20 feet.**

Similarly those living in apartments not on the ground floor are still in need of the benefits of a private outdoor space to recreate, dine, socialize and nurture pets/plants. For six friends or family to sit around three sides of a table to dine and socialize requires a balcony with a minimum size of six feet deep and 12 feet wide. The zoning ordinance

**15** should implement the principle that every apartment above the ground floor should have a private balcony at least six feet by 12 feet in size.

In many ways the standards for "livability" and high density residential design established by the revised zoning ordinance will set Merced's cultural expectations for what is an acceptable living environment for residents of Merced in the future, be they college students, low income housing residents, senior citizens, single parent households, single people or families. What do we want it to be like to experience living in Merced ?

The revised zoning ordinance will be reviewed by the Planning Commission and City Council at a joint meeting at 5:30pm on December 7 and subsequent meetings in December and January . Let your council members and planning commissioners know what you think regarding this matter.

Michael Belluomini, Merced City Council Member

**Excerpts from Merced Zoning Ordinance Public Review Draft (September 2015) regarding  
Suggestions from Council Member Belluomini**

(See Attachments 1 and 2)

**1. Page 14, Section 20.08.030.B3**

**20.08.030 Development Standards for Residential Zoning Districts**

**B. Variation in Lot Dimensions for R-1-6 Subdivisions.** The Planning Commission may approve reduced lot widths for an R-1-6 subdivision when the following conditions are met: **[No Change from MMC 20.10.065]**

1. The subdivision creates at least 10 lots.
2. Excluding corner lots, at least 25 percent of the remaining lots are at least 5 feet above the minimum required width.
3. Excluding corner lots, no more than 40 percent of the remaining lots may be less than the minimum required width. **[Proposal would be to decrease to 25 percent]**
4. No lot shall have a length less than the minimum required length or a width less than 15 feet below the minimum required width.
5. No corner lot may be less than the minimum required width or area.
6. No more than two lots below the minimum required width may be adjacent to one another.

**2. Page 30 and 31, Section 20.10.030 5A**

**1. Development Guidelines for the C-C (Regional Centers Only) and B-P Zoning Districts.** The City shall consider the following guidelines when reviewing development project applications in the C-C (for Regional Centers only, outside of the Downtown C-C District) and B-P Zoning Districts: **[NEW]**

**1. Site Design [NEW]**

- a. All buildings should relate visually to one another and appear to be part of a unified design theme.
- b. Larger buildings should be broken down into a group of buildings clustered into traditional building compounds or campus configurations.
- c. When multiple structures are proposed as part of a single project, the structures shall be designed to appear as part of an integrated complex within a unified site design and architectural characteristics.
- d. Building entries should be located so that they are easily identifiable. Each project should provide a well-defined entry sequence for pedestrian and vehicular uses from the street to the building.

**2. Building Design. [NEW]**

- a. Buildings shall feature quality design and architectural interest that enhances the aesthetics of the site and general vicinity.
- b. New development should include a variety of building types and designs in addition to the concrete tilt-up type construction which is often used.

- c. Buildings should appear to be of a pedestrian scale. Pedestrian scale building design can be achieved through outdoor patios; awnings, overhangs, and trellises; changes in building massing; changes in building materials and colors; defined building facades with an identifiable base, middle, and top; and other similar features.

**3. Landscaping. [NEW]**

- a. Development projects shall provide adequate, sustainable, drought-tolerant landscaping to enhance the appearance of buildings and provide an attractive environment for employees and the general public.
- b. Landscaping should provide an aesthetically pleasing transition between the building and adjacent sidewalks or pedestrian paths. Landscaping should soften the visual impact of buildings when viewed from the street, parking areas, or adjacent properties.
- c. Landscaping shall be provided along street frontage to provide visual interest, support a unifying character to the street, incorporate on-site storm drainage facilities, and enhance the appearance of individual developments. Landscape elements should be coordinated with adjacent properties to provide a compatible visual character.

**4. Parking. [NEW]**

- a. In order to reduce public views of parking areas, a significant amount of a development's parking area should be located beside or behind the building that it serves.
- b. Surface parking areas should be divided into smaller units to decrease visual impacts associated with large expanses of pavement and vehicles.
- c. Parking areas shall include designated pedestrian access to building entrances.
- d. Visual screening shall be provided for parking areas that can be viewed from adjacent development sites or from public streets. Screening may be in the form of trees and shrubs and/or landscaped berms.

**5. Pedestrian Circulation [NEW]**

- a. Sidewalks and pathways shall be provided to accommodate pedestrian circulation from parking areas to buildings, between buildings, and to plazas, open spaces, and other outdoor amenities. This pedestrian network should enhance a campus-like appearance of the development site **and protect pedestrians from the rain when walking along building frontages of businesses that which abut each other (proposed new language is underlined).**
- b. Pedestrian systems should be physically separated from vehicular circulation as much as possible. Areas where the two systems cross or are physically adjacent should be minimized to reduce traffic hazards and make the pedestrian system more efficient, pleasant, and visually attractive.
- c. Intersections where pedestrian routes cross vehicular circulation shall be clearly marked for visual identification by both motorists and pedestrians.

3. Page 36, Table 20.12-a

**[Only changes to MMC 20.34 and 20.36 would be to eliminate the 40 foot height limit]**

**TABLE 20.12-2 DEVELOPMENT STANDARDS FOR INDUSTRIAL ZONING DISTRICTS**

	Figure Label	Standard by Zone	
		I-L	I-H
Parcel Area (min.)		20,000	1 Acre
Yards (min.)			
Exterior	<b>A</b>	15 ft. [1]	None [Proposed change to 15 feet]
Interior	<b>B</b>	20 ft. [2]	None
Height (max.) [3]	<b>C</b>	None, except for adjacent to residential zones or within Airport Compatibility Plan area	None, except for adjacent to residential zones or within Airport Compatibility Plan area

Notes:

[1] When a parcel is located on a block with 40 percent of the parcels occupied by structures with exterior yards of less than 15 feet, the minimum setback shall be equal to the average exterior setback of structures on the block. **[No Change from MMC 20.34.060(B)]**

[2] Interior yards less than 20 feet are permitted for building in compliance with the Fire Code with approval of a Site Plan Review Permit. **[No Change from MMC 20.34.060(C)]**

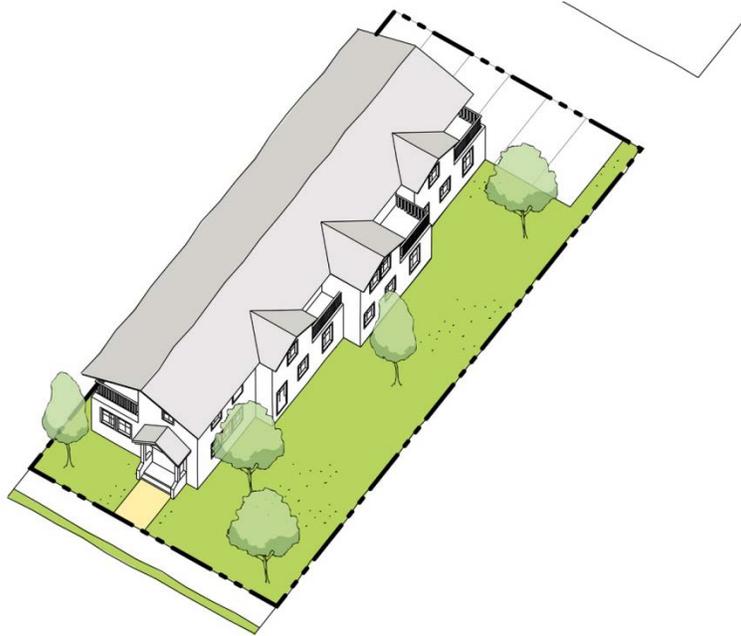
[3] The maximum height of industrial structures when directly adjacent to residential zones will be established with the Site Plan Review Permit/Interface process, based on impacts to the adjacent residential uses. Industrial structures shall also comply with the Merced County Airport Land Use Compatibility Plan. **[Changes MMC 20.34.060, which requires a CUP from the Planning Commission to go over the current 40 ft height limit]**

4. Page 84, Section 20.22.040.D3h--

h. Side Court Apartments.

- (1) **Definition.** A 2- to 3-story structure that contains multiple dwelling units and most of its dwelling units facing an active side yard.

*Figure 20.22-9 Side Court Apartments Example*



- (2) **Standards.** Side court apartments shall comply with the development standards shown in Table 20.22-9, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

**Table 20.22-9 Development Standards for Side Court Apartments**

	Minimum	Maximum
<b>Building Standards</b>		
Setbacks		
Exterior, Front	<b>10 ft.</b>	<b>20 ft.</b>
Interior, Rear	<b>15 ft. [1]</b>	-
Side, Inactive	<b>4 ft.</b>	-
Side, Active and Street	<b>20 ft.</b>	-
Height	-	<b>35 ft.</b>

Notes: [1] The minimum rear setback shall be 5 feet when abutting an alley.

**Proposed New Language to be Added which matches that from Section 20.22.040.D3i for Courtyard Apartments below:**

- (3) **Pedestrian Access.** The primary entry to individual units or the interior lobby of a courtyard apartment building shall be through the central courtyard.
- (4) **Central Courtyard.**
  - a) The central courtyard shall be a shared space accessible to all building residents.
  - b) Pathways shall be provided from each unit to the central courtyard and from the central courtyard to a public sidewalk adjacent to the site.
  - c) The central courtyard shall be visible from the primary street frontage.
  - d) The amount of impervious surface in central courtyard shall not exceed 50 percent of the total courtyard area.
  - e) The central courtyard shall be at least 30 feet in width.
- (5) **Frontage.** The active side yard shall front the street on a corner lot.

**5. Page 120, Table 20.38-1—Parking Standards**

[Refer to Table D1 on pg. 140A for Current Ordinance; “NC”= No change from current ordinance; “MOD”= Modified from current code; & “NEW”= New requirement.]

TABLE 20.38-1 OFF-STREET PARKING REQUIREMENTS	
Land Uses	Number of Required Parking Spaces
<b>RESIDENTIAL LAND USES</b>	
Multiple Family Dwellings/Condominiums <u>[MOD-- MMC 20.58.035 for Condos, which varies based on # of garages; &amp; changes Multi-Family to address # of bedrooms]</u>	1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit <u>and 1.0 spaces per additional full or partial bathroom over 2 in each unit. {Proposed new language}</u>

Note: Staff recommends that bathrooms not be used as a standard. If the 0.5 space per additional bedroom over 2 units is not enough, then that ratio can be adjusted to 0.75 or 1.0 instead. At the meeting, staff will provide some calculations based on some recent projects that were considered by the City so the Focus Group can determine which ratio to recommend.

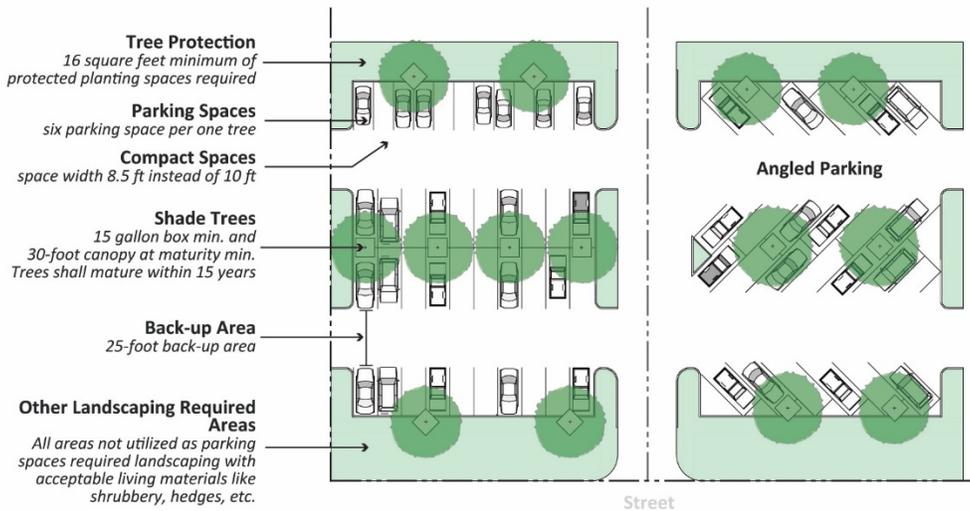
**6. Page 133, Section 20.38.070.F3b**

**F. Landscaping.** [Modifies MMC 20.58.385 to spell out requirements instead of referring to a separate document adopted in 1985 and not as readily accessible as the City Standards.]

- 1. **General Standards.** All landscaping within parking areas shall comply with the requirements of Chapter 20.36 (Landscaping) in addition to the standards within this section.
- 2. **Landscaping Defined.** Except as otherwise specified in this section, landscaping and landscaped areas shall consist of drought-tolerant plant materials, including any combination of trees, shrubs, and ground cover.

3. **Parking Lot Standards.** As illustrated in Figure 20.38-2 (Parking Lot Landscaping Standards), the following landscaping standards shall apply to parking lots containing six or more parking spaces. All landscape areas shall have an irrigation system.

**FIGURE 20.38-2      PARKING LOT LANDSCAPING STANDARDS**



- a) **Interior Landscaping.** All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped with plantings with drought-tolerant, non-invasive species. **[NEW]**
- b) **Shade Trees. [Matches Current Standards]**
  - (1) One shade tree shall be provided for every six parking spaces, or portion thereof, in a parking lot in addition to street trees.
  - (2) Shade trees shall be a minimum 15 gallon box in size and shall provide a minimum 30-foot canopy at maturity.
  - (3) Shade trees shall be of a type that can reach maturity within 15 years of planting and shall be selected from a City-approved list of canopy tree species suitable for the Valley climate.
  - (4) Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a 30-foot canopy) on August 21. The arrangement should approximate nearly 50 percent shade coverage at noon on August 21 within 15 years of planting.
  - (5) The above standards may be modified with a Minor Use Permit if alternative shade structures are provided. **[Proposal is to add standards for shade structures and solar carports instead of leaving up to staff to address with Minor Use Permits]**

**7. Page 165, Section 20.46.020.C**

**20.08.020      Design Standards for Single-Family Dwellings and Mobile Homes**

- A. **Applicability.** The following standards shall apply to all single-family developments and mobile homes. **[No change to MMC 20.54.250]**
- B. **Siding.** No shiny or reflective exterior siding materials, which are more reflective than semi-gloss paint, shall be permitted. **[No change to MMC 20.54.250(B)]**
- C. **Exterior Walls.**

1. Materials shall extend to the ground where a unit is mounted at grade-level or the top of the solid concrete or masonry perimeter foundation where an above-grade foundation is used. [No change to MMC 20.54.250(A)]
2. Materials shall be limited to stucco, wood, brick, stone, glass, or decorative concrete block. No tin or other metallic exterior wall material shall be used. [No change to MMC 20.54.250(F)]
3. Materials shall be the same as or complementary to the wall materials and roofing materials of the dwelling unit. [No change to MMC 20.54.250(K)]
4. **"The street address number of the house shall be on the front wall of the house clearly visible from the street and of a minimum height of 4 inches." {Proposed new language}**

## 8. Addition to Pages 167-170, Section 20.08.030 and 20.08.040

Note: If Council Member Belluomini's suggestions #8 through #12, #14, and #15 are added, they should be added to the sections below.

### 20.08.030 General Design Standards for Multi-Family Dwellings

[MMC 20.54.290, 20.54.300, and 20.54.310 spells out design standards for Multi-family projects of 3 different types (Planned Developments, Non-Planned Developments of 6 or More Units, and Non-Planned Developments of 2-5 units). The DRAFT below takes all the common standards between the 3 types and puts them in this "General Standards" section and then takes the ones that differ between the 3 types and puts them in the following Section of "Specific Design Standards. There are no proposed changes to the standards themselves.]

- A. **Applicability.** The following standards shall apply to all multi-family residential development of 3 units or more in any zoning district.
- B. **Exterior Treatment.**
  1. Blank walls shall be treated with a variety of textures, use of projecting details that create shade/shadow and contrasting trim materials.
  2. Any pipes, vents or tubes, etc., on the roof shall be painted or otherwise covered to match roof color or shall be screened.
  3. Ground-mounted air conditioning units shall be screened from public view, using either landscaping or a combination of landscaping and screening comprised of the same materials as used on the buildings.
- C. **Landscaping.** (Also refer to Chapter 20.36.)
  1. An automatic irrigation system shall be provided to all planting areas within the project.
  2. Landscaping other than turf shall be located a minimum of 3 feet from any fire hydrant to allow access.
- D. **Parking.**
  1. Parking areas shall be screened from public right-of-way by landscaping, which may include berms or fencing/screening.
  2. Parking areas shall be landscaped with a minimum of 1 tree per every 6 spaces.
  3. Parking areas shall be lit at night for security reasons, but the lighting shall not spill over onto adjacent properties.
- E. **Trash Collection Area.**
  1. No trash collection area shall be located within 10 feet (horizontal) of the outermost extent allowable for a roof projection on a residential structure.

2. Refuse collection areas shall be screened with the same and/or complementary materials and colors used on the main buildings.

**F. Apartment Unit.**

1. Each apartment unit shall have unique identification (i.e. numbers, letters, etc.) and all unit identification shall be in proper sequential order.
2. Unit identifications shall be 6 inches to 8 inches in height.
3. Unit identifications shall be treated so that it is clearly read from a street or access.
4. The project "mail directory" required by the postal service shall be located to be only accessible to the postal carrier, and not to the general public.

- G. Location.** Each dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement other than an alley. Such easements shall not be less than 10 feet in width.

**20.08.040 Specific Design Standards for Multi-Family Dwellings**

- A. All Multi-Family Dwelling in the Planned Development Zoning District and Multi-Family Dwellings with Five or More Units (or Three or More Units on Corner Lots) in Non-Planned Development Zoning Districts.** In addition to the standards in Section 20.46.040 above, such units shall comply with the following:

1. Building construction shall not exceed the plane established by 1:1 height and setback ratio from any exterior property line of a lot or parcel, for more than 50 percent of the allowable building area at any established distance from said exterior property line.
2. A minimum of 1 tree per 3 units is required, and foundation plantings with a minimum mean horizontal depth of 3 feet covering the equivalent of a minimum of 50 percent of the overall horizontal building frontage shall be required in the overall project area.
3. **Fences.**
  - a. Private balconies or patios shall be screened with solid or near-solid fencing/railings.
    - (1) Materials used shall be comparable quality and aesthetics to those used on the rest of the project.
    - (2) The color shall complement or match building trim.
  - b. Patio or Swimming Pool. Following standards exclude perimeter fencing.
    - (1) Fencing shall use the same materials, textures and colors as are used for the main building.
    - (2) Fencing shall not include chain link.
  - c. Chain link may be allowed for tennis courts if it uses vinyl-covered (or equivalent shading) chain link in complementary colors and masonry pilasters with complementary landscaping.
4. **Parking, Garage, and Carports.**
  - a. Carports shall have fascia boards. Materials for the fascia board shall match building material(s) of main structures; both fascia boards and vertical members (supports, screening elements, etc.) shall be painted to match or complement building trim.
  - b. A directory, with a list of all apartment unit identifications and a schematic or other locational device/site plan, shall be required in proximity to each parking lot entrance for use by emergency vehicles or visitors:
    - (1) Materials and color(s) of the directory will match/complement the building(s).
    - (2) City's approval is required for its placement and dimension, including orientation and lighting arrangements.

**5. Mechanical and Utility Equipment and Trash Collection Area.**

- a. No roof-mounted air-conditioning equipment shall be permitted.
- b. **Trash Collection Areas.**
  - (1) The perimeter of trash enclosures shall be planted with landscaping, such as shrubs or climbing evergreen vines, unless otherwise required by the City.
  - (2) Decorative gates shall enclose a trash area; walk-in access for tenants, other than the main gates to the trash area, shall be provided unless otherwise required by the City.
- c. Utility meters shall not be located within setback nor should they be visible from the public right-of-way, consistent with the following:
  - (1) A 3-foot clear space shall be provided in front of the meters;
  - (2) The meters shall be located near the front of the complex, but may be along the side of a unit;
  - (3) The meters may be screened with plants or materials as long as the utility company can still reach the meters to read them;
  - (4) Screening materials shall be the same as used on main buildings and shall be painted to match/complement building colors; and,
  - (5) The meters shall be located away from parking areas where they could be hit or backed into.

**B. Multi-Family Dwellings in the Planned Development Zoning District.** In addition to the standards in Section 20.46.030 and 20.46.040.A above, such units shall comply with the following: No composition roof materials shall be permitted except three-dimensional, architectural grade shingles.

**C. Multi-Family Dwellings with 3 to 5 Units in Non-Planned Development Zoning District.** In addition to the standards in Section 20.46.030 above, such units shall comply with the following: Roof-mounted air conditioning units are prohibited unless approved by the Site Plan Review Committee. If so approved, they shall be:

- 1. Mounted on the side of the building away from the public right-of-way, and,
- 2. Screened (to provide sufficient air circulation) with materials that will blend into the rest of the roof structure and block any view of the unit.

**9. See #8 Above**

**10. See #8 Above**

**11. See #8 Above**

**12. See #8 Above**

**13. Page 16 & 17, Tables 20.08-2 and 20.08-3 for Interior Yards** (Note: The City does not have a “back yard” setback requirement, it is for “one interior yard” and it can be either the back or the side yard. Current standard is 10 feet; proposal is for 12 feet for all residential zones.)

**[No changes from MMC 20.10.050 and MMC 20.10.060, except to add R-R standards and remove maximum stories of 2.5 in all districts.]**

**TABLE 20.08-2 DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS**

	Figure Label	Zoning District				
		R-R [NEW]	R-1-20	R-1-10	R-1-6	R-1-5
<b>Lot and Density Standards (Minimums)</b>						
Lot Area		1 acre [4]	20,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Lot Width [2]						
Interior Lots		125 ft.	85 ft.	70 ft.	60 ft.	50 ft.
Corner Lots		125 ft.	85 ft.	70 ft.	65 ft.	55 ft.
Lot Depth [3]		None	125 ft.	100 ft.	100 ft.	80 ft.
Lot Area per Dwelling Unit		1 acre [4]	20,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
<b>Primary Structure Standards</b>						
Setbacks (min.)						
Exterior Yards, Front	A	30 ft.	30 ft.	20 ft.	20 ft.	15 ft. [1]
Exterior Yards, Side ( <i>Corner Lots only</i> )	B	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
Exterior Yards, Cul-De-Sacs		30 ft.	30 ft. [1]	15 ft. [1]	15 ft. [1]	15 ft. [1]
One Interior Yard	C D	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
All Other Interior Yards	C D	25 ft.	10 ft.	7 ft.	5 ft.	5 ft.
Height (max.)	E					
Feet		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
<b>Other Standards</b>						
Accessory Structure Standards		See Chapter 20.28				
Driveway Length (min.)		20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Lot Coverage (max.)		25%	30%	40%	45%	50%
Off-Street Parking		See Chapter 20.38				
Projections Into Required Yards		See Chapter 20.26				
Separation Between Structures (min.)		As required by the California Building Code				

\*

\*

Notes:

[1] 20-foot minimum for garages.

[2] Lots located on curved streets, turnarounds, or cul-de-sac bulbs shall meet the minimum lot width requirement at the established front setback line. **[No change from MMC 20.54.270]**

[3] Cul-de-sac lots located on the cul-de-sac bulbs shall meet the minimum lot depth requirement measured at the mean horizontal distance between the front and rear lot lines, but at no point shall be less than 80 feet in depth. **[Modified MMC 20.54.270 to fit standard practices]**

[4] May be reduced to 1/3 acre if City sewer and water serves the property. **[NEW, but consistent with General Plan and County requirements]**

**[No changes from MMC 20.12.060 for R-2; MMC 20.14.060 for R-3; MMC 20.16.060 for R-4; and MMC 20.50.080 & 20.50.090 for R-MH, except as noted and maximum stories removed for all.]**

**TABLE 20.08-3 DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS**

	Figure Label	Zoning District				
		R-2	R-3-2	R-3-1.5	R-4	R-MH
<b>Lot and Density Standards (Minimums)</b>						
Lot Area		6,000 sq. ft.	6,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	10 acres
Lot Width						
Interior Lots		60 ft.	60 ft.	60 ft.	70 ft.	200 ft.
Corner Lots		65 ft.	65 ft.	65 ft.	70 ft.	200 ft.
Lot Depth		100 ft.	-	-	-	200 ft.
Lot Area per Dwelling Unit		3,000 sq. ft.	2,000 sq. ft.	1,500 sq. ft.	1,000 sq. ft.	[1]
<b>Primary Building Standards</b>						
Setbacks (min.)						
Exterior Yards, Front	<b>A</b>	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.
Exterior Yards, Side ( <i>Corner Lots Only</i> )	<b>B</b>	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
One Interior Yard	<b>C D</b>	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
All Other Interior Yards	<b>C D</b>	5 ft.	5 ft.	5 ft.	6 ft. [2]	10 ft.
Height (max.)	<b>E</b>					
Feet		35 ft.	35 ft.	35 ft.	40 ft.	35 ft.
<b>Other Standards</b>						
Accessory Structure Standards		See Chapter 20.28				
Driveway Length (min.)		20 ft.	-	-	-	-
Lot Coverage (max.)		50%	55%	55%	65%	65%
Off-Street Parking		See Chapter 20.38				
Projections Into Required Yards		See Chapter 20.26				
Separation Between Structures (min.)		15 ft.	15 ft.	15 ft.	10 ft.	15 ft.

\*

\*

**Notes:**

[1] The maximum residential density in the R-MH zoning district is ten dwelling units per acre. **[NEW, but minimum dimensions for each mobile home and setbacks for each space in MMC 20.50.090 have been deleted or modified.]**

[2] Rear yard minimum 10 feet for structures over 25 feet in height, an additional 1 foot per each additional 5 feet in height. **[No change from MMC 20.16.060(E)]**

**14.Addition to Pages 167-170, Section 20.08.030 and 20.08.040 (See #8 above)**

**15.See #8 Above**

**Zoning Ordinance Focus Group**

**Feedback on Suggestions from Council Member Belluomini**

(To help you in your review, staff has provided the following form for you to mark your agreement or not with each suggestion. If you are unable to attend the January 21, 2016, please feel free to simply mark this form and email it back to Kim at [espinosak@cityofmerced.org](mailto:espinosak@cityofmerced.org) )

**Do you agree, disagree, or are neutral regarding making these changes to the Draft Zoning Ordinance?**

Please see Attachments 1 and 2 for the Numbered Suggestions.

<b>Suggestion</b>	<b>Agree</b>	<b>Disagree</b>	<b>Neutral</b>
1			
2			
3			
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Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Focus Group Member: \_\_\_\_\_

**MEMORANDUM**

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**DATE:** January 21, 2016  
**TO:** Merced Zoning Ordinance Update Focus Group  
**FROM:** Kim Espinosa, Planning Manager  
**SUBJECT:** Options for Multi-Family Parking Requirements

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In my memo to the Focus Group on December 15, 2015, I noted that one of the issues that the Planning Commission and City Council was most interested in was the parking requirements for multi-family. As noted on Attachment 3, page 5 of that memo, City staff is providing several options regarding the parking requirements (see below with the changes from the current ordinance in underlined text). To illustrate each option, staff has provided the parking calculations for each option for recent multi-family projects that have been considered by the City. We hope that this will help the Focus Group in determining which parking ratio to recommend.

Options for Parking Requirements for Multi-Family

Option A—Current Zoning Ordinance = **1.75 spaces for each unit up to 30 units and 1.5 spaces for ea. unit thereafter.**

Option B—Public Review Draft (Sept 2015) = **1.75 spaces for ea. Unit up to 30 units and 1.5 spaces for ea. unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit.**

Option C—Councilmember Belluomini’s suggestion = **1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 spaces per additional full or partial bathroom over 2 in each unit.**

Option D—Increase to 0.75 spaces per Bedroom = **1.75 spaces for ea. Unit up to 30 units and 1.5 spaces for ea. unit thereafter, plus 0.75 spaces per additional bedroom over 2 in each unit.**

Option E—Increase to 1.00 spaces per Bedroom = **1.75 spaces for ea. Unit up to 30 units and 1.5 spaces for ea. unit thereafter, plus 1 space per additional bedroom over 2 in each unit.**

Parking Calculations for Recent Projects

- 1) Apartment Project for BP Investors on Merrill Place, east of G Street and north of Cardella (CUP #1200 approved by City Council on appeal on August 3, 2015)

Unit Type	# of Units	# of Bdrms	# of Baths	Parking Spaces Required				
				Option A	Option B	Option C	Option D	Option E
1 Bedroom/1 Bath	12	12	12	n/a	n/a	n/a	n/a	n/a
2 Bedroom/1 Bath	27	54	27	n/a	n/a	n/a	n/a	n/a
2 Bedroom/2 Bath	48	96	96	n/a	n/a	n/a	n/a	n/a
4 Bedroom/2 Bath	51	204	102	n/a	51	51	77	102
4 Bedroom/4 Bath	78	312	312	n/a	78	234	117	156
Baseline Parking (Based on # Units)	n/a	n/a	n/a	332	332	332	332	332
<b>Total</b>	<b>216</b>	<b>678</b>	<b>549</b>	<b>332</b>	<b>461</b>	<b>617</b>	<b>526</b>	<b>590</b>
<i>Ratio Per Bedroom</i>				<b>0.49</b>	<b>0.68</b>	<b>0.91</b>	<b>0.78</b>	<b>0.87</b>

Note: The developer included 362 parking spaces, which is a 0.53 spaces per bedroom

- 2) Compass Pointe Apartments, Phase 2 on southeast corner of Pacific Dr and Compass Point (approved by Planning Commission on January 6, 2016)

Unit Type	# of Units	# of Bdrms	# of Baths	Parking Spaces Required				
				Option A	Option B	Option C	Option D	Option E
1 Bedroom/1 Bath	28	28	28	n/a	n/a	n/a	n/a	n/a
2 Bedrooms/2 Bath	56	112	112	n/a	n/a	n/a	n/a	n/a
3 Bedrooms/2 Bath	44	132	88	n/a	22	22	33	44
Baseline Parking (Based on # Units)	n/a	n/a	n/a	200	200	200	200	200
<b>Total</b>	<b>128</b>	<b>272</b>	<b>228</b>	<b>200</b>	<b>222</b>	<b>222</b>	<b>233</b>	<b>244</b>
<i>Ratio Per Bedroom</i>				<b>0.75</b>	<b>0.81</b>	<b>0.81</b>	<b>0.86</b>	<b>0.90</b>

Note: The Developer proposed 263 spaces (0.96 per bedroom) and also offered to include 57 more spaces for a total of 322 (1.18 per bedroom). However, the Planning Commission felt that the additional spaces were not necessary.

- 3) Bellevue Ranch Apartments between M, Barclay, & Mandeville (tabled by City Council on July 6, 2015)

Unit Type	# of Units	# of Bdrms	# of Baths	Parking Spaces Required				
				Option A	Option B	Option C	Option D	Option E
1 Bedroom/1 Bath	144	144	144	n/a	n/a	n/a	n/a	n/a
2 Bedroom/2 Bath	192	384	384	n/a	n/a	n/a	n/a	n/a
3 Bedroom/3 Bath	64	192	192	n/a	32	96	48	64
4 Bedroom/4 Bath	32	128	128	n/a	32	96	48	64
Baseline Parking (Based on # Units)	n/a	n/a	n/a	656	656	656	656	656
<b>Total</b>	<b>432</b>	<b>848</b>	<b>848</b>	<b>656</b>	<b>720</b>	<b>848</b>	<b>752</b>	<b>784</b>
<i>Ratio Per Bedroom</i>				<i>0.77</i>	<i>0.85</i>	<i>1.00</i>	<i>0.89</i>	<i>0.92</i>

Note: The developer proposed 882 parking spaces, which is a ratio of 1.04 spaces per bedroom

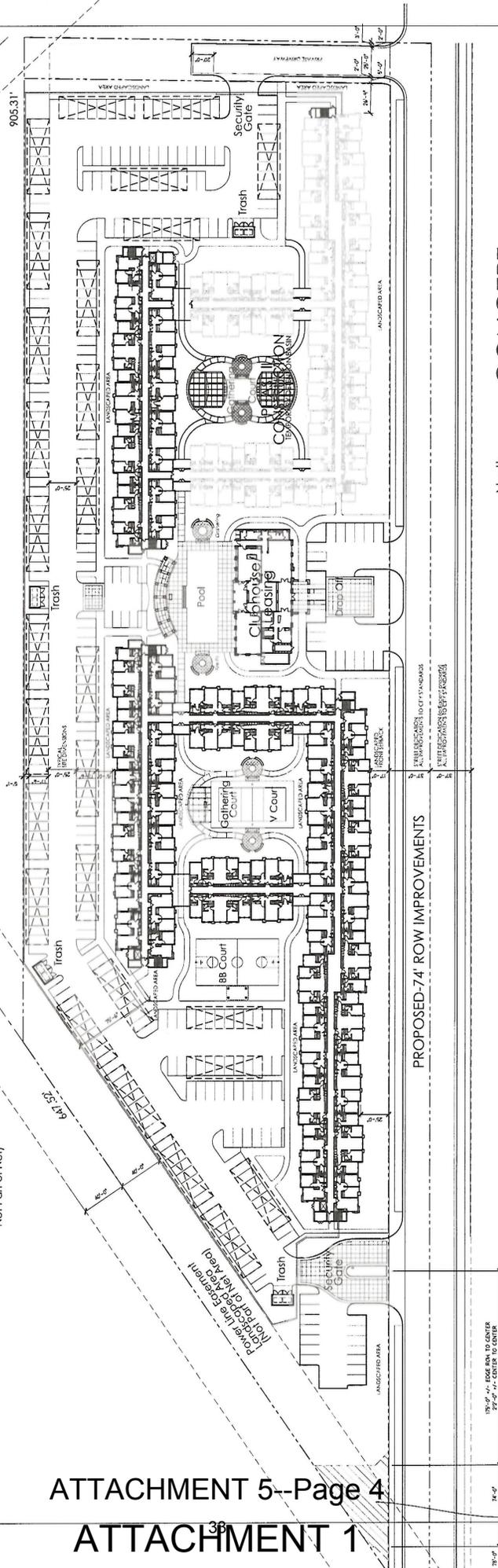
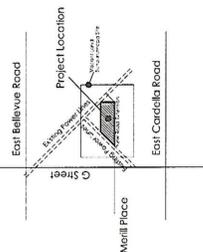
Attachments

- 1) Site Plan for Apartments for BP Investors
- 2) Site Plan for Compass Point Apartments, Phase 2
- 3) Site Plan for Bellevue Ranch Apartments

# Project Buildout Plan-Total Unit Building Count

Phase I	Phase II	Total
Land Area:	9.8 Acres	
Gross Land Area:	7.79 Acres (Less Road and Power Easements Dedications)	
Net Land Area:	192,264 Sq. Ft.	88,710 Sq. Ft.
Preliminary Building Area:	5691 Sq. Ft.	5691 Sq. Ft.
Building:	36,720 Sq. Ft.	36,720 Sq. Ft.
Clubhouse:		
Carports:		
Preliminary Building Area:		
Building Coverages: (Excludes Carports)	101,265 Sq. Ft.	29.83%
Driveway Area: (Includes Carports)	104,727 Sq. Ft.	30.85%
Landscape and Open Space Areas: (Power and Open Space Easement Not Part of Net)	133,519 Sq. Ft.	39.32%

UNIT TYPE	PHASE I UNITS:	PHASE II UNITS:	TOTAL UNITS:
UNIT #A - One Bedroom/1 Bath	9 UNITS	3 UNITS	12 UNITS
UNIT #B - Two Bedroom/ 1 Bath	24 UNITS	3 UNITS	27 UNITS
UNIT #C - Two Bedroom/ 2 Bath	30 UNITS	18 UNITS	48 UNITS
UNIT #D - Four Bedroom/ 2Bath	36 UNITS	15 UNITS	51 UNITS
UNIT #E - Four Bed/ 4 Bath	51 UNITS	27 UNITS	78 UNITS
TOTALS:	150 UNITS	66 UNITS	216 UNITS
PARKING REQUIRED:	332 TOTAL SPACES		
	1.75 to 1/1 First 30 and 1.5 to 1 thereafter		
PARKING PROVIDED:	362 TOTAL SPACES	216 CARPORTS	
		(224 CARPORTS 108 OPEN SPACES)	



CONCEPT  
SITE PLAN  
Sheet A1  
Scale 1"=40'-0"  
March 22, 2015  
Revised May 04, 2015

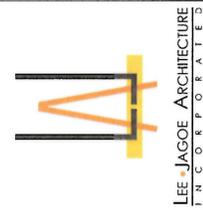


## Multifamily Housing Concept Merced, California

BP Investors, LLC

Proposed R.O.W. extension from adjacent site as shown on separate map as prepared by others. Proposed R.O.W. extension from property corner (not shown) to R.O.W. centerline is approx. 115 feet. Proposed R.O.W. width is 74 feet.

15'-0" R.O.W. EDGE ROW TO CENTER  
22'-0" R.O.W. CENTER TO CENTER



**GOLDEN VALLEY**  
ENGINEERING & SURVEYING  
405 West 19th Street #8340  
Menlo Park, CA 94024  
Tel: (650) 722-3294  
Fax: (650) 722-3294

CALIFORNIA

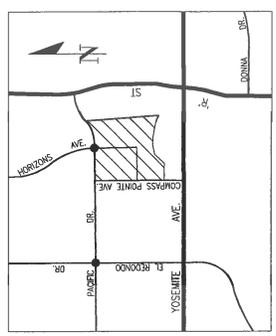
**APARTMENT COMPLEX**  
**SITE PLAN**  
APN: 206-070-006

CITY OF MERCED

PROJECT FOR  
**STENER DEVELOPMENT**  
AT WALTERS PARKWAY  
AT WALTERS, CA 95207  
208-722-6400

PROJECT NO.  
Date: OCTOBER 20, 2013  
Checked By: J.K.  
Drawn By: R.C.F.  
Job No.: 15122  
SHEET NUMBER

**C1.0**



**VICINITY MAP**

PHASE 2		10.42 Acres	
UNITS TABULATION	# OF BLDGS	# OF UNITS	
3 & 3 Bedroom	2	16	
3 & 2 Bedroom	4	32	
3 & 1 Bedroom	3	24	
2 & 2 Bedroom	3	24	
2 & 1 Bedroom	4	32	
<b>SITE TOTAL</b>	<b>16</b>	<b>128</b>	

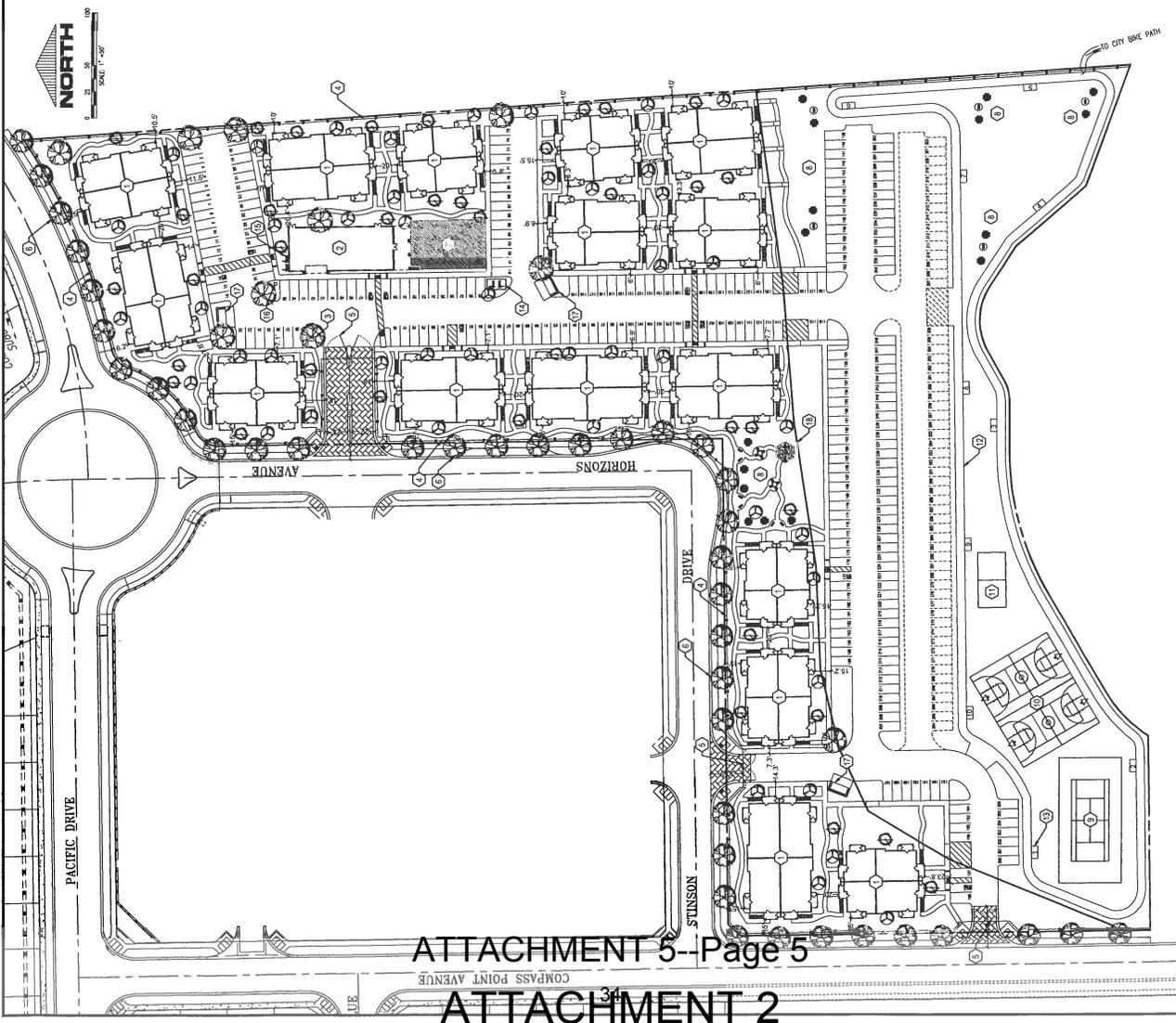
TYPE	# OF UNITS	TOTAL BDRMS.
3 Bedroom	44	132
2 Bedroom	56	112
1 Bedroom	28	28
<b>SITE TOTAL</b>	<b>128</b>	<b>272</b>

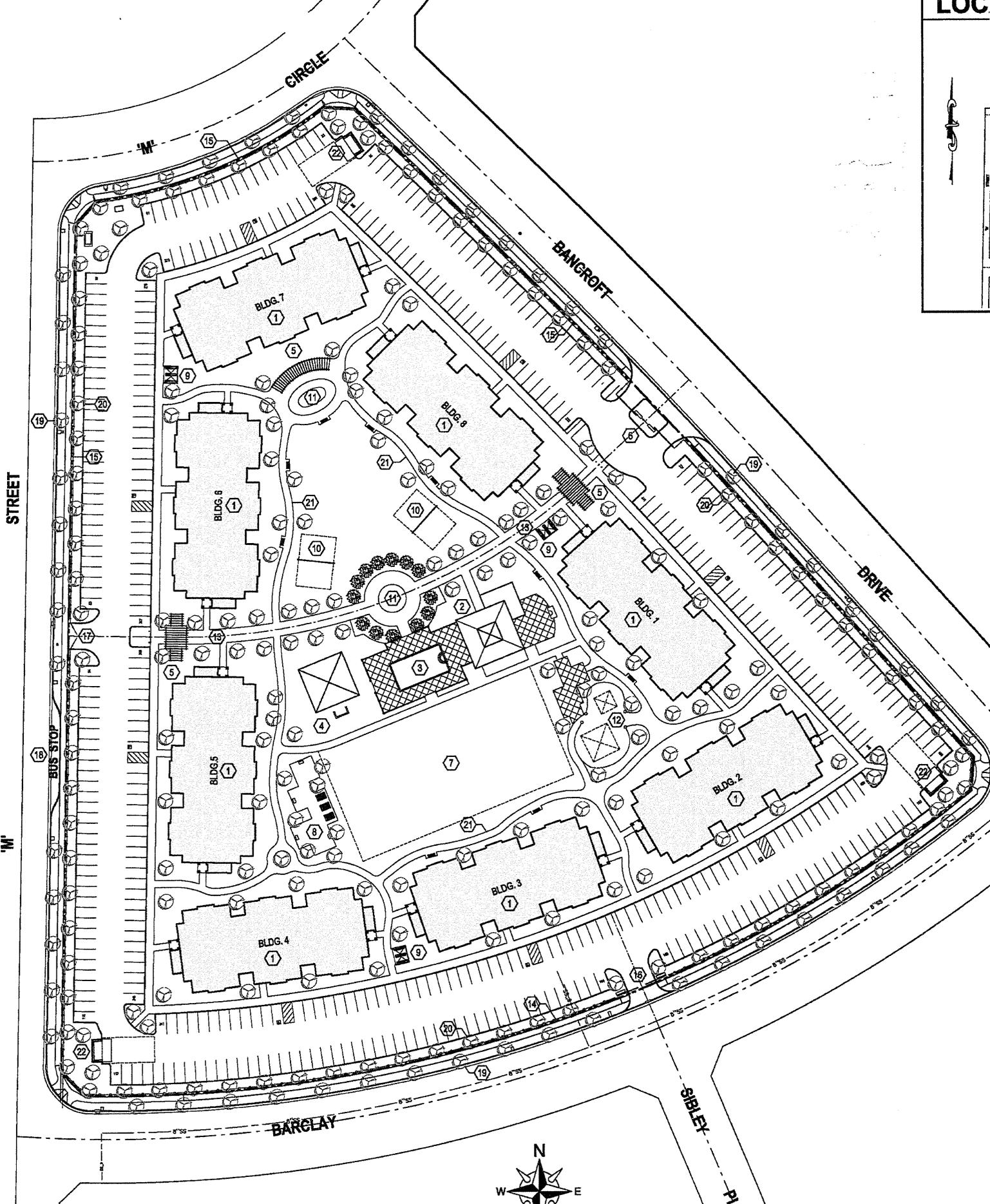
**PARKING ANALYSIS EACH PARCEL:**

**TOTAL PARKING REQUIRED:**  
 53 spaces  
 30 units - 1.25 x 80  
 120 spaces  
 200 spaces  
 Total Required -

**TOTAL PARKING PROVIDED:**  
 Total Parking -  
 Accessible Parking -  
 Potential Additional Stalls -  
 Total Potential Stalls -

- KEYNOTES:**
- 1 2-STORY APARTMENT UNIT (8 UNITS EA. BLDG)
  - 2 2-STORY OFFICE/COMMERCIAL BUILDING
  - 3 COMMUNITY MAILBOX
  - 4 6' WROUGHT IRON FENCE
  - 5 GATED ENTRANCE
  - 6 CITY STREET TREES @ 47' O.C.
  - 7 SWIMMING POOL
  - 8 PICNIC AREA
  - 9 TENNIS COURT
  - 10 BASKETBALL COURTS
  - 11 SAND VOLLEYBALL COURT
  - 12 RUNNING TRACK
  - 13 TYPICAL WORKOUT STATION (10 TOTAL)
  - 14 COVERED BICYCLE STORAGE
  - 15 BICYCLE RACK
  - 16 ELECTRIC CAR CHARGING STATION
  - 17 TRASH ENCLOSURES
  - 18 FLOODWAY





STREET

CIRCLE

BANGROFT

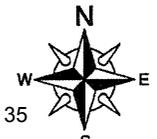
DRIVE

BUS STOP

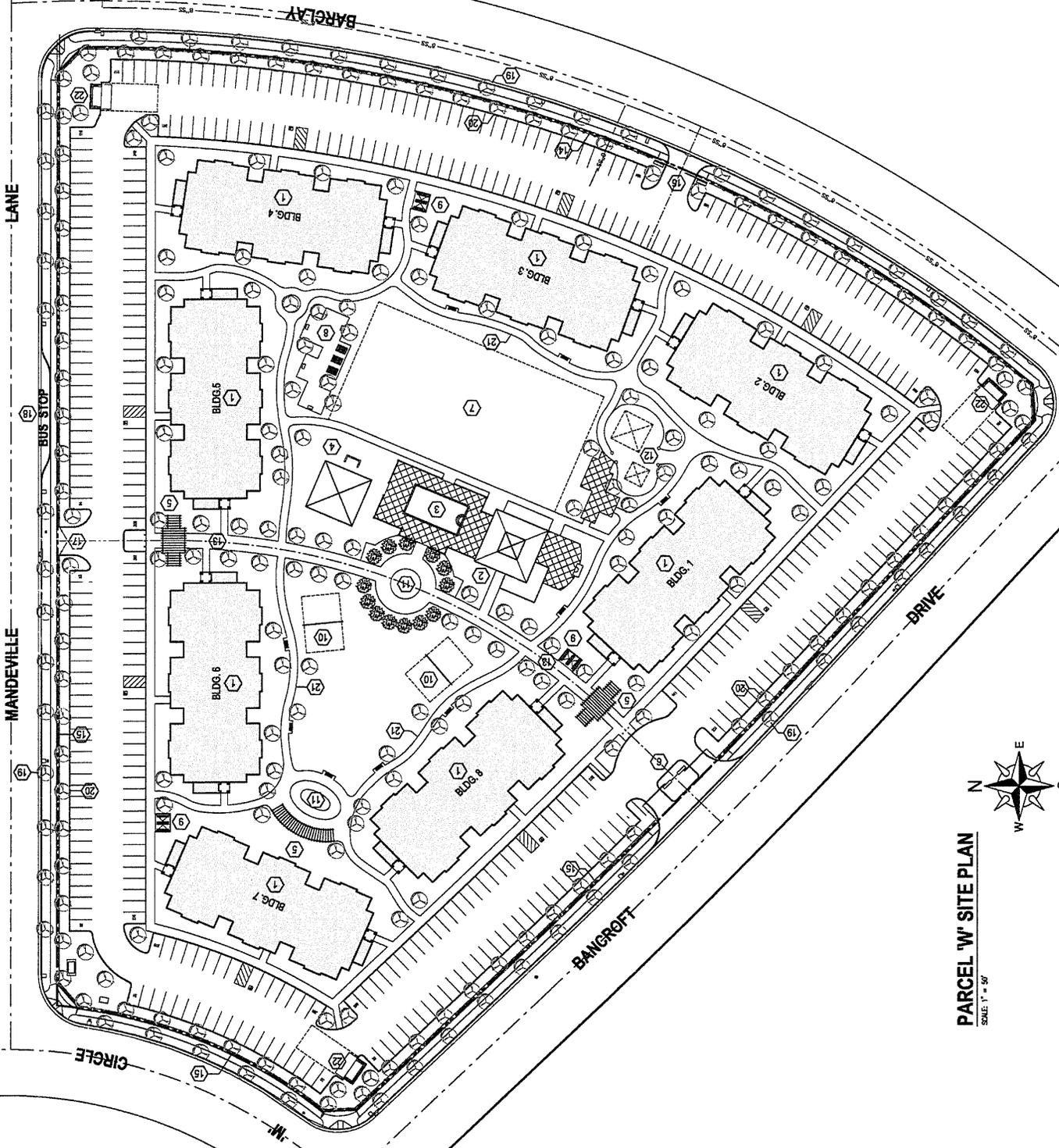
BARCLAY

SIBLEY

PLACE



35



**PARCEL 'W' SITE PLAN**  
 SCALE: 1" = 50'

A north arrow is located to the right of the title, with 'N' at the top, 'S' at the bottom, 'E' on the right, and 'W' on the left. Below the north arrow is a graphic scale bar with markings at 0, 10, 20, 30, 40, 50, and 100 feet. The text 'SCALE: 1" = 50'' is printed vertically to the right of the scale bar.

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*City of Merced*  
**MEMORANDUM**

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**DATE:** September 8 & 9, 2015  
**TO:** Planning Commission and City Council  
**FROM:** Kim Espinosa, Planning Manager  
**SUBJECT:** Public Review Draft of New Zoning Ordinance

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Introduction

City staff is pleased to present the Public Review Draft of the new Merced Zoning Ordinance. This is the first comprehensive update of the Zoning Ordinance since its adoption in the early 1960's and represents a complete redesign, update, and modernization of the Zoning Ordinance in order to make the Ordinance easier to use and understand for the general public and to provide specific guidance to developers, making the development process simpler and faster. The goal was to facilitate the City's overall growth and development and enhance the community's overall appearance, access to services, and economic health.

The process began in 2012 with the hiring of a consultant, The Planning Center (now known as Placeworks), with the use of grant funds. Before the grant funds ran out in December 2013, the consultants prepared a preliminary draft of the new ordinance. Since that time, City Planning Staff took over responsibility for the project and facilitated the Focus Group meetings from July 2013 to March 2015 (see below). City staff also completely reformatted the ordinance with the use of color, enhanced graphics and photographs, and added provisions to address various issues that came up throughout the Focus Group process. In December 2014, City staff produced a Focus Group Review Draft for the Focus Group to review; and in September 2015, City staff produced this Public Review Draft with changes as asked for by the Focus Group along with various changes that arose from City staff's experience with implementing the current Zoning Ordinance.

Focus Group

The Merced Zoning Ordinance Update Focus Group was made up of Merced residents with various interests, including developers, engineers, planners, real estate, banking, and other interested citizens (see below for the members). The Zoning Ordinance Focus Group met a total of 17 times from July 2013 to March 2015. Over the course of the meetings, the Focus Group made recommendations on the draft Zoning Ordinance. Please see the enclosed document entitled "Zoning Ordinance Update Focus Group Recommendations" for a summary of the recommendations from the Focus Group.

Focus Group Members: Jim Abbate, Christina Alley, Ann Andersen, Todd Bender, Kenra Bragonier, Adam Cox, Tony Dossetti (Council Member), Ron Ewing, Loren Gonella, Forrest Hansen, Flip Hassett, Jack Lesch, Elmer Lorenzi, Des Johnston, Guy Maxwell, Carole McCoy (former Planning Commissioner), Michelle Paloutzian, Garth Pecchinino, Joe Ramirez, Mike Salvadori, Stan Thurston (Mayor), Brandon Williams (former Planning Commissioner), Jim Xu, and Chairman Bruce Logue

### Tips for Reviewing the Draft

In order to make reviewing the Draft a bit easier, this is an “annotated” version of the Public Review Draft. This means that Staff has noted throughout the DRAFT whether a section is either:

- “[**NEW**],” meaning this section is completely new and is NOT in the current Zoning Ordinance; or,
- “**No Changes from the Current Ordinance [with a reference to the appropriate Merced Municipal Code (MMC) section].**” meaning that the section is in the current Zoning Ordinance and that the text has NOT been changed. However, since the Zoning Ordinance has been completely reorganized, the section has likely been moved to a new location with a new reference number. Therefore, a reference to where it can be found in the current ordinance is given; or,
- “**Modified from the Current Ordinance (with a brief summary of the changes).**” meaning that this section has been modified from the current Ordinance and then gives a brief summary of the changes and a reference to the current MMC section.

Please use the following link to find the current Zoning Ordinance (Title 20 of the Merced Municipal Code) on the City’s website if you wish to compare the existing text yourself.

[https://www.municode.com/library/ca/merced/codes/code\\_of\\_ordinances](https://www.municode.com/library/ca/merced/codes/code_of_ordinances)

Also to assist in your review, City staff had enclosed a separate document entitled “Zoning Code Update—Summary of Major Changes” which summarizes the major changes in the Zoning Code in a table format.

### **QUESTIONS TO THINK ABOUT WHEN REVIEWING THE PUBLIC REVIEW DRAFT OF ZONING ORDINANCE**

The Zoning Ordinance Focus Group asked City staff to prepare questions to assist the Focus Group in their review of the Draft Zoning Ordinance and to help focus their discussion on various issues. The Focus Group found this approach to be very helpful, so the questions have been provided below (with a few additions and modifications to reflect the changes made by the Focus Group) to assist in your review of the Draft Ordinance. (Please note that the list below is a combined list of the Focus Group questions from 2 sets of questions that were prepared, so the question numbers may not correspond to the question numbers in the Focus Group Recommendations memo.)

#### **Overall Organization/Table of Contents**

- 1) Although much of the content in the Public Review Draft is based on the City’s current Zoning Ordinance, the new Ordinance is organized much differently. Do you like the way the Draft is organized? Is it easy to understand and readable? Is it easy to find provisions that apply to specific land uses? Do the land use tables make it easier to see which land uses are allowed in each zone? Are the tables that spell out development standards easy to understand? Are the illustrations clear and understandable?

### **Part 1—Enactment and Applicability**

- 2) Part 1 is made up of three chapters, 20.02—Purpose, 20.04—Interpretation, and 20.06—Zoning Districts and Maps. These chapters serve as an introduction to the Zoning Ordinance and provide explanations of how the ordinance should be interpreted. Are these provisions clear or do they need further clarification?

### **Part 2—Zoning District Standards**

One of the most important aspects of the new Zoning Ordinance are the Land Use Regulation Tables in each of the chapters in Part 2. Many of the questions in this section focus on these Tables. When reviewing the Land Use Regulation Tables, think about each land use and whether it is appropriate for that zone (keeping in mind the purpose of each zone as described at the beginning of each chapter). You may also want to compare the proposed Table with the existing regulations which are summarized in tables at the end of each chapter. Also think about whether the level of City review required is appropriate, keeping in mind the following:

- a) **P = Permitted Use.** This means that the use is allowed with non-discretionary City review, either a Building Permit or a Business License. The City must allow the use to locate in that zone. The City's Interface regulations (Chapter 20.32) could be applied to require conditions to make them compatible with adjacent lower intensity uses but the land use itself cannot be denied.
- b) **M = Minor Use Permit Required.** This is a new permit defined in Section 20.68.020. Minor Use Permits would be approved or denied by the Director of Development Services or the Director could refer the permit to the Planning Commission for a decision. No public hearings are required so the neighbors would not be notified of the proposed use. This review process would generally not take more than 1-2 weeks, but would likely be much shorter.
- c) **SP = Site Plan Review Permit Required.** Site Plan Review Permits (Section 20.68.050) are reviewed by the Site Plan Review Committee (made up of the Director of Development Services, Chief Building Official, and City Engineer or their designees), unless referred to the Planning Commission by the Committee. Public hearings would not be required of Industrial uses (no change from the current ordinance); but public hearings would be required for properties directly adjacent to residentially zoned property or Interface reviews (Chapter 20.32) with a 10-day notice to adjacent properties. This review process should take no more than 3-6 weeks, less if no hearings are required.
- d) **C = Conditional Use Permit Required.** Conditional Use Permits are reviewed by the Planning Commission, which may approve the use with conditions to ensure compatibility with surrounding uses or deny the use as inappropriate for the proposed location. This is a discretionary review which requires environmental review and public hearings with 21-day notification required. This review process generally takes 6-8 weeks, but could be longer. Actions of the Planning Commission can be appealed to the City Council.
- e) **X = Use Not Allowed.** The City cannot allow the proposed use in that particular zone.

Chapter 20.08—Residential Zoning Districts

- 3) Please review carefully Table 20.08-1 on page 12 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.08.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table A1 on page 20A.)
- 4) The Rural Residential (R-R) District is a new district which corresponds to a General Plan land use designation. Do the regulations for the R-R district in Section 20.08.050 on page 20 seem appropriate?

Chapter 20.10—Commercial Zoning Districts

- 5) Please review carefully Table 20.10-11 on page 22 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.10.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table B1 on page 32A.)
- 6) In the current Zoning Ordinance, there are height restrictions applied in all zoning districts. In Table 20.10-2 on page 28 for all commercial zones (and also for industrial, Downtown, and other non-residential zones in later chapters), it is proposed that the height limits only apply to structures that are directly adjacent to residential zones and to allow exceptions to the height limits in those cases to be granted by the Site Plan Review Committee. This is designed to give flexibility to non-residential structures while still maintaining protections for residential areas. Do you agree with this change?
- 7) The Ordinance proposes design guidelines for the new Business Park zoning district in Section 20.10.030(E) on page 30. City staff is proposing to also apply those same B-P guidelines to regional centers outside the Downtown area in the C-C zone to allow the C-C zone to function more like the corresponding “Regional/ Community Commercial” (RC) General Plan designation, instead of focusing mostly on Downtown. Are these changes appropriate?

Chapter 20.12—Industrial Zoning Districts

- 8) Please review carefully Table 20.12-11 on page 33 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.12.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table C1 on page 40A.)

Chapter 20.14—Downtown Zoning Districts

- 9) Do you think the creation of these 3 new Downtown zoning districts to better reflect the unique characteristics of different Downtown commercial areas is worthwhile or should the City continue to just use the current C-C zone?
- 10) Please review carefully Table 20.14-11 on page 42 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.14.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.
- 11) Are the new development standards in Section 20.14.030 starting on page 45 appropriate or too restrictive?

Chapter 20.16—Urban Village Zoning Districts

- 12) These 3 new Urban Village zoning districts have been created to correspond to the Urban Village designations in the City’s General Plan and would offer additional zoning options for developers to choose (if they wish) instead of Planned Developments in newly annexed areas. Are these new zoning districts necessary?
- 13) Please review carefully Table 20.16-11 starting on page 53 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.16.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.
- 14) Are the new development standards in Section 20.16.030 starting on page 55 appropriate or too restrictive?

Chapter 20.18—Public Use and Agricultural Zoning Districts

- 15) This chapter contains 2 new zoning districts, Parks and Open Space (P-OS) and Public Facility (P-F), along with the existing Public Parking (P-PK) zone and a modified Agricultural (A-G) zone which replaces the current A-T-5 and A-1-20. Are these new P-OS and P-F zones worthwhile additions or will they have limited use due to the small number of uses allowed in each?
- 16) Please review carefully Table 20.18-11 on page 60 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.18.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.

Chapter 20.20—Special Use Zoning Districts

- 17) The “Summary of Major Changes” notes several changes to the Planned Development requirements, starting on page 66, to make it more flexible and easier for developers to use. Are these changes appropriate?

Chapter 20.22—Overlay Zones

- 18) What do you think of the new Urban Residential (/UR) overlay zone, starting on page 74? Will it encourage the use of different housing types not typically found in Merced?

**Part 3—General Regulations**

Chapter 20.30—Walls and Fences

- 19) Section 20.30.020(A)(2) on page 98 would allow the addition of 1 foot of lattice on residential fences and Note 2 of Table 20.30-1 on page 98 would allow the maximum height of backyard residential fences to be increased from 6 feet to 7 feet. Are these changes appropriate?
- 20) Section 20.30.030 on Corner Vision Triangles on page 103 defines the areas where fence heights are limited in order to ensure visibility at intersections. The DRAFT proposes to change the requirement from 10 feet to 15 feet for driveways and alleys and to change the current requirement from 40 feet for all intersections to 25 feet, 40 feet, or 55 feet depending on the type of street. Are these changes appropriate?
- 21) The City's current Ordinance does not address some common wall materials. Section 20.30.040 on page 104 allows barbed wire fences in residential zones, razor wire fences in all zones, and electric fences in only non-residential zones, all with a Minor Use Permit. Are these provisions appropriate?

Chapter 20.32—Interface Regulations

- 22) Section 20.32 (Interface Regulations), starting on page 105, would stay mostly the same from the current ordinance, but would change the requirement from a Conditional Use Permit before the Planning Commission to a Site Plan Review Permit before the Site Plan Review Committee (a staff level committee). Are these changes appropriate?

Chapter 20.34—Creek Buffers

- 23) There aren't any provisions in the current ordinance regarding these buffer areas along creeks, although they are required in the General Plan. Are these new requirements appropriate?

Chapter 20.36—Landscaping

- 24) This is an entirely NEW chapter, but is based on existing City requirements (outside of the zoning ordinance) and new provisions in State Law to address drought conditions. Are these new requirements appropriate?

Chapter 20.38—Parking and Loading

- 25) Table 20.38-1 (starting on page 120) proposes quite a few changes to the City's current parking requirements for various land uses. A comparison to the current ordinance can be found in Table D1 starting on page 140A. Are these changes appropriate?

- 26) Section 20.38.080 (starting on page 135) includes NEW requirements for bicycle parking based on recommendations from the Bicycle Advisory Commission (BAC) and the Zoning Ordinance Focus Group. Unfortunately, the two groups did not agree on what should be required with the Focus Group wanting to only have requirements to match the State's new building "Green" code requirements and the BAC looking for more stringent requirements in order to encourage more bicycle use in the community. (Refer to the annotations in each section to see how the two recommendations differed.) Looking at the proposed requirements, are they too restrictive or appropriate for a community that is trying to become more "bicycle friendly"?

#### Chapter 20.40—Small Lot Single Family Homes

- 27) This is a NEW chapter based on the Small Lot Design Guidelines adopted by the City in 2008. Currently, such small lot designs can only occur in Residential Planned Developments. This chapter would also allow them to be approved with a CUP in the R-2, R-IV, and R-OV zones. Are these changes appropriate? Are there other zones where this should be considered?

#### Chapter 20.44—Special Land Use Regulations

- 28) Chapter 20.44 (starting on page 149) proposes special regulations for several new land uses not addressed in the current ordinance. Are these new regulations appropriate for the following uses:
- a) Section 20.44.020—Food Trucks in Fixed Locations (starting on page 150)? Keep in mind that food trucks have become increasingly popular and are increasingly competing with "bricks and mortar" restaurants. Also, with internet advertising allowing such trucks to locate in multiple locations over the course of a week, the need for clear regulations on where these trucks can locate and what review process is to be followed is critical.
  - b) Section 20.44.040—Check Cashing Establishments (starting on page 152)?
  - c) Section 20.44.050—Community Gardens (starting on page 152)?
  - d) Section 20.44.060—Fraternities and Sororities (starting on page 153)?
  - e) Section 20.44.080—Live/Work Units (starting on page 155)?
  - f) Section 20.44.090—Recycling Facilities (starting on page 157)?
  - g) Section 20.44.100—Outdoor Displays of Merchandise (starting on page 159)?
  - h) Section 20.44.110—Photovoltaic Energy Systems (starting on page 160)?
  - i) Section 20.44.120—Single Room Occupancy (starting on page 161)?
  - j) Section 20.44.140—Wrecking Establishments (starting on page 162)?
  - k) Section 20.44.150—Emergency Shelters (starting on page 163)? Recent changes in State law require the City to not only allow emergency shelters as a permitted use in at least one zone but to set forth development standards for such uses as well.

- l) Section 20.44.160—Tobacco Sales Prohibited near Schools (starting on page 164)? In January 2015, the County Department of Environmental Health requested that the Focus Group include provisions that prohibited the sale of tobacco products within 1,000 feet of schools and other youth-oriented facilities. The Focus Group recommended that these provisions be included in the Public Review Draft for Council consideration. Are these new regulations appropriate?

#### Chapter 20.48—Home Occupations

- 29) Chapter 20.48 (beginning on page 171) proposes to establish two levels of home occupations (i.e. home-based businesses) and establishes levels of review and standards for each. (This is based on suggestions from the Focus Group and City staff’s experience with home occupations that sometimes cause concerns in neighborhoods.) Are these new provisions appropriate?

#### Chapter 20.58—Wireless Communications Facilities

- 30) Table 20.58-2 (starting on page 207) makes several changes to the existing ordinance in order to encourage more “stealth” facilities (those that look like trees or flagpoles instead of antenna towers), including allowing greater heights for stealth facilities and changing the review process to staff level reviews for most facilities. Are these changes appropriate?

#### **Part 4—Permits and Administration**

NOTE: Although Part 4 is more extensive than the City’s current ordinance on the different types of permits required for development (i.e. general plan amendments, zone changes, conditional use permits, etc.), for the most part, the DRAFT ordinance is either consistent with current City practices or with the requirements of State Law. Therefore, the following questions relate to only a few sections in Part 4.

- 31) Table 20.64-1 on page 228 summarizes the role of each of 4 bodies (the Director of Development Services, the Site Plan Review Committee, the Planning Commission, and City Council) in the development process for the various types of actions. Please review this table and indicate if you would recommend any changes in those roles.
- 32) Section 20.68.020 (starting on page 235) outlines the process for a new type of permit—the Minor Use Permit. Is this new type of permit necessary and do the proposed procedures seem appropriate?
- 33) Section 20.68.040 (starting on page 241) outlines the process for a new type of permit—Minor Modifications. Is this new type of permit necessary and do the proposed procedures seem appropriate?
- 34) Section 20.68.050 (starting on page 242) outlines the process for Site Plan Reviews, which is an existing process that applies only in industrial areas, but now will be

expanded for use in many more situations in the proposed DRAFT. Are these changes appropriate?

- 35) Section 20.68.040 (starting on page 244) outlines the process for a new type of permit—Special Project Permits. Is this new type of permit necessary and do the proposed procedures seem appropriate?
- 36) Section 20.72.080 (on page 256) on Resubmittals would limit applicants from submitting the same application within 12 months of previously being denied. The City currently has a similar provision, but it only applies to General Plan Amendments and Zone Changes. Should this be applied to all types of applications?
- 37) The City’s appeal process for many permits [including Section 20.74.030(B) (on page 257)] is currently defined as 5 or 10 calendar days (including weekends) based on the type of permit. The Draft proposes to change that to business days, excluding holidays and weekends. Is that change appropriate?

#### **Part 5—Glossary (Definitions)**

The number of definitions has been expanded significantly from 45 in the current ordinance to 239 new or modified definitions. These definitions are key to understanding the Land Use tables in Part 2, so please refer to these definitions when reviewing the chapters in Part 2.

- 38) Are the definitions in the Glossary clear and understandable? Are there any definitions that should be added?



# CITY OF MERCED

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

## ADMINISTRATIVE REPORT

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**Agenda Item: B.2.**

Meeting Date: 3/21/2016

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**SUBJECT:** Study Session - Fire Fee Study

### REPORT IN BRIEF

Draft of Fire Fee Study.

### ATTACHMENTS

1. Fire Fee Study Draft

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## Fire Department Fee Study

*Prepared for the*

**City of Merced**

**January 25, 2016 Draft**

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CITY OF MERCED  
 FIRE DEPARTMENT  
 Functional Labor Time Allocation

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	McLaughlin, M	Staiger, T	Armstrong, D- (Building Insp other .5 FTE)	Mileur, L	German, J	(Depty Ch Ops & Bat Chiefs)	Wilson, C	Wilson, J	Ybarra, G		
Name	Fire Chief	Fire Inspector	Plan Examiner	Secretary I	Secretary III	FIRE OPS. ADMIN	Fire Captain	Engineer	Firefighter	Fire Operations (balance)	Total - Direct Services Staff
<b>Full Time Equivalent</b>	<b>1.00</b>	<b>1.00</b>	<b>0.50</b>	<b>1.00</b>	<b>1.00</b>	<b>4.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>44.06</b>	<b>47.06</b>
<b>Calculation of Productive Hours:</b>											
Annual Hours - Standard	2,080	2,080	1,040	2,080	2,080	8,320	2,912	2,912	2,912	128,303	154,719
Annual Leave (Total)	288	208	104	208	208	912	412	412	412	18,157	21,321
Vacation Accrual	80	80	40	80	80	320	168	168	168	7,403	8,587
Holiday	88	88	44	88	88	352	88	88	88	3,877	4,889
Sick Leave	40	40	20	40	40	160	156	156	156	6,877	7,685
Management / Admin Leave	80	0	0	0	0	80	0	0	0	0	0
Productive Hours (Total Annual Hours - Net of Leave)	1,792	1,872	936	1,872	1,872	7,408	2,500	2,500	2,500	110,146	133,398
<b>Annual Allocation of Work Hours to Indirect Activities and Services:</b>											
Training, Meetings, Breaks	170	170	85	170	170	680	170	170	170	7,490	9,445
Professional Training	40	40	20	40	40	160	40	40	40	1,762	2,222
Management Meeting	0	0	0	0	0	0	0	0	0	0	0
Department Staff Meeting	0	0	0	0	0	0	0	0	0	0	0
Break Time	130	130	65	130	130	520	130	130	130	5,728	7,223
Supervisory or Administrative Duties	1,622	0	0	1,702	851	0	0	0	0	0	4,175
Public Information / Education	0	170	85	0	0	0	0	0	0	0	255
Fire Suppression/Emergency Services	0	0	0	0	0	6,728	0	0	0	102,656	109,384
Total Work Hours Spent on Indirect and/or Non-Fee Related Activities and Services	1,792	340	170	1,872	1,021	7,408	170	170	170	110,146	123,259
Remaining Work Hours for Direct Activities and Services	0	1,532	766	0	851	0	2,330	2,330	2,330	0	10,138
<b>Percentage Allocation of Annual Work Hours</b>											
Training, Meetings, Breaks	9%	9%	9%	9%	9%	9%	7%	7%	7%	7%	7%
Supervisory or Administrative Duties	91%	0%	0%	91%	45%	0%	0%	0%	0%	0%	3%
Public Information / Education	0%	9%	9%	0%	0%	0%	0%	0%	0%	0%	0%
Fire Suppression/Emergency Services	0%	0%	0%	0%	0%	91%	0%	0%	0%	93%	82%
Direct Services and Activities	0%	82%	82%	0%	45%	0%	93%	93%	93%	0%	8%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Allocation of Salary and Benefit Costs</b>											
Training, Meetings, Breaks	\$ 19,905	\$ 9,041	\$ 2,750	\$ 5,881	\$ 7,404	\$ 61,310	\$ 8,988	\$ 7,981	\$ 7,096	\$ 518,020	\$ 648,377
Supervisory or Administrative Duties	\$ 189,917	\$ -	\$ -	\$ 58,880	\$ 37,062	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 285,859
Public Information / Education	\$ -	\$ 9,052	\$ 2,754	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,806
Fire Suppression/Emergency Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 606,610	\$ -	\$ -	\$ -	\$ 7,099,647	\$ 7,706,257
[Other]	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Direct Services and Activities	\$ -	\$ 81,468	\$ 24,782	\$ -	\$ 37,062	\$ -	\$ 123,189	\$ 109,381	\$ 97,259	\$ -	\$ 473,141
<b>Total</b>	<b>\$ 209,823</b>	<b>\$ 99,561</b>	<b>\$ 30,286</b>	<b>\$ 64,761</b>	<b>\$ 81,528</b>	<b>\$ 667,920</b>	<b>\$ 132,178</b>	<b>\$ 117,361</b>	<b>\$ 104,355</b>	<b>\$ 7,617,667</b>	<b>\$ 9,125,440</b>

CITY OF MERCED  
 FIRE DEPARTMENT  
 Derivation of Fully-Burdened Hourly Rate

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LABOR EXPENDITURES AND STATISTICS

Expenditure or Statistic	Fire Total	Functional Activity				
		Training, Meetings, Breaks	Supervisory or Administrative Duties	Public Information / Education	Fire Suppression/Emergency Services	Direct Services and Activities
Functional "Productive" Labor Hours	133,398	9,445	4,175	255	109,384	10,138
<i>Labor Hours Allocation Percentage</i>	100%	7.08%	3.13%	0.19%	82.00%	7.60%
Functional Labor Cost	9,457,857	\$ 671,996	\$ 296,272	\$ 12,236	\$ 7,986,977	\$ 490,376
<i>Labor Cost Allocation Percentage</i>	100%	7.11%	3.13%	0.13%	84.45%	5.18%

RECURRING NON-LABOR EXPENDITURES

Operating Expenditures By Budget Unit	2012-13 Adopted Budget	Budget Amendments	Adjustments	Net Divisional Expenditures to be Considered	Allocated or Direct Assignment of Cost to Functional Activity					
					Training, Meetings, Breaks	Supervisory or Administrative Duties	Public Information / Education	Fire Suppression/Emergency Services	Direct Services and Activities	
<b>Fire 001-0901</b>										
<b>Supplies and Services</b>										
001-0901-522.11-00 Utilities	\$ 86,318	\$ -	\$ -	\$ 86,318	\$ 6,133	\$ 2,704	\$ 112	\$ 72,894	\$ 4,475	
001-0901-522.12-00 Telephone	\$ 9,254	\$ -	\$ -	\$ 9,254	\$ 658	\$ 290	\$ 12	\$ 7,815	\$ 480	
001-0901-522.13-00 Postage	\$ 1,482	\$ -	\$ -	\$ 1,482	\$ 105	\$ 46	\$ 2	\$ 1,252	\$ 77	
001-0901-522.15-00 Office Supplies	\$ 13,531	\$ -	\$ -	\$ 13,531	\$ 961	\$ 424	\$ 18	\$ 11,427	\$ 702	
001-0901-522.16-00 Printing	\$ 637	\$ -	\$ -	\$ 637	\$ 45	\$ 20	\$ 1	\$ 538	\$ 33	
001-0901-522.17-00 Professional Services	\$ 77,847	\$ -	\$ -	\$ 77,847	\$ 5,531	\$ 2,439	\$ 101	\$ 65,740	\$ 4,036	
001-0901-522.18-00 Travel and Meetings	\$ 10,000	\$ -	\$ -	\$ 10,000	\$ 711	\$ 313	\$ 13	\$ 8,445	\$ 518	
001-0901-522.19-00 Mileage	\$ 400	\$ -	\$ -	\$ 400	\$ 28	\$ 13	\$ 1	\$ 338	\$ 21	
001-0901-522.20-00 Training Expense	\$ 32,996	\$ -	\$ -	\$ 32,996	\$ 2,344	\$ 1,034	\$ 43	\$ 27,864	\$ 1,711	
001-0901-522.22-00 Office Equipment O & M	\$ 2,187	\$ -	\$ -	\$ 2,187	\$ 155	\$ 69	\$ 3	\$ 1,847	\$ 113	
001-0901-522.23-00 Vehicle Operations/Maint	\$ 239,480	\$ -	\$ -	\$ 239,480	\$ 17,015	\$ 7,502	\$ 310	\$ 202,236	\$ 12,417	
001-0901-522.24-00 Memberships, Subscription	\$ 21,867	\$ -	\$ -	\$ 21,867	\$ 1,554	\$ 685	\$ 28	\$ 18,466	\$ 1,134	
001-0901-522.25-00 Maintenance Matls & Svcs	\$ 53,102	\$ -	\$ -	\$ 53,102	\$ 3,773	\$ 1,663	\$ 69	\$ 44,844	\$ 2,753	
001-0901-522.26-00 Other Equipment O & M	\$ 77,035	\$ -	\$ -	\$ 77,035	\$ 5,473	\$ 2,413	\$ 100	\$ 65,055	\$ 3,994	
001-0901-522.28-00 Safety Supplies	\$ 48,810	\$ -	\$ -	\$ 48,810	\$ 3,468	\$ 1,529	\$ 63	\$ 41,219	\$ 2,531	
001-0901-522.29-00 Other Materials Supplies	\$ 6,000	\$ -	\$ -	\$ 6,000	\$ 426	\$ 188	\$ 8	\$ 5,067	\$ 311	
001-0901-522.30-01 Dept Share of Insurance	\$ 62,896	\$ -	\$ -	\$ 62,896	\$ 4,469	\$ 1,970	\$ 81	\$ 53,114	\$ 3,261	
001-0901-522.38-00 Support Services	\$ 187,158	\$ -	\$ -	\$ 187,158	\$ 13,298	\$ 5,863	\$ 242	\$ 158,051	\$ 9,704	
001-0902-522.14-00 Advertising	\$ 412	\$ -	\$ -	\$ 412	\$ 29	\$ 13	\$ 1	\$ 348	\$ 21	
001-0901-523.43-00 Machinery/Equipment	\$ 22,500	\$ -	\$ -	\$ 22,500	\$ 1,599	\$ 705	\$ 29	\$ 19,001	\$ 1,167	
001-0901-525.92-29 Intercept DSC-Pub Works	\$ 12,865	\$ -	\$ -	\$ 12,865	\$ 914	\$ 403	\$ 17	\$ 10,864	\$ 667	
<b>Supplies and Services Subtotal</b>	<b>\$ 966,777</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 966,777</b>	<b>\$ 68,691</b>	<b>\$ 30,285</b>	<b>\$ 1,251</b>	<b>\$ 816,424</b>	<b>\$ 50,126</b>	

Measure "C" Fire 061-0926																	
<b>Supplies and Services</b>																	
061-0926-522.11-00	Utilities	\$	25,862	\$	-	\$	25,862	\$	1,838	\$	810	\$	33	\$	21,840	\$	1,341
061-0926-522.12-00	Telephone	\$	2,781	\$	-	\$	2,781	\$	198	\$	87	\$	4	\$	2,349	\$	144
061-0926-522.13-00	Postage	\$	444	\$	-	\$	444	\$	32	\$	14	\$	1	\$	375	\$	23
061-0926-522.15-00	Office Supplies	\$	4,054	\$	-	\$	4,054	\$	288	\$	127	\$	5	\$	3,424	\$	210
061-0926-522.16-00	Printing	\$	191	\$	-	\$	191	\$	14	\$	6	\$	0	\$	161	\$	10
061-0926-522.17-00	Professional Services	\$	23,359	\$	-	\$	23,359	\$	1,660	\$	732	\$	30	\$	19,726	\$	1,211
061-0926-522.18-00	Travel and Meetings	\$	3,303	\$	-	\$	3,303	\$	235	\$	103	\$	4	\$	2,789	\$	171
061-0926-522.20-00	Training Expense	\$	9,886	\$	-	\$	9,886	\$	702	\$	310	\$	13	\$	8,349	\$	513
061-0926-522.22-00	Office Equipment O & M	\$	655	\$	-	\$	655	\$	47	\$	21	\$	1	\$	553	\$	34
061-0926-522.23-00	Vehicle Operations/Maint	\$	3,416	\$	-	\$	3,416	\$	243	\$	107	\$	4	\$	2,885	\$	177
061-0926-522.24-00	Memberships, Subscription	\$	3,201	\$	-	\$	3,201	\$	227	\$	100	\$	4	\$	2,703	\$	166
061-0926-522.25-00	Maintenance Matls & Svcs	\$	15,910	\$	-	\$	15,910	\$	1,130	\$	498	\$	21	\$	13,436	\$	825
061-0926-522.26-00	Other Equipment O & M	\$	23,080	\$	-	\$	23,080	\$	1,640	\$	723	\$	30	\$	19,491	\$	1,197
061-0926-522.28-00	Safety Supplies	\$	14,624	\$	-	\$	14,624	\$	1,039	\$	458	\$	19	\$	12,350	\$	758
061-0926-522.29-00	Other Materials Supplies	\$	900	\$	-	\$	900	\$	64	\$	28	\$	1	\$	760	\$	47
061-0926-522.30-01	Dept Share of Insurance	\$	14,807	\$	-	\$	14,807	\$	1,052	\$	464	\$	19	\$	12,504	\$	768
061-0926-522.32-00	Vehicle Replacement Fee	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
061-0926-522.38-00	Support Services	\$	51,932	\$	-	\$	51,932	\$	3,690	\$	1,627	\$	67	\$	43,856	\$	2,693
061-0926-524.91-01	Adm Exp-City Manager	\$	8,204	\$	-	\$	8,204	\$	583	\$	257	\$	11	\$	6,928	\$	425
061-0926-524.91-02	Adm Exp-City Attorney	\$	2,462	\$	-	\$	2,462	\$	175	\$	77	\$	3	\$	2,079	\$	128
061-0926-524.91-03	Adm Exp-City Clerk	\$	11,805	\$	-	\$	11,805	\$	839	\$	370	\$	15	\$	9,969	\$	612
061-0926-524.91-09	Adm Exp-Finance	\$	37,435	\$	-	\$	37,435	\$	2,660	\$	1,173	\$	48	\$	31,613	\$	1,941
061-0926-524.91-10	Adm Exp-Purchasing	\$	4,779	\$	-	\$	4,779	\$	340	\$	150	\$	6	\$	4,036	\$	248
061-0926-524.91-16	Adm Exp-City Council	\$	3,680	\$	-	\$	3,680	\$	261	\$	115	\$	5	\$	3,108	\$	191
061-0926-524.91-18	Adm Exp-Fire Admin	\$	255,851	\$	-	\$	255,851	\$	18,179	\$	8,015	\$	331	\$	216,061	\$	13,265
<b>Other Subtotal</b>		\$	<b>522,621</b>	\$	<b>-</b>	\$	<b>522,621</b>	\$	<b>37,133</b>	\$	<b>16,371</b>	\$	<b>676</b>	\$	<b>441,343</b>	\$	<b>27,097</b>
<b>156-0911 CFD-Public Safety Fire</b>		\$	<b>84,450</b>	\$	<b>-</b>	\$	<b>84,450</b>	\$	<b>6,000</b>	\$	<b>2,645</b>	\$	<b>109</b>	\$	<b>71,316</b>	\$	<b>4,379</b>
<b>Post Employment Benefits</b>			<b>326,532</b>	\$	<b>-</b>	\$	<b>326,532</b>	\$	<b>23,201</b>	\$	<b>10,229</b>	\$	<b>422</b>	\$	<b>275,750</b>	\$	<b>16,930</b>
<b>TOTAL RECURRING NON-LABOR EXPENDITURES</b>		\$	<b>1,900,380</b>	\$	<b>-</b>	\$	<b>1,900,380</b>	\$	<b>135,025</b>	\$	<b>59,530</b>	\$	<b>2,459</b>	\$	<b>1,604,834</b>	\$	<b>98,532</b>

**CITYWIDE OVERHEAD COSTS**

Allocated Indirect/Support Services	Overhead Cost	Adopted Amendments	Adjustments	Net Divisional Expenditures to be Considered	Allocated or Direct Assignment of Cost to Functional Activity				
					Training, Meetings, Breaks	Supervisory or Administrative Duties	Public Information / Education	Fire Suppression/Emergency Services	Direct Services and Activities
Citywide Overhead	\$ 183,292	\$ -	\$ -	\$ 183,292	\$ 13,023	\$ 5,742	\$ 237	\$ 154,786	\$ 9,503
<b>TOTAL DEPARTMENT AND CITYWIDE OVERHEAD COSTS</b>	\$ 183,292	\$ -	\$ -	\$ 183,292	\$ 13,023	\$ 5,742	\$ 237	\$ 154,786	\$ 9,503

**SUMMARY OF LABOR, NON-LABOR, & PERIODIC COST**

Cost Element	Established Cost	Allocated or Direct Assignment of Cost to Functional Activity				
		Training, Meetings, Breaks	Supervisory or Administrative Duties	Public Information / Education	Fire Suppression/Emergency Services	Direct Services and Activities
Labor	\$ 9,457,857	\$ 671,996	\$ 296,272	\$ 12,236	\$ 7,986,977	\$ 490,376
Recurring Non-Labor	\$ 1,900,380	\$ 135,025	\$ 59,530	\$ 2,459	\$ 1,604,834	\$ 98,532
Department and Citywide Overhead	\$ 183,292	\$ 13,023	\$ 5,742	\$ 237	\$ 154,786	\$ 9,503
<b>TOTAL LABOR, NON-LABOR, &amp; PERIODIC COST</b>	<b>\$ 11,541,529</b>	<b>\$ 820,044</b>	<b>\$ 361,544</b>	<b>\$ 14,931</b>	<b>\$ 9,746,597</b>	<b>\$ 598,411</b>

**ALLOCATION OF COMMON ACTIVITIES COSTS**

Cost Layer	Established Cost	Allocated or Direct Assignment of Cost to Functional Activity		
		Public Information / Education	Fire Suppression/Emergency Services	Direct Services and Activities
Training, Meetings, Breaks	\$ 820,044	\$ 1,181.89	\$ 771,495.04	\$ 47,367.43
Supervisory or Administrative Duties	\$ 361,544	\$ 521.07	\$ 340,139.85	\$ 20,883.54
<b>Total</b>	<b>\$ 1,181,589</b>	<b>\$ 1,703</b>	<b>\$ 1,111,635</b>	<b>\$ 68,251</b>
Allocation Basis: <a href="#">Percentage of Total Labor, NonLabor, and Periodic Cost</a>		0.14%	94.08%	5.78%

**FULLY-BURDENED HOURLY BILLING RATE FOR RECOVERY IN FEES**

Expenditure Type	Functional Activities / Cost Pools			
	Public Information / Education	Fire Suppression/Emergency Services	Direct Services and Activities	
Labor	\$ 12,236	\$ 7,986,977	\$ 490,376	\$ 8,477,353
Recurring Non-Labor	\$ 2,459	\$ 1,604,834	\$ 98,532	\$ 1,703,366
Department and Citywide Overhead	\$ 237	\$ 154,786	\$ 9,503	\$ 164,290
Allocated Common Activities	\$ 1,703	\$ 1,111,635	\$ 68,251	\$ 1,179,886
<b>Division Total</b>	<b>\$ 16,634</b>	<b>\$ 10,858,232</b>	<b>\$ 666,662</b>	<b>\$ 11,524,894</b>
Eligible Cost Recovery from Fees for Service	75%	6%	100%	11%
Amount Eligible for Consideration in Billings/Fees	\$ 12,476	\$ 640,636	\$ 666,662	\$ 1,307,298
<b>Division Totals:</b>				
Amount Targeted for Recovery in Billings/Fees	\$ 12,476	\$ 640,636	\$ 666,662	\$ 1,319,773
Amount Requiring Another Funding Source	\$ 4,159	\$ 10,217,596	\$ -	\$ 10,221,755
[5]				
<b>Cost per Direct Hour Recoverable from Fees for Service</b>				<b>\$ 130</b>
<i>Reference: Direct Hours Only</i>				
				<b>10,138</b>

Engine Company

\$ 391

Cost Estimation for Providing Activities and Services Related to Permitting and Regulation

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Fee Activity		Activity Service Cost Analysis				Cost Recovery Analysis			
Group	Permit Description	Notes	Estimated Average Labor Time Per Activity (hours)	Fully Burdened Hourly Rate	Cost of Service Per Activity	Current Fee	Existing Cost Recovery Percentage	Recommended Fee Level	Recommended Cost Recovery Percentage
<b>Annual Hazardous Materials Inspection Permit Fees</b>									
	California Fire Code: Annual; Operational Permits								
	Amusement Buildings		1.50	x \$ 130	= \$ 195	\$ 100.00	51%	\$ 195	100%
	Aviation Facilities		1.50	x \$ 130	= \$ 195	\$ 95.00	49%	\$ 195	100%
	Carnivals and Fairs		4.00	x \$ 130	= \$ 521	\$ 100.00	19%	\$ 521	100%
	Combustible dust-producing operations		1.00	x \$ 130	= \$ 130	\$ 100.00	77%	\$ 130	100%
	Combustible Fibers		1.00	x \$ 130	= \$ 130	\$ 95.00	73%	\$ 130	100%
	Cryogenic Fluids		1.00	x \$ 130	= \$ 130	\$ 95.00	73%	\$ 130	100%
	Cutting and Welding		0.50	x \$ 130	= \$ 65	\$ 75.00	115%	\$ 65	100%
	Dry Cleaning Plants		1.00	x \$ 130	= \$ 130	\$ 70.00	54%	\$ 130	100%
	Exhibits and Trade Shows		2.00	x \$ 130	= \$ 260	\$ 75.00	29%	\$ 260	100%
	Explosives		2.00	x \$ 130	= \$ 260	\$ 95.00	36%	\$ 260	100%
	Flammable and Combustible Liquids		1.00	x \$ 130	= \$ 130	\$ 95.00	73%	\$ 130	100%
	Floor Finishing		1.00	x \$ 130	= \$ 130	\$ 95.00	73%	\$ 130	100%
	Fruit and Crop Ripening		2.00	x \$ 130	= \$ 260	\$ 95.00	36%	\$ 260	100%
	Hazardous Materials		4.00	x \$ 130	= \$ 521	\$ 110.00	21%	\$ 521	100%
	HPM Facilities (Hazardous Production Materials)		4.00	x \$ 130	= \$ 521	\$ 110.00	21%	\$ 521	100%
	High Piled Storage		4.00	x \$ 130	= \$ 521	\$ 85.00	16%	\$ 521	100%
	Hot Work Operations		0.50	x \$ 130	= \$ 65	\$ 75.00	115%	\$ 65	100%
	Industrial Ovens		1.00	x \$ 130	= \$ 130	\$ 85.00	65%	\$ 130	100%
	Lumber Yards and Wood Working Plants		1.00	x \$ 130	= \$ 130	\$ 110.00	85%	\$ 130	100%
	Liquid- or gas-fueled vehicles or equipment in assembly		1.00	x \$ 130	= \$ 130	\$ 75.00	58%	\$ 130	100%
	LP GAS		0.75	x \$ 130	= \$ 98	\$ 75.00	77%	\$ 98	100%
	Magnesium		1.00	x \$ 130	= \$ 130	\$ 110.00	85%	\$ 130	100%
	Misc. Combustible Storage		1.00	x \$ 130	= \$ 130	\$ 80.00	61%	\$ 130	100%
	Open Burning		1.00	x \$ 130	= \$ 130	\$ 65.00	50%	\$ 130	100%
	Open Flames and Torches		1.00	x \$ 130	= \$ 130	\$ 85.00	65%	\$ 130	100%
	Open Flames and Candles		0.50	x \$ 130	= \$ 65	\$ 65.00	100%	\$ 65	100%
	Organic Coatings		3.00	x \$ 130	= \$ 391	\$ 95.00	24%	\$ 391	100%
	Places of Assembly								
	Occupancy 50-299		1.00	\$ 130	= \$ 130	\$ 95.00	73%	\$ 130	100%
	Occupancy > or eq 300		2.00	\$ 130	= \$ 260	\$ 95.00	36%	\$ 260	100%
	Pyrotechnic special effects material		2.00	x \$ 130	= \$ 260	\$ 200.00	77%	\$ 260	100%
	Pyroxylin plastics		1.00	x \$ 130	= \$ 130	\$ 95.00	73%	\$ 130	100%
	Refrigeration equipment		0.75	x \$ 130	= \$ 98	\$ 75.00	77%	\$ 98	100%
	Repair garages and motor fuel-dispensing facilities		1.00	x \$ 130	= \$ 130	\$ 100.00	77%	\$ 130	100%
	Rooftop heliports		1.50	x \$ 130	= \$ 195	\$ 75.00	38%	\$ 195	100%
	Spraying or dipping		2.00	x \$ 130	= \$ 260	\$ 95.00	36%	\$ 260	100%
	Storage of scrap tires and tire byproducts		2.00	x \$ 130	= \$ 260	\$ 75.00	29%	\$ 260	100%
	Temporary membrane Structures		1.00	x \$ 130	= \$ 130	\$ 65.00	50%	\$ 130	100%
	Tire-rebuilding plants		2.00	x \$ 130	= \$ 260	\$ 95.00	36%	\$ 260	100%
	Waste handling		2.00	x \$ 130	= \$ 260	\$ 95.00	36%	\$ 260	100%
	Wood Products		1.00	x \$ 130	= \$ 130	\$ 75.00	58%	\$ 130	100%

Cost Estimation for Providing Activities and Services Related to Permitting and Regulation

Input cells in blue font; formula based cells in black font

Fee Activity		Activity Service Cost Analysis				Cost Recovery Analysis			
Group	Permit Description	Notes	Estimated Average Labor Time Per Activity (hours)	Fully Burdened Hourly Rate	Cost of Service Per Activity	Current Fee	Existing Cost Recovery Percentage	Recommended Fee Level	Recommended Cost Recovery Percentage
<b>Annual Business Fire Safety Inspections</b> (business incl 2 inspections, excluding apartments)									
B	B Occupancies (Per Hour) - (ie bank, professional office)		1.00	x \$ 130 =	\$ 130	\$ -	0%	\$ 130	100%
E	E Occupancies (Per Hour) - (ie educational)								
	K-8		3.00	x \$ 130 =	\$ 391	\$ -	0%	\$ 391	100%
	High School		20.00	x \$ 130 =	\$ 2,604	\$ -	0%	\$ 2,604	100%
F	F Occupancies (Per Hour) - (ie Factory)		4.00	x \$ 130 =	\$ 521	\$ -	0%	\$ 521	100%
H	H Occupancies (Per Hour) - (ie High Hazard)		8.00	x \$ 130 =	\$ 1,041	\$ -	0%	\$ 1,041	100%
I	I Occupancies (Per Hour) - (ie Institutional)								
	I4 - Residential Care Facilities (Adult & Child)		0.50	\$ 130	\$ 65	\$ -	0%	\$ 65	100%
	I2 - Medical, surgical 24 hr.+ care, ambulatory care		3.00	\$ 130	\$ 391	\$ -	0%	\$ 391	100%
	I2 - Hospital		40.00	\$ 130	\$ 5,207	\$ -	0%	\$ 5,207	100%
	I3 Detention Facility		4.00	\$ 130	\$ 521	\$ -	0%	\$ 521	100%
M	M Occupancies (Per Hour) - (ie market, department or drug store)		1.50	x \$ 130 =	\$ 195	\$ -	0%	\$ 195	100%
R-2	R-2 Occupancy (Per Hour) (ie Res Permanent 2+)								
	< 5 units		0.75	x \$ 130 =	\$ 98	\$ -	0%	\$ 98	100%
	5-20 units		1.00	x \$ 130 =	\$ 130	\$ -	0%	\$ 130	100%
	21-50 units		1.25	x \$ 130 =	\$ 163	\$ -	0%	\$ 163	100%
	> 50 units; each additional 50 units		1.25	x \$ 130 =	\$ 163	\$ -	0%	\$ 163	100%
S	S Occupancies (Per Hour) - (ie Storage)		1.50	x \$ 130 =	\$ 195	\$ -	0%	\$ 195	100%
	Re-Inspection (after initial and first reinspection)		1.00	x \$ 130 =	\$ 130	\$ 50.00	38%	\$ 130	100%
	Re-Inspection (paid a fee)		1.00	x \$ 130 =	\$ 130	\$ 50.00	38%	\$ 130	100%
	* 1st free; 2nd free is cleared; all other charged								
	Licensed Care Facilities								
	Pre-Inspection		1.50	x \$ 130 =	\$ 195	\$ 160.00	100%	\$ 195	100%

Cost Estimation for Providing Activities and Services Related to Permitting and Regulation

Input cells in blue font; formula based cells in black font

Fee Activity		Activity Service Cost Analysis				Cost Recovery Analysis			
Group	Permit Description	Notes	Estimated Average Labor Time Per Activity (hours)	Fully Burdened Hourly Rate	Cost of Service Per Activity	Current Fee	Existing Cost Recovery Percentage	Recommended Fee Level	Recommended Cost Recovery Percentage
<b>NEW CONSTRUCTION, ADDITIONS, AND MAJOR REMODELS</b>									
<b>FIRE INSPECTIONS</b>									
	Initial Inspection plus 1st Re-inspection		1.50	x \$ 130	= \$ 195	\$ -	0%	\$ 195	100%
	2nd Re-Inspection		0.50	x \$ 130	= \$ 65	\$ 50.00	77%	\$ 65	100%
	3rd Re-Inspection all all subsequent inspections		0.50	x \$ 130	= \$ 65	\$ 75.00	115%	\$ 65	100%
new	Fire Hydrant Underground System/Per Fire Hydrant (incl 2 hydrants)		4.25	x \$ 130	= \$ 553	\$ 340.62	62%	\$ 553	100%
	Each Additional Hydrant	[1]	2.13	x \$ 130	= \$ 277	\$ -	0%	\$ 277	100%
	Fire Hydrant - Use Permit	[2]				\$ 50.00			
	Aboveground/Underground Tank Installation		2.25	x \$ 130	= \$ 293	\$ 173.76	59%	\$ 293	100%
	Aboveground/Underground Tank Removal		2.25	x \$ 130	= \$ 293	\$ 173.76	59%	\$ 293	100%
	Aboveground/Underground Tank Abandonment		2.25	x \$ 130	= \$ 293	\$ 173.76	59%	\$ 293	100%
	Standpipes		4.25	x \$ 130	= \$ 553	\$ 340.62	62%	\$ 553	100%
new	Standpipes - Each additional outlet	[1]	2.13	x \$ 130	= \$ 277	\$ -	0%	\$ 277	100%
	Fire Suppression System - Hood/Booth (per system)		2.25	x \$ 130	= \$ 391	\$ 173.76	44%	\$ 391	100%
	Suppression System - Agents		4.25	x \$ 130	= \$ 738	\$ 173.76	24%	\$ 738	100%
	Fire Pump Certification		1.25	x \$ 130	= \$ 163	\$ 590.91	363%	\$ 163	100%
	Propane Tank Installation		2.25	x \$ 130	= \$ 293	\$ 173.76	59%	\$ 293	100%
	Fire Suppression System Halon/clean Agent (per System)		3.25	x \$ 130	= \$ 423	\$ 340.62	81%	\$ 423	100%
	Soil or Water Remediation Systems	[2]				\$ 257.19			
	Fuel Dispensing Equipment		2.25	x \$ 130	= \$ 293	\$ 173.76	59%	\$ 293	100%
	Water Flow Test		2.00	x \$ 130	= \$ 260	\$ 173.76	67%	\$ 260	100%
	<b>Certificate of Occupancy</b>								
	Development < 2K sq. ft.	[2]				\$ -			
	Development 2K - 10K sq. ft.	[2]				\$ -			
	Development > 10K sq. ft.	[2]				\$ -			
<b>Special Permits</b>									
	Fireworks Stand Inspection		12.65	x \$ 130	= \$ 1,647	\$ 200.00	12%	\$ 1,647	100%
	Fireworks Booth Application Fee		1.67	x \$ 130	= \$ 217	\$ 200.00	92%	\$ 217	100%
	Christmas Tree Lot/ Pumpkin Patch		1.00	x \$ 130	= \$ 130	\$ 130.00	100%	\$ 130	100%
<b>Tent Permits</b>									
new	201 to 400 square feet	[1]	1.00	x \$ 130	= \$ 130	\$ 65.00	50%	\$ 130	100%
	401 to 1500 square feet		1.50	x \$ 130	= \$ 195	\$ 100.00	51%	\$ 195	100%
	1501 - 15,000 square feet		2.00	x \$ 130	= \$ 260	\$ 100.00	38%	\$ 260	100%
	15,001 - 30,000 square feet		5.00	x \$ 130	= \$ 651	\$ 100.00	15%	\$ 651	100%
	> 30,000 square feet		7.00	x \$ 130	= \$ 911	\$ 100.00	11%	\$ 911	100%

Cost Estimation for Providing Activities and Services Related to Permitting and Regulation

Input cells in blue font; formula based cells in black font

Fee Activity		Activity Service Cost Analysis				Cost Recovery Analysis			
Group	Permit Description	Notes	Estimated Average Labor Time Per Activity (hours)	Fully Burdened Hourly Rate	Cost of Service Per Activity	Current Fee	Existing Cost Recovery Percentage	Recommended Fee Level	Recommended Cost Recovery Percentage
<b>Automatic Fire Sprinkler:</b>		[1]							
	Fire Sprinkler System New Construction								
	1-50 Heads		5.25	x \$ 130 =	\$ 683	\$ 424.05	62%	\$ 683	100%
	51-100 Heads		6.25	x \$ 130 =	\$ 814	\$ 507.48	62%	\$ 814	100%
	101-200 Heads		9.25	x \$ 130 =	\$ 1,204	\$ 757.47	63%	\$ 1,204	100%
	In excess of 200 heads		9.25	x \$ 130 =	\$ 1,204	\$ 1,508.06	125%	\$ 1,204	100%
	for each 200 heads > 200 or fraction thereof		9.25	x \$ 130 =	\$ 1,204	\$ 500.00	42%	\$ 1,204	100%
	Fire Sprinkler System TI / Modification								
	1-20 Heads		3.25	x \$ 130 =	\$ 423	\$ 257.19	61%	\$ 423	100%
	21-100 Heads		4.25	x \$ 130 =	\$ 553	\$ 340.62	62%	\$ 553	100%
	Residential Fire Sprinkler System with less than 20 heads		3.25	x \$ 130 =	\$ 423	\$ 298.91	71%	\$ 423	100%
	Residential Fire Sprinkler System with > 20 heads		4.25	x \$ 130 =	\$ 553	\$ 424.05	77%	\$ 553	100%
<b>Fire Alarm Systems:</b>		[1]							
	Fire Alarm/Fire Suppression Monitoring System								
	To 10 Devices		2.25	x \$ 130 =	\$ 293	\$ 173.76	59%	\$ 293	100%
	10 to 50 Devices		3.25	x \$ 130 =	\$ 423	\$ 257.19	61%	\$ 423	100%
	50 to 100 Devices		5.25	x \$ 130 =	\$ 683	\$ 424.05	62%	\$ 683	100%
	101 to 200 Devices		6.25	x \$ 130 =	\$ 814	\$ 590.91	73%	\$ 814	100%
	Over 200 Devices		7.25	x \$ 130 =	\$ 944	\$ 1,041.20	110%	\$ 944	100%
	for each 100 heads > 200 or fraction thereof		7.25	x \$ 130 =	\$ 944	\$ 200.00	21%	\$ 944	100%
<b>Fire False Alarm Response</b>									
	False Alarm Charge - first two false alarms in 1 calendar year	[2]				\$ -	0%	\$ -	
	False Alarm Charge - 3rd false alarms in 1 calendar year	[2]				Actual cost plus 15% Admin Fee	100%	\$ 150	
	False Alarm Charge - 4th false alarms in 1 calendar year	[2]				Actual cost plus 15% Admin Fee	100%	\$ 250	
	False Alarm Charge - 5 or more false alarms in 1 calendar year	[2]				Actual cost plus 15% Admin Fee	100%	\$ 350	
	Fire False Alarm Response (average)	[2]	2.81	x \$ 130 =	\$ 366				

Cost Estimation for Providing Activities and Services Related to Permitting and Regulation

Input cells in blue font; formula based cells in black font

Fee Activity		Activity Service Cost Analysis				Cost Recovery Analysis			
Group	Permit Description	Notes	Estimated Average Labor Time Per Activity (hours)	Fully Burdened Hourly Rate	Cost of Service Per Activity	Current Fee	Existing Cost Recovery Percentage	Recommended Fee Level	Recommended Cost Recovery Percentage
<b>Other Services:</b>									
	Drug/DUI/Hazmat Incident Response (DUI \$12K Max.)	[3]				Actual cost plus 15% Admin Fee	100%	Actual cost plus 15% Admin Fee	100%
	Weed and Lot leaning					Actual cost plus 15% Admin Fee	100%	Actual cost plus 15% Admin Fee	100%
	Fire Department Equipment Costs: <i>(placeholder for MFS - not analyzed as part of this scope)</i>	[2]							
<b>HOURLY RATES</b>									
	Fire Hourly Rate		1.00	x	\$ 130 = \$ 130	\$ 83.43	64%	\$ 130	100%
new	Engine Company - hourly rate (3 person crew)	[1]	1.00	x	\$ 391 = \$ 391	\$ -	0%	\$ 391	100%
	Copy Service - per page <i>(placeholder for MFS - not analyzed as part of this scope)</i>	[2]				\$ -		\$ 0.10	
	For services requested of City staff which have no fee listed in this fee schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the established hourly rates for this department/division. Additionally, the City will pass-through to the applicant any discrete costs incurred from the use of external service providers if required to process the specific application.								
<b>TOTAL FIRE DEPARTMENT</b>									

Cost Estimation for Providing Activities and Services Related to Permits

Input cells in blue font; formula based cells in black font

Fee Activity		Annual Estimated Revenue Analysis				
Group	Permit Description	Notes	Estimated Volume of Activity (Performed)	Annual Estimated Revenues at Current Fee	Annual Estimated Revenues at Full Cost Recovery Fee	Annual Estimated Revenues at Recommended Fee
<b>Annual Hazardous Materials Inspection Permit Fees</b>						
	California Fire Code: Annual; Operational Permits					
	Amusement Buildings		3	\$ 300	\$ 586	\$ 586
	Aviation Facilities		1	\$ 95	\$ 195	\$ 195
	Carnivals and Fairs		0	\$ -	\$ -	\$ -
	Combustible dust-producing operations		5	\$ 500	\$ 651	\$ 651
	Combustible Fibers		0	\$ -	\$ -	\$ -
	Cryogenic Fluids		2	\$ 190	\$ 260	\$ 260
	Cutting and Welding		1	\$ 75	\$ 65	\$ 65
	Dry Cleaning Plants		3	\$ 210	\$ 391	\$ 391
	Exhibits and Trade Shows		0	\$ -	\$ -	\$ -
	Explosives		2	\$ 190	\$ 521	\$ 521
	Flammable and Combustible Liquids		54	\$ 5,130	\$ 7,029	\$ 7,029
	Floor Finishing		0	\$ -	\$ -	\$ -
	Fruit and Crop Ripening		0	\$ -	\$ -	\$ -
	Hazardous Materials		35	\$ 3,850	\$ 18,225	\$ 18,225
	HPM Facilities (Hazardous Production Materials)		0	\$ -	\$ -	\$ -
	High Piled Storage		17	\$ 1,445	\$ 8,852	\$ 8,852
	Hot Work Operations		75	\$ 5,625	\$ 4,882	\$ 4,882
	Industrial Ovens		1	\$ 85	\$ 130	\$ 130
	Lumber Yards and Wood Working Plants		1	\$ 110	\$ 130	\$ 130
	Liquid- or gas-fueled vehicles or equipment in assembly		0	\$ -	\$ -	\$ -
	LP GAS		45	\$ 3,375	\$ 4,393	\$ 4,393
	Magnesium		0	\$ -	\$ -	\$ -
	Misc. Combustible Storage		1	\$ 80	\$ 130	\$ 130
	Open Burning		0	\$ -	\$ -	\$ -
	Open Flames and Torches		2	\$ 170	\$ 260	\$ 260
	Open Flames and Candles		0	\$ -	\$ -	\$ -
	Organic Coatings		0	\$ -	\$ -	\$ -
	Places of Assembly					
	Occupancy 50-299		155	\$ 14,706	\$ 20,151	\$ 20,151
	Occupancy > or eq 300		17	\$ 1,615	\$ 4,426	\$ 4,426
	Pyrotechnic special effects material		0	\$ -	\$ -	\$ -
	Pyroxylin plastics		0	\$ -	\$ -	\$ -
	Refrigeration equipment		4	\$ 300	\$ 391	\$ 391
	Repair garages and motor fuel-dispensing facilities		110	\$ 11,000	\$ 14,319	\$ 14,319
	Rooftop heliports		0	\$ -	\$ -	\$ -
	Spraying or dipping		11	\$ 1,045	\$ 2,864	\$ 2,864
	Storage of scrap tires and tire byproducts		9	\$ 675	\$ 2,343	\$ 2,343
	Temporary membrane Structures		11	\$ 715	\$ 1,432	\$ 1,432
	Tire-rebuilding plants		0	\$ -	\$ -	\$ -
	Waste handling		3	\$ 285	\$ 781	\$ 781
	Wood Products		0	\$ -	\$ -	\$ -

Cost Estimation for Providing Activities and Services Related to Permits

Input cells in blue font; formula based cells in black font

Fee Activity			Annual Estimated Revenue Analysis			
Group	Permit Description	Notes	Estimated Volume of Activity (Performed)	Annual Estimated Revenues at Current Fee	Annual Estimated Revenues at Full Cost Recovery Fee	Annual Estimated Revenues at Recommended Fee
<b>Annual Business Fire Safety Inspections</b> (business incl 2 inspections, excluded)						
B	B Occupancies (Per Hour) - (ie bank, professional office)		375	\$ -	\$ 48,859	\$ 48,859
E	E Occupancies (Per Hour) - (ie educational)					
	K-8		30	\$ -	\$ 11,716	\$ 11,716
	High School		3	\$ -	\$ 7,811	\$ 7,811
F	F Occupancies (Per Hour) - (ie Factory)		36	\$ -	\$ 18,745	\$ 18,745
H	H Occupancies (Per Hour) - (ie High Hazard)		55	\$ -	\$ 57,277	\$ 57,277
I	I Occupancies (Per Hour) - (ie Institutional)					
	I4 - Residential Care Facilities (Adult & Child)		96	\$ -	\$ 6,248	\$ 6,248
	I2 - Medical, surgical 24 hr.+ care, ambulatory care		18	\$ -	\$ 7,029	\$ 7,029
	I2 - Hospital		2	\$ -	\$ 10,414	\$ 10,414
	I3 Detention Facility		2	\$ -	\$ 1,041	\$ 1,041
M	M Occupancies (Per Hour) - (ie market, department or drug store)		84	\$ -	\$ 16,402	\$ 16,402
R-2	R-2 Occupancy (Per Hour) (ie Res Permanent 2+)					
	< 5 units		69	\$ -	\$ 6,737	\$ 6,737
	5-20 units		508	\$ -	\$ 66,261	\$ 66,261
	21-50 units		0	\$ -	\$ -	\$ -
	> 50 units; each additional 50 units		44	\$ -	\$ 7,160	\$ 7,160
S	S Occupancies (Per Hour) - (ie Storage)		171	\$ -	\$ 33,390	\$ 33,390
	Re-Inspection (after initial and first reinspection)		288	\$ 14,400	\$ 37,490	\$ 37,490
	Re-Inspection (paid a fee)		0	\$ -	\$ -	\$ -
	* 1st free; 2nd free is cleared; all other charged					
	Licensed Care Facilities					
	Pre-Inspection		10	\$ 1,600	\$ 1,953	\$ 1,953

Cost Estimation for Providing Activities and Services Related to Permits

Input cells in blue font; formula based cells in black font

Fee Activity		Annual Estimated Revenue Analysis				
Group	Permit Description	Notes	Estimated Volume of Activity (Performed)	Annual Estimated Revenues at Current Fee	Annual Estimated Revenues at Full Cost Recovery Fee	Annual Estimated Revenues at Recommended Fee
<b>NEW CONSTRUCTION, ADDITIONS, AND MAJOR REMODELS</b>						
<b>FIRE INSPECTIONS</b>						
	Initial Inspection plus 1st Re-inspection		1,738	\$ -	\$ 339,367	\$ 339,367
	2nd Re-Inspection		87	\$ 4,350	\$ 5,663	\$ 5,663
	3rd Re-Inspection all all subsequent inspections		43	\$ 3,225	\$ 2,799	\$ 2,799
	Fire Hydrant Underground System/Per Fire Hydrant (incl 2 hydrants)		0	\$ -	\$ -	\$ -
new	Each Additional Hydrant	[1]	0	\$ -	\$ -	\$ -
	Fire Hydrant - Use Permit	[2]				
	Aboveground/Underground Tank Installation		6	\$ 1,043	\$ 1,757	\$ 1,757
	Aboveground/Underground Tank Removal		5	\$ 869	\$ 1,464	\$ 1,464
	Aboveground/Underground Tank Abandonment		0	\$ -	\$ -	\$ -
	Standpipes		0	\$ -	\$ -	\$ -
new	Standpipes - Each additional outlet	[1]	0	\$ -	\$ -	\$ -
	Fire Suppression System - Hood/Booth (per system)		0	\$ -	\$ -	\$ -
	Suppression System - Agents		0	\$ -	\$ -	\$ -
	Fire Pump Certification		1	\$ 591	\$ 163	\$ 163
	Propane Tank Installation		0	\$ -	\$ -	\$ -
	Fire Suppression System Halon/clean Agent (per System)		0	\$ -	\$ -	\$ -
	Soil or Water Remediation Systems	[2]				
	Fuel Dispensing Equipment		11	\$ 1,911	\$ 3,222	\$ 3,222
	Water Flow Test		0	\$ -	\$ -	\$ -
	<b>Certificate of Occupancy</b>					
	Development < 2K sq. ft.	[2]				
	Development 2K - 10K sq. ft.	[2]				
	Development > 10K sq. ft.	[2]				
<b>Special Permits</b>						
	Fireworks Stand Inspection		26	\$ 5,200	\$ 42,815	\$ 42,815
	Fireworks Booth Application Fee		20	\$ 4,000	\$ 4,348	\$ 4,348
	Christmas Tree Lot/ Pumpkin Patch		3	\$ 390	\$ 391	\$ 391
<b>Tent Permits</b>						
new	201 to 400 square feet	[1]	2	\$ 130	\$ 260	\$ 260
	401 to 1500 square feet		13	\$ 1,300	\$ 2,538	\$ 2,538
	1501 - 15,000 square feet		1	\$ 100	\$ 260	\$ 260
	15,001 - 30,000 square feet		0	\$ -	\$ -	\$ -
	> 30,000 square feet		0	\$ -	\$ -	\$ -

Cost Estimation for Providing Activities and Services Related to Permits

Input cells in blue font; formula based cells in black font

Fee Activity			Annual Estimated Revenue Analysis			
Group	Permit Description	Notes	Estimated Volume of Activity (Performed)	Annual Estimated Revenues at Current Fee	Annual Estimated Revenues at Full Cost Recovery Fee	Annual Estimated Revenues at Recommended Fee
<b>Automatic Fire Sprinkler:</b>						
	Fire Sprinkler System New Construction	[1]				
	1-50 Heads		57	\$ 24,171	\$ 38,955	\$ 38,954.97
	51-100 Heads		0	\$ -	\$ -	\$ -
	101-200 Heads		0	\$ -	\$ -	\$ -
	In excess of 200 heads		0	\$ -	\$ -	\$ -
	for each 200 heads > 200 or fraction thereof		0	\$ -	\$ -	\$ -
	Fire Sprinkler System TI / Modification					
	1-20 Heads		27	\$ 6,944	\$ 11,423	\$ 11,423
	21-100 Heads		0	\$ -	\$ -	\$ -
	Residential Fire Sprinkler System with less than 20 heads		0	\$ -	\$ -	\$ -
	Residential Fire Sprinkler System with > 20 heads		0	\$ -	\$ -	\$ -
<b>Fire Alarm Systems:</b>						
	Fire Alarm/Fire Suppression Monitoring System	[1]				
	To 10 Devices		29	\$ 5,039	\$ 8,494	\$ 8,494
	10 to 50 Devices		0	\$ -	\$ -	\$ -
	50 to 100 Devices		0	\$ -	\$ -	\$ -
	101 to 200 Devices		0	\$ -	\$ -	\$ -
	Over 200 Devices		0	\$ -	\$ -	\$ -
	for each 100 heads > 200 or fraction thereof		0	\$ -	\$ -	\$ -
<b>Fire False Alarm Response</b>						
	False Alarm Charge - first two false alarms in 1 calendar year	[2]	56			
	False Alarm Charge - 3rd false alarms in 1 calendar year	[2]	0			
	False Alarm Charge - 4th false alarms in 1 calendar year	[2]	0			
	False Alarm Charge - 5 or more false alarms in 1 calendar year	[2]	25			
	Fire False Alarm Response (average)	[2]				

Cost Estimation for Providing Activities and Services Related to Permits

Input cells in blue font; formula based cells in black font

Fee Activity			Annual Estimated Revenue Analysis			
Group	Permit Description	Notes	Estimated Volume of Activity (Performed)	Annual Estimated Revenues at Current Fee	Annual Estimated Revenues at Full Cost Recovery Fee	Annual Estimated Revenues at Recommended Fee
<b>Other Services:</b>						
	Drug/DUI/Hazmat Incident Response (DUI \$12K Max.)	[3]				
	Weed and Lot leaning			\$ 8,253	\$ 8,253	\$ 8,253
	Fire Department Equipment Costs: <i>(placeholder for MFS - not analyzed as part of this scope)</i>	[2]				
<b>HOURLY RATES</b>						
	Fire Hourly Rate					
new	Engine Company - hourly rate (3 person crew)	[1]				
	Copy Service - per page <i>(placeholder for MFS - not analyzed as part of this scope)</i>	[2]				
	For services requested of City staff which have no fee listed in this fee schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the established hourly rates for this department/division. Additionally, the City will pass-through to the applicant any discrete costs incurred from the use of external service providers if required to process the specific application.					
<b>TOTAL FIRE DEPARTMENT</b>				\$ 135,287	\$ 904,113	\$ 904,113



# CITY OF MERCED

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

## ADMINISTRATIVE REPORT

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**Agenda Item: H.1.**

Meeting Date: 3/21/2016

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**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.



**ADMINISTRATIVE REPORT**

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**Agenda Item: H.2.**

Meeting Date: 3/21/2016

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**Report Prepared by:** John C. Sagin, Jr., AIA - Principal Architect

**SUBJECT:** Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for Sidewalk Infill on Alexander Avenue, CML-5085(041), Project 114051

**REPORT IN BRIEF**

Consider accepting California Department of Transportation Program Amendment Modification Summary (E-76), CMAQ Grant Funding, in the amount of \$332,076, for construction costs associated with the sidewalk infill on Alexander Avenue, bounded by Bel Air Drive and Nottingham Lane.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Accepting and appropriating \$332,076 in grant funds from CMAQ for construction costs associated with sidewalk infill on Alexander Avenue; and,
- B. Transferring matching funds of \$43,024 from Street and Signal CIP Fund 450-1104-637.65-00-Projects to be Determined to 450-1104-637.65-00-114051; and,
- C. Approving the use of pooled cash until reimbursement is received from the grant; and,
- D. Authorizing the City Manager or his designee to execute the necessary documents.

**ALTERNATIVES**

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

**AUTHORITY**

Charter of the City of Merced, Section 200.

Caltrans Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STP) are used to comply with the changes to the programming and funding statutes brought about by Charter 622 of the Statutes of 1997 (SB 45, KOPP). The procedures have been

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modified to remain consistent with and complimentary to the various guidelines and policies adopted by the California Transportation Commission (CTC), including the current 2010 STP Guidelines (adopted on October 14, 2009).

### **CITY COUNCIL PRIORITIES**

Not applicable.

### **DISCUSSION**

The project is located along Alexander Avenue and consists of 6,000 feet of missing sidewalk, 35 driveway approaches, 6 ADA ramps, and miscellaneous curb and gutter.

Caltrans has sent an Amendment Modification Summary (E-76) for the Sidewalk Infill on Alexander Avenue, boundary extended from Bel Air Drive to Nottingham Lane. The E-76 allows for the use of \$332,076 in grant funding associated with construction costs. The local match for the project is \$43,024 and no General Funds will be used.

### **HISTORY AND PAST ACTIONS**

In connection with preliminary engineering for the project, on June 16, 2014, City Council adopted a resolution approving State Program Supplement 022-N, accepted and appropriated the \$59,218 CMAQ Grant, and approved the transfer of \$7,673 in matching funds.

### **IMPACT ON CITY RESOURCES**

Staff recommends accepting grant funds from the State of California adopted Congestion Mitigation and Air Quality Improvement (CMAQ) Program, increasing revenue account 450-1104-632.32-00 in the amount of \$332,076, and appropriating the same to account 450-1104-637.65-00-114051 for the construction costs associated with the sidewalk infill.

### **ATTACHMENTS**

1. E-76 CML-5085(041)
2. Location Map

AMENDMENT MODIFICATION SUMMARY - (E-76)

CALIFORNIA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROGRAM

DLA LOCATOR: 10-MER-0-MER  
 PREFIX: CML  
 PROJECT NO: 5085(041)  
 SEQ NO: 2  
 STATE PROJ NO: 1014000152L-N  
 AGENCY: MERCED  
 ROUTE:  
 TIP DATA  
 MPO: MCAG  
 FSTIP YR: 15/16  
 STIP REF: 205-0000-0230  
 DISASTER NO:  
 BRIDGE NO:

PROJECT LOCATION:  
 EAST ALEXANDER AVENUE FROM BEL AIR DRIVE TO NOTTINGHAM LANE  
 TYPE OF WORK:  
 SIDEWALK AND DRIVEWAY INFILL  
 FED RR NO'S:  
 PUC CODES:  
 PROJ OVERSIGHT: ASSUMED/LOCAL ADMIN  
 ENV STATUS / DT: DELEG TO STATE USC 326/SEC 6004 07/22/2014  
 RW STATUS / DT: 1 08/11/2014  
 INV RTE:  
 BEG MP:  
 END MP:

PREV AUTH / AGREE DATES:

PE: 2014-04-23 00:00:00.0  
 R/W:  
 CON:  
 SPR:  
 MCS:  
 OTH:

PROG CODE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID
M0E3	30	28				
M0E3	31	17				
M400	10	15				

FUNDING SUMMARY

PHASE		PROJECT COST	FEDERAL COST	AC COST
PE	PREV. OBLIGATION	\$66,891.00	\$59,218.00	\$0.00
	THIS REQUEST	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$66,891.00	\$59,218.00	\$0.00
R/W	PREV. OBLIGATION	\$0.00	\$0.00	\$0.00
	THIS REQUEST	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00	\$0.00	\$0.00
CON	PREV. OBLIGATION	\$0.00	\$0.00	\$0.00
	THIS REQUEST	\$375,100.00	\$332,076.00	\$0.00
	SUBTOTAL	\$375,100.00	\$332,076.00	\$0.00
OTH	PREV. OBLIGATION	\$0.00	\$0.00	\$0.00
	THIS REQUEST	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00	\$0.00	\$0.00
TOTAL:		\$441,991.00	\$391,294.00	\$0.00

STATE REMARKS

- 04/09/2014 Sequence No. 1:  
This E76 is Request for Authorization (RFA) to proceed with PE phase. This request is for \$59,218 CMAQ federal funds.
- 04/17/2014 Final design shall not begin until after NEPA environmental clearance is obtained.
- 02/03/2016 Sequence No. 2: This E76 is Request for Authorization (RFA) to proceed with CON/CE phase. This request is for \$332,076 CMAQ federal funds.
- 02/11/2016 Sequence #2 is a request for construction and construction engineering funding to construct sidewalk and driveway approaches on East Alexander Avenue from Bel Air Drive to Nottingham Lane using Congestion Mitigation and Air Quality (CMAQ) funds programmed for FY 15-16 in Amendment #2 approved on 3/16/15 to MCAG's 2015 FTIP. Funding for preliminary engineering was previously obligated. Federal funding in this sequence is capped at \$332,076 for construction with a maximum reimbursement ratio of 88.53%. Reimburse with M0E3 PM2.5 CMAQ funds at 88.53% on a pro rata reimbursement basis up the federal amounts shown for construction and construction engineering.

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: CON  
FOR: CONSTRUCTION & CENG  
DOCUMENT TYPE: AMOD

PREPARED IN FADS BY: FUKANO, JOHN  
REVIEWED IN FADS BY: SAFAIE, FRANK  
SUBMITTED IN FADS BY: LOUIE, PATRICK  
PROCESSED IN FADS BY: FOGLE, JERILYNN  
APPROVED IN FMIS BY: VENESHIA SMITH

ON 2016-02-03 948-3755  
ON 2016-02-09 653-5345  
ON 2016-02-16 FOR CALTRANS  
ON 2016-02-17 FOR FHWA  
ON 2016-02-23 19:06:45.0

SIGNATURE HISTORY FOR PROJECT NUMBER 5085(041) AS OF 02/29/2016

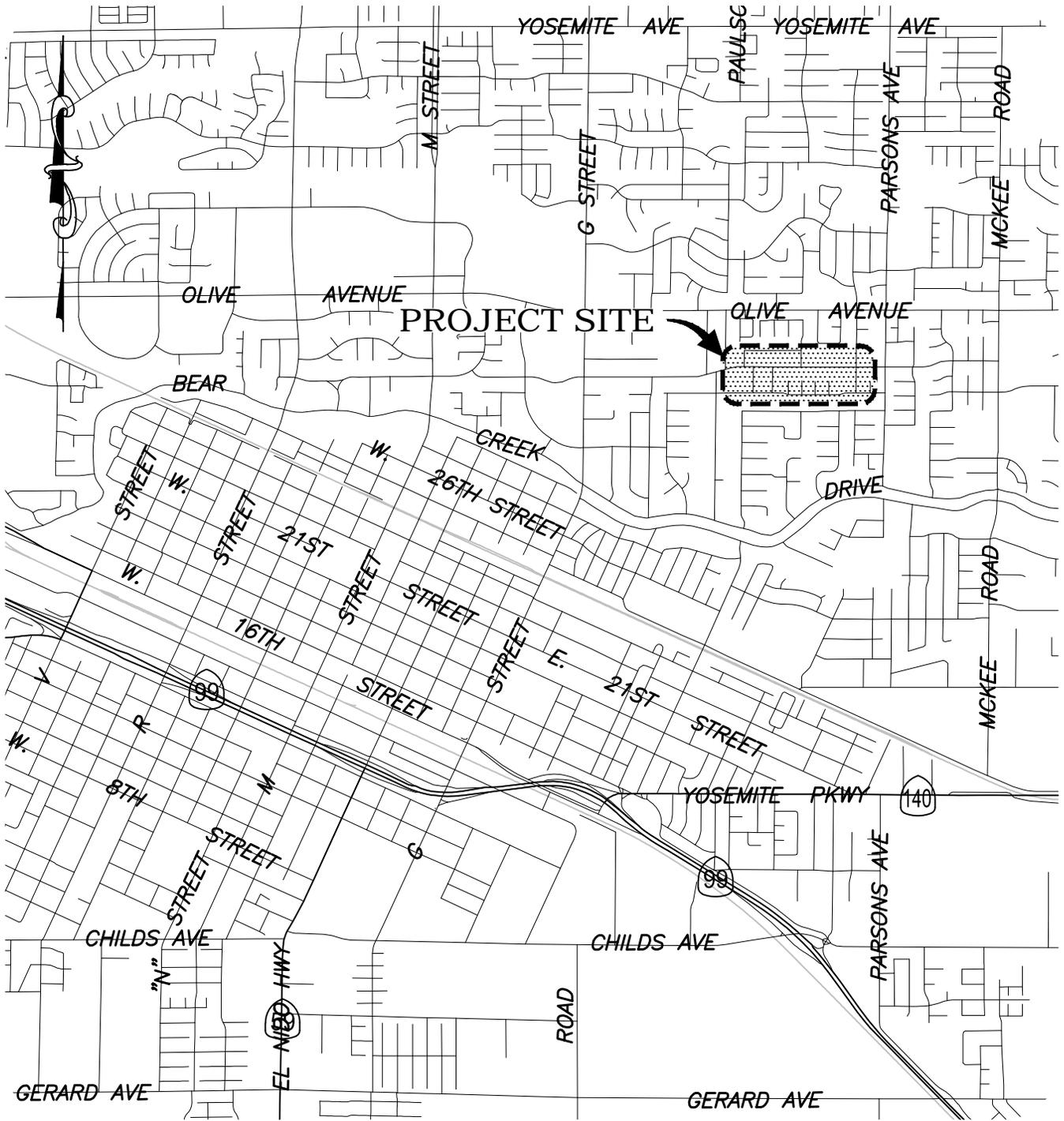
FHWA FMIS SIGNATURE HISTORY

<u>MOD #</u>	<u>SIGNED BY</u>	<u>SIGNED ON</u>
1	SHUN HUEY	02/18/2016
	CESAR PEREZ	02/19/2016
	VENESHIA SMITH	02/23/2016
0	SHUN HUEY	04/21/2014
	MIGUEL A. RAMOS	04/22/2014
	RODNEY WHITFIELD	04/23/2014

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY

<u>DOCUMENT TYPE</u>	<u>SIGNED BY</u>	<u>SIGNED ON</u>
AMEND/MOD	LOUIE, PATRICK	02/16/2016



# LOCATION MAP

SCALE: 1"=.5 mi.



*City of Merced*  
"Gateway to Yosemite"

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

PROJECT NO. 114051 (5085-041)  
CMAQ SIDEWALK INFILL  
ON ALEXANDER AVENUE

DR. BY: KGE
DATE: 6/3/15
CH. BY: SAGIN
DATE: 6/3/15
File No. 0929

SCALE: AS SHOWN



**ADMINISTRATIVE REPORT**

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**Agenda Item: H.3.**

Meeting Date: 3/21/2016

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*Report Prepared by: John C. Sagin, Jr., AIA - Principal Architect*

**SUBJECT:** Increase Contingency Percentage and Approve Change Order for Black Rascal Creek Bike Path Project 111065

**REPORT IN BRIEF**

Authorizes approval of a change order to the Black Rascal Creek Bike Path - McKee Road to Yosemite Avenue construction contract in the amount of \$2,756.60 for additional electrical work.

**RECOMMENDATION**

**City Council** - Adopt a motion increasing the contingency to 13% and approving a change order for the Black Rascal Creek Bike Path - McKee Road to Yosemite Avenue Project 111065, to Avison Construction, Inc., in the amount of \$2,756.60; and, authorizing the City Manager to sign the necessary documents.

**ALTERNATIVES**

1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. 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, Article XI, Section 1109 - Contracts on Public Works, and Merced Municipal Code Chapter 3.04, Article IV - Public Works Contracts. Every project involving an expenditure of more than sixty three thousand and fifty-four dollars (\$63,054) for the construction or improvements of public buildings, works, streets, drains, sewers, utilities, parks, and playgrounds shall be let by contract to the lowest responsive and responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

**CITY COUNCIL PRIORITIES**

As provided for in the 2015-16 Adopted Budget.

## DISCUSSION

The project scope consists, in general, of the installation of a Class I Concrete Bike Path along portions of Black Rascal Creek, from McKee Road to Yosemite Avenue. The work included the removal of sidewalk, curb and gutter, pavement, and roadway excavation, the installation of bikeway access approaches, curb ramps, curb and gutter, traffic signs, pavement markers and markings, and minor pavement repairs within the project limits.

Construction began in August 2015, and consistent with these types of projects, a number of unexpected conditions were encountered in the field and additional items were necessary to better serve the community. A change order in the amount of \$32,438 was issued to Avison Construction in November 2015. The change order included the installation of a retaining wall due to the high existing dirt grades adjacent to the newly-constructed bike path, as well as a change to the construction method from a “slip-form machine pour” to a “hand form” method. The proposed Change Order #2 is for \$2,756.60 and includes costs for additional electrical work encountered due to existing field conditions.

The Engineer’s Estimate for construction, out of the \$441,000 CMAQ Grant, was originally \$350,000. On November 3, 2014, Council awarded the project to the lowest bidder, Avison Construction, Inc., in the amount of \$329,435. At that time the following Construction Budget was approved:

Construction	\$ 329,435.00
Contingency (10%)	\$ 32,943.00
Engineering, Testing, Inspection	\$ 32,622.00
Total	\$ 395,000.00

At the November 3, 2014, meeting, Council authorized the City Manager to approve change orders for up to 10% of the total contract. The proposed change order for this project is 10.68% of the contract amount, exceeding the Council authorized change order amount by less than one percent. The amount over the Council authorized 10% equates to \$2,251.10, of which \$1,980.51 is paid for by grant funds and \$270.59 is the City’s required match.

Staff is recommending authorizing the City Manager to approve the change order of \$2,756.60 and increasing the contingency to 13%.

## HISTORY AND PAST ACTIONS

On July 18, 2011, the City accepted a grant from the Congestion Mitigation Air Quality (CMAQ) Program for the installation of a Class I Bike Path along Black Rascal Creek. The grant included \$132,000, with an \$18,000 local match, for the environmental and design phases.

After a lengthy environmental phase, on September 2, 2014, Council accepted \$388,000 in CMAQ grant funding and approved the transfer of \$53,000 in matching funds to proceed with the construction of the project.

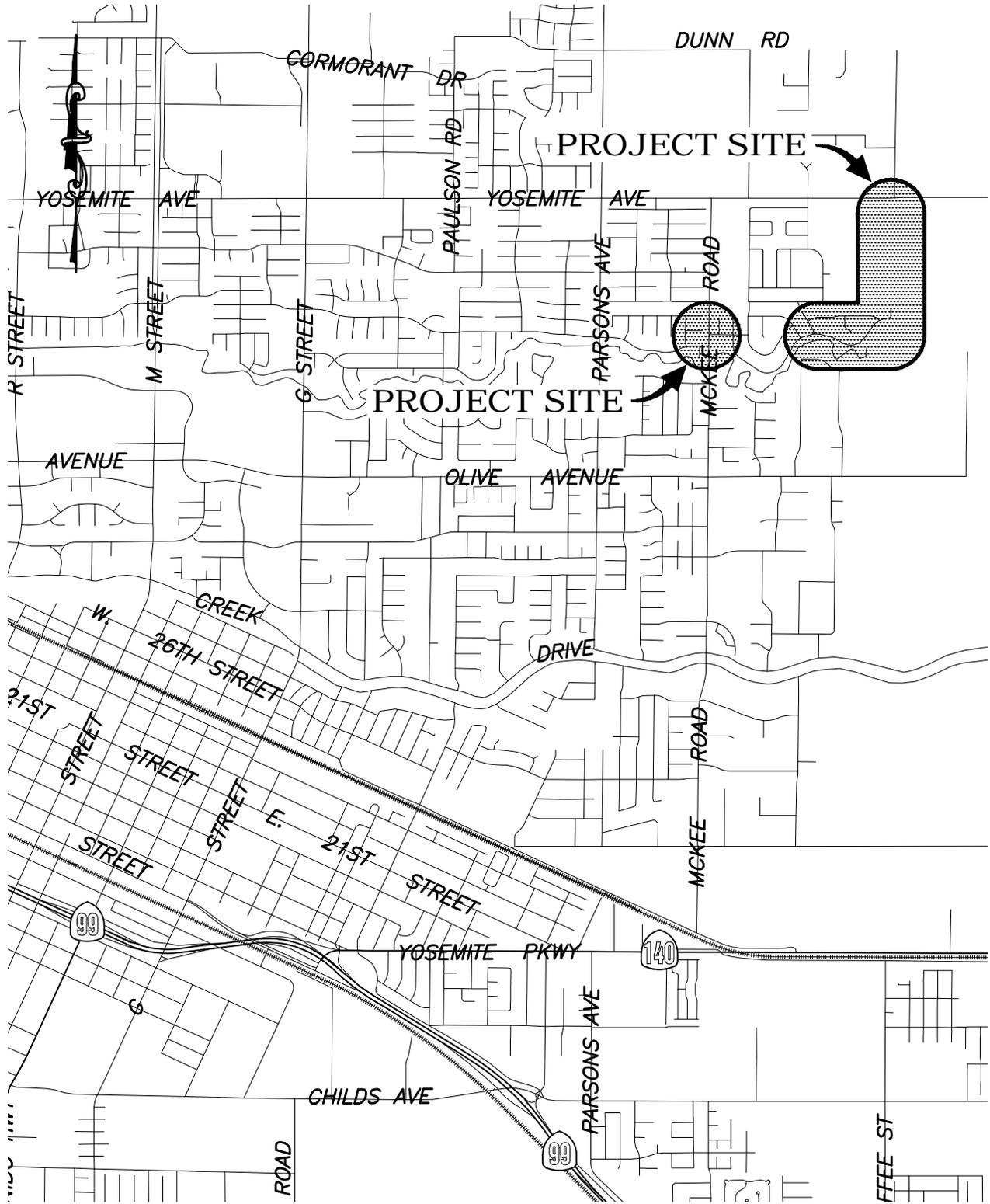
On November 3, 2014, Council awarded the construction contract to Avison Construction, Inc., in the amount of \$329,435.

**IMPACT ON CITY RESOURCES**

This project was established as a Capital Improvement Project and account 450-1104-637.65-00-111065 contains sufficient funding to complete the project.

**ATTACHMENTS**

1. Location Map
2. Change Order No. 2



# LOCATION MAP

NOT TO SCALE



**City of Merced**  
 "Gateway to Yosemite"

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

PROJECT NO. 111065

**BLACK RASCAL BIKE PATH**  
**MCKEE ROAD TO YOSEMITE AVENUE**

DR. BY: KGE
DATE: 3/26/13
CH. BY: JS
DATE: 3/26/13
File No. 0903_3D
SCALE: NONE



AUTHORIZED \_\_\_\_\_ DATE \_\_\_\_\_  
(CITY MANAGER)

ATTESTED \_\_\_\_\_ DATE \_\_\_\_\_  
(ASSISTANT/DEPUTY CITY CLERK)

(SEAL)



## ADMINISTRATIVE REPORT

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**Agenda Item: H.4.**

Meeting Date: 3/21/2016

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**Report Prepared by:** *Mike Conway, Assistant to the City Manager/Parks and Recreation*

**SUBJECT:** Blue Star Memorial

### REPORT IN BRIEF

Approve request from Merced Garden Club to locate Blue Star Memorial in Applegate Park.

### RECOMMENDATION

**City Council** - Adopt a motion approving the request from the Merced Garden Club to locate the Blue Star Memorial in Applegate Park, and authorizing the 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 consideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

### AUTHORITY

Charter of the City of Merced, Section 200.

### CITY COUNCIL PRIORITIES

As provided for in the 2015-16 Adopted Budget.

### DISCUSSION

Blue Star Memorials, a program through the National Garden Clubs, are erected across the United States as tributes to those presently serving and those who will serve in the Armed Forces. A marker had been placed in Joe Herb Park a number of years ago in the back section close to Golden Valley High School. Over the years it had been forgotten and was damaged.

The marker was recently located and the Merced Garden Club would like to replace it and relocate the new marker to the base of the flagpole at Applegate Park. There is a fence surrounding the flagpole that would provide a measure of security to prevent its theft. Mary Brooks said the Merced Garden Club would pay for the new marker. The Public Works Department would do the installation. Mary Brooks said the Garden Club had consulted with Sarah Lim, the Museum Director and Archivist

at the Merced County Courthouse Museum, on the best location for the marker.

**IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

**ATTACHMENTS**

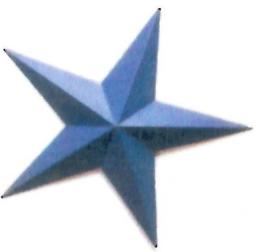
1. The Blue Star Memorial Program
2. Blue Star Memorial Highways & Byways



**BLUE STAR  
MEMORIAL  
MARKER  
RESTORATION**

Sewah Studios, the manufacturer, will restore a Blue Star Memorial or Highway Marker. You may call them at 740-373-2087 for the current price and shipping cost ([www.sewahstudios.com](http://www.sewahstudios.com)). Sewah does not refurbish By-Way Markers.

Also, it is possible for club members to refurbish any of the three marker types by following the directions on the CGCI website under Blue Star Memorial/Refurbishing Instructions.



**For more information about  
The Blue Star Memorial Program  
visit  
[www.CaliforniaGardenClubs.org](http://www.CaliforniaGardenClubs.org)  
or contact  
[BlueStar@cagardenclubs.org](mailto:BlueStar@cagardenclubs.org)**

**California Garden Clubs, Inc.**



[www.CaliforniaGardenClubs.org](http://www.CaliforniaGardenClubs.org)  
Toll Free Number: 888-702-2075  
Email: [BlueStar@cagardenclubs.org](mailto:BlueStar@cagardenclubs.org)

*Grow With Us*



*Adopted in  
1945 by  
National*

*Garden  
Clubs, Inc.*

***Honoring those  
who have  
served, those  
presently  
serving and  
those who will  
serve in the  
Armed Forces  
of the United  
States of  
America.***

**The Blue Star  
Memorial  
Program**





## History of the Blue Star Memorial Program

The Blue Star Memorial Program honors service men and women. The program began with the planting of 8,000 dogwood trees by the New Jersey Council of Garden Clubs in 1944 as a living memorial to Veterans of World War II. In 1945, National Garden Clubs, Inc. ([www.gardenclub.org](http://www.gardenclub.org)) adopted the program and began a Blue Star Highway system which covers thousands of miles across the Continental United States, Alaska and Hawaii. Large metal Blue Star Memorial Highway Markers are placed at appropriate locations along the way.

Since its creation, the program has been expanded to include all men and women who had served, were serving or would serve in the Armed Services of the United States. Memorial Markers and By-Way Markers were added to the Highway Markers to be used at locations such as National cemeteries, parks, veterans facilities and gardens.

The Blue Star became an icon in World War II and was seen on flags and banners in homes for sons and daughters away at war as well as in churches and businesses.

The program has been active since its inception to the present -- a fitting tribute always and especially now. Markers continue to be dedicated each year on highways, veterans facilities, National cemeteries, parks and civic and historic sites which show our appreciation for those who defend our country.

### The Blue Star Guidelines

A complimentary copy of *The Blue Star Guidelines* (adapted for California Garden Clubs, Inc.) may be obtained from the CGCI Blue Star Memorial Chairman. *The Blue Star Guidelines* contains detailed descriptions of the markers, installation and refurbishing instructions, sample dedication program, ordering procedures, and much more. Contact: [BlueStar@cagardencubs.org](mailto:BlueStar@cagardencubs.org).

### Procedures for Obtaining Markers:

- Garden club members vote to approve the project.
- An appropriate location is selected, and type of marker for that location is chosen.
- The CGCI Blue Star Memorial Chairman is contacted for forms and instructions.
- The local or state authority responsible for the location is contacted.
- The order form and check are sent to the CGCI Blue Star Memorial Chairman for processing.
- Clubs/districts may solicit other civic organizations to help with funding, construction, planting and maintenance.

Allow at least six (6) weeks for delivery of the marker after the order is received by the manufacturer (Sewah Studios) in Ohio.

Note: No marker may bear an individual's name. The markers are designed to pay tribute to the Armed Forces of the United States of America as a whole.

## The Blue Star Memorial & Highway Markers are made of cast aluminum.



### BLUE STAR MEMORIAL MARKER

Current cost is **\$1,410.\***

Overall height when erected is 7'6". The plate is 41" high x 45" wide. To be placed in National cemeteries, veterans medical centers and other civic locations.



### BLUE STAR MEMORIAL BY-WAY MARKER

Current cost is **\$470.\***

Plaque is 12" x 20" for mounting on masonry or wood. To be placed in civic gardens, parks and historical sites.



Overall height when erected is 7'6". The plate is 41" high x 45" wide. To be placed on named highways.\*\*

### BLUE STAR MEMORIAL HIGHWAY MARKER

Current cost is **\$1,410.\***

\*Prices effective through May 1, 2016

\*\*For a complete listing of all California named highways, go to <http://www.dot.ca.gov/hq/isp/hscb/products.html>

California Garden Clubs, Inc.  
**Blue Star Memorial Highways & Byways**  
 George Unrine  
*Blue Star Memorials Chairman*

NGC adopted the Blue Star Memorial Highways project in 1946. There are three Memorial Marker. All are a tribute to the men and women in the armed forces who have served, are presently serving and will serve in the future. The large Blue Star Highway Memorial Markers are placed only on dedicated highways. A second large Blue Star Memorial Marker, minus the word "highway", was approved in 1996 for dedication at National Cemeteries or V.A. Medical Facilities. The Blue Star Memorial By-Way Marker was approved in 1994, for placement in parks, historic sites and civic areas bears the words, "A Tribute to the Armed Forces of America." In 2004 state veterans homes and selected cemeteries where veterans are buried were approved as sites for Blue Star Memorial Markers.

NOTE: (\*) = Marker in storage, missing or destroyed  
 (1) = One marker at dual rest area  
 (2) = Two markers at dual rest areas

**Arboretum District**

**Blue Star Byway Markers**

La Habra	1150 Whittier Blvd., La Habra	Year Around GC
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**Bay Bridges District**

**Blue Star Memorial Highway Markers**

Alamo	I-680 N bound ramp, Stone Valley Road	District
Oakland*	(In storage)	Eastlake GC
Pinole	I-80 E bound on ramp at Pinole Valley Road	Pinole GC
San Francisco	I-80 E bound on ramp at 5th & Harrison Streets	District

**Blue Star Memorial Markers**

El Cerrito	1120 Arlington Blvd in Arlington Park	El Cerrito GC
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**Blue Star Byway Markers**

El Cerrito	Veterans Memorial Park, San Pablo Ave at Manila St	El Cerrito GC
Richmond	Richmond Museum of History, 1337 Canal Blvd., next to SS Red Oak Victory Ship	El Cerrito GC

**Bay Ocean District**

**Blue Star Memorial Highway Markers**

Hillsborough	I-280 N bound rest area, 1.2 mi N Bunker Hill Dr	District
Los Altos Hills	I-280 El Monte Road interchange, NW quadrant	District
Oakland Bay Br*	(In storage)	District
San Francisco	I-80 E bound at 5th St.	GSC of the Peninsula

**Blue Star Memorial Markers**

San Bruno	Golden Gate National Cemetery at Sneath Road gate	GSC of the Peninsula
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**Buttes District**

**Blue Star Memorial Highway Markers**

Belden (1)	SR-70 E & W bound rest area, 30 miles W of Quincy	Kelly Ridge GC
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**Blue Star Byway Markers**

Yuba City	Veterans Memorial Bldg, 1425 Veterans Memorial Dr	District
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**Cascade District**

**Blue Star Memorial Highway Markers**

Grass Lake (1)	US-97 N & S-bound rest area, 19.8 miles N of Weed	District
O'Brien	I-5 N bound rest area, 2 miles N of Shasta Lake bridge	Clubs of Dist. 8B Cascade
Red Bluff (2)	I-5 Herbert Miles N & S bound rest areas, 4.5 mi N of Red Bluff	District

**Blue Star Byway Markers**

Anderson	Veterans Memorial Hall, W Center Street	Anderson Valley GC
Cottonwood	Front Street Park, along SR-99	District
Igo	Northern California Veteran's Cemetery	Redding Wonderland GC
Shasta Lake	Veteran's Memorial Garden	Shasta Lake Garden Project

**Channel Islands District**

**Blue Star Byway Markers**

Thousand Oaks	Conejo Creek Park, off SR 23, at the fountain	District
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### Costa Verde District

#### Blue Star Memorial Highway Markers

Redondo Beach	SR-1, in SW corner of PCH & Carnelian Street	Vietnam Veterans, CGCI
Torrance	Fire Station #4 at Pacific Coast Hwy. & Calle Mayor	Riviera GC
Undedicated*	(In storage)	District

#### Blue Star Byway Markers

Long Beach	Veterans Administration Bldg., 5901 E. 7th	Long Beach GC
San Pedro	Interior Ft McArthur Museum, 3601 S Gaffey Street	San Pedro GC
Wilmington	Banning Mansion, 500 PCH, Left of entry path	District

### Desert Empire District

#### Blue Star Memorial Highway Markers

Boron (2)	SR-58 E & W bound rest areas, 4 miles W of Boron	District
Conway Summit	US-395 Vista Pt, overlooks Mono Lake, 4.5 mi N SR-167	Oasis GC of IWW
Coso Junction (1)	US-395 N & S-bound rest area, 17 miles S of SR-190	Oasis GC of IWW
Desert Oasis (2)	I-40 Dual rest areas, 9 miles E of Newberry	CGCI and Oasis GC of IWW
Fenner (2)	I-40 Dual rest areas, 45 miles W of Needles	Roadrunner District
Manzanar Ntl Hist Site	US-395, Interpretive Center, 11 miles N of Lone Pine	Oasis GC of IWW

#### Blue Star Byway Markers

Barstow	Centennial Park, Barstow Road at Virginia Rd	Barstow Gardeners
Barstow	CA Veterans Home, 100 Veterans Pkwy, near flagpole	Desert Holly Gardeners
Boron	Boron Twenty Mule Team Museum	Boron GC
California City	Hacienda & CA City Boulevards, at the flagpole	Desert Rose GC
Edwards AF Base	Flight Center Museum, Rosamond Boulevard	Tumbleweeds GC
Lancaster	Lancaster City Park, 10th Street W at flagpole	Hi-Desert Gardeners
Ridgecrest	Cerro Coso College, right side of entry road	Desert Planters of Ridgecrest
Ridgecrest	Desert Empire Fairgrounds	Oasis GC of IWW
Ridgecrest	Civic Center, 100 W California	Desert Planters of Ridgecrest
Ridgecrest	Pearson Park on N. Downs, near W. Vicki	Desert Planters of Ridgecrest
Ridgecrest	Maturango Museum	Oasis GC of IWW
Ridgecrest	Animal Shelter	Desert Planters of Ridgecrest
Ridgecrest	Historic USO Bldg., 230 W. Ridgecrest Blvd.	Oasis GC of IWW
Yermo	Calico Ghost Town, I-15 12 miles E of Barstow	Desert Holly Gardeners

### Diablo Foothills District

#### Blue Star Memorial Markers

Livermore	VA Med. Ctr., at flagpole, Arroyo Rd. 4 mi S of downtown	District
Martinez	VA Med. Ctr., 150 Muir Road, at the flagpole	District

#### Blue Star Byway Markers

Antioch	City Park Rose Garden, 10th & A Streets	Riverview GC
Clayton	Grove Park, Downtown Clayton	Clayton Valley GC
Concord	Library, 2900 Salvio Street	Concord Garden Club
Discovery Bay	Stieffer Park	Discovery Bay GC
Lafayette	Veterans Memorial Bldg., 3780 Mt. Diablo Blvd.	Lafayette GC
Martinez	601 Main Street in courtyard	Markham Regional Arboretum Soc.
San Ramon	San Ramon Memorial Park	Livermore-Amador GC
Walnut Creek	Elks Club at the entry	Walnut Creek GC
Walnut Creek	The Gardens at Heather Farm, 1540 Marchbanks Dr.	Walnut Creek GC

### Golden Foothills District

#### Blue Star Memorial Highway Markers

Donner Summit (2)	I-80 E & W bound view point, 4 miles W SR-89 in Truckee	Auburn GC
Emigrant Gap	I-80 W-bound at Emigrant Gap Historic Overlook	District
Folsom	US-50 on Riley at Lembi Park entrance	Organic Gardening Club of Sacramento County
Gold Run (2)	I-80 E & W bound rest areas	District

#### Blue Star Byway Markers

Auburn	Civic Center, 1225 Lincoln Way	Auburn & Donner GCs
Auburn	Military Memorial Rose Garden, Bell Road Baptist Church	Donner GC of Auburn
Auburn	Auburn Veterans Hall, 100 East Street	Donner GC of Auburn
Chicago Park	SR-174, 5.5 mi N of Historic Colfax at Bear River Pines	Colfax GC
Chicago Park	On corner SR-174 & St Paul Pl., #18934, Fire station #2	Chicago Park GC
Colfax	SR-174 Bear River Pines	Colfax GC
Colfax	Bandstand Park, Main & Church Streets	Colfax GC
Colfax	SR 174, .75 mi N of Historic Colfax, Cape Horn Overlook	Colfax GC
Donner Summit (2)	I-80 E & W bound rest area, at the flagpoles	District

Folsom	Folsom Park, near 100 Natoma Street	District
Foresthill	Jubilee Garden, Foresthill Road	Donner GC of Auburn
Georgetown	VFW Park, Eaton & Wentworth Springs Road	Divide GC
Grass Valley	Memorial Park, SR-174 & Race St. at Right End of Wall	Chicago Park GC
Grass Valley	Holiday Inn Express Courtyard	District
Meadow Vista	Meadow Vista Comm. Center, 1101 Meadow Vista Rd	Meadow Vista GC
Roseville	Roseville Cemetery at entrance flagpole	Roseville Better GC
Roseville	Community Center, Maidu Reg. Park, Rocky Ridge Dr	Roseville Better GC
Roseville	Veterans Memorial Hall, 110 Park Drive, Royer Park	Roseville Green Thumb GC

### Greater Los Angeles District

#### Blue Star Memorial Markers

W. Los Angeles	Los Angeles National Cemetery, 950 Sepulveda Blvd.	Los Angeles GC & Brentwood Glen GC
Hollywood	Triangle Median Park, Franklin & Wilcox & Cahuenga	Los Angeles GC

### Humboldt District

#### Blue Star Memorial Highway Markers

Trinidad (2)	US-101 N & S bound Trinidad rest areas	District
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#### Blue Star Byway Markers

Bull Creek Flats	Bull Creek Pioneer Cemetery, 5 miles W of US 101	Southern Humboldt GC
Eureka	C. of C. Garden, 2112 Broadway (US-101)	Eureka Sequoia GC
Ferndale	Veterans Memorial Building, 1100 Main Street	Ferndale GC
Fortuna	Veterans Memorial Building, 1426 Main Street	Fortuna GC
Garberville	Veterans Park, Redwood Drive at Thomas Drive	Southern Humboldt GC
Pepperwood	N entrance, Ave. of the Giants at info sign	Southern Humboldt GC
Rio Dell	Triangle Park at Wildwood Ave. & W Elko St	Triangle GC
Trinidad	Trinidad Light House	Patrick's Point GC

### Luther Burbank District

#### Blue Star Memorial Highway Markers

Golden Gate Br	US-101 N-bound viewpoint, Marin County anchorage	District
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#### Blue Star Memorial Markers

Yountville	Veterans Home of California	District
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#### Blue Star Byway Markers

Cloverdale	Veteran's Memorial Bldg, Cloverdale	Green Thumb GC
Petaluma	Veterans Memorial Bldg., 1094 Petaluma Blvd.	Petaluma GC
Rohnert Park	Avenue of the Flags, Community Center Grounds	Rohnert Park GC
Santa Rosa	Veterans Memorial Bldg.	District
Santa Rosa	1900 Franklin Ave, Santa Rosa	Santa Rosa GC

### Mendo-Lake District

#### Blue Star Memorial Highway Markers

Willits	US-101, CDF Station, 5 miles S of Junction with SR-20	Willits GC
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#### Blue Star Memorial Markers

Lakeport	255 N Main Street, Lake County Museum grounds	Clear Lake Trowel & Trellis GC
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#### Blue Star Byway Markers

Fort Bragg	Mendocino Botanical Garden, 1 mi S of Noyo River Bridge	District
Nice	Triangle Park	North Lake GC
Willits	Jackson Demonstration Forest	District

### Montana District District

#### Blue Star Memorial Highway Markers

San Simeon	SR1, opp. Hearst Castle entry at WRH State Beach	District
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#### Blue Star Byway Markers

Santa Maria	Santa Maria Inn in the patio at fountain (Commemorates the founding of CGCI)	District
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### Orange County District

#### Blue Star Byway Markers

Huntington Harbor	Newland House Museum, 19820 Beach Blvd.	Huntington Harbor GC
Mission Viejo	Community Ctr., in Oso-Viejo Park on Veterans Way	District
San Clemente	San Clemente Community Center	San Clemente GC
Santa Ana	Dr Howe-Waffle House, 120 Civic Center Drive	Santa Ana GC

### Palms to Pines District

#### Blue Star Memorial Markers

Indio	Coachella Valley Cemetery	The Palms GC/East Valley Memorial
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#### Blue Star Byway Markers

Indio	Memorial Rose Garden, between City Hall & library	Agave GC
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Loma Linda	JL Pettis Memorial VA Medical Center, 11201 Benton	Inland Empire Geranium Society
Palm Springs	Palm Springs Air Museum, 745 N Gene Autry Trail	District
Riverside	Ntl Cemetery Amphitheater Wall of Memorial Plaques	District

### Palomar District

#### Blue Star Memorial Highway Markers

Aliso Creek	I-5 S-bound rest area, 5.8 miles N of Oceanside	District
San Diego*	I-8 E-bound, Hotel Circle exit, W 4/10 mi on Taylor St. (Destroyed during a traffic accident)	Pacific Beach GC
San Ysidro	I-5 S-bound at San Ysidro Border Crossing	District

#### Blue Star Memorial Markers

San Diego	Miramar National Cemetery near visitor center	District
Point Loma	Ft. Rosecrans National Cemetery at visitor center	Point Loma GC

#### Blue Star Byway Markers

Chula Vista	Serenity Garden, Veterans Park	Chula Vista GC
Chula Vista	Rohr Park	Bonita Valley GC
Chula Vista	Veterans Elementary School	Chula Vista GC
Chula Vista	Veteran's Home of Chula Vista, 700 E. Naples Ct.	Chula Vista GC
Encinitas	Scripps Memorial Hospital	San Dieguito GC
Fallbrook	Fallbrook Village Square	Fallbrook GC
Imperial Beach	Marina Vista Park, 800 Imperial Beach Avenue	District
La Jolla	VA Med Ctr, La Jolla Village Dr. W of I-5, at main entry	District
Lakeside	Lindo Lake Park, 12824 Lakeshore Drive	Lakeside GC
Poway	Lake Poway	Poway Valley GC
Ramona	Collier Park, 626 E Street	Ramona GC
Valley Center	Adams Park, 28741 Cole Grade Road on fountain	Dos Valles GC
Vista	Brengle Terrace Park, 1200 Vale Terrace Drive	Vista GC & VFW 7041

### Plumas-Lassen District

#### Blue Star Memorial Highway Markers

Chester	SR-36 Lake Almanor rest area, 4 miles E of town center	District
Portola	449 E Sierra Ave, adjacent to Hwy 70	VFW Post 3758, American Legion Post 329 and Chico Horticultural Society

### Roadrunner District

#### Blue Star Memorial Highway Markers

Twenty-Nine Palms (2)	City limits E & W bound Hwy 62	City of Twenty-Nine Palms, CGCI
Whitewater	I-10 W-bound rest area, 2 mi E of I10/SR111 junction	District
Yucca Valley (2)	City Limits, E & W bound Hwy 62	City of Yucca Valley, CGCI

#### Blue Star Byway Markers

Apple Valley	On the grounds of Town Hall	Cactus Wren GC
Hesperia	Hesperia Lake Park, near back	Hesperia GC & City of Hesperia
Lucerne Valley	Pioneer Park in the rose garden	Desert Crossroads GC

### Sacramento River Valley District

#### Blue Star Memorial Highway Markers

Hunter Hill	I-80 W-bound rest area, 1.25 miles E of SR-37, Vallejo	Geranium City GC
Sacramento	I-5 in Old Town area at 2nd & L Streets	District
Sacramento	I-5 S bound, Elkhorn rest area, near Metropolitan Apt	District
Sacramento*	SR-160 E bound, Del Paso Blvd under-crossing strip (Missing)	District

#### Blue Star Memorial Markers

Dixon	Sacramento Valley National Cemetery near main entrance	Vaca Valley GC
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#### Blue Star Byway Markers

Benicia	1st St at Military Way Veterans Memorial Bldg	Shibui Arrangers Guild
Fairfield	Fairfield Senior Center	Geranium City GC
McCellan	VA McCellan Clinic	North Highlands GC

### San Fernando Valley District

#### Blue Star Memorial Highway Markers

Burbank	N San Fernando Valley Blvd & Scott, McCambridge Park Rose Garden	District
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#### Blue Star Memorial Markers

North Hills	Sepulveda VA Med. Ctr. 16111 Plummer St. Bldg. 200	Southern California GC
North Hollywood	Lankershim Blvd adjacent Campo de Cahuenga	District
Woodland Hills	Woodland Hills DAV, 6543 Corbin Ave	Southern California GC

#### Blue Star Byway Markers

Chatsworth	Metro link Station on Old Depot Plaza Drive	District
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Toluca Lake	10205 Riverside Drive	Toluca Lake GC
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**Santa Clara Valley District**

**Blue Star Byway Markers**

Campbell	125 E Campbell Avenue	Campbell GC
Campbell	N Hamilton at Campbell Avenue N-bound	District

**Sequoia Foothills District**

**Blue Star Memorial Highway Markers**

Kingsburg (1)	SR-99 N & S-bound C H Warlow rest area, 3 miles S of Turlock	District
Tulare (2)	SR-99 N & S bound, Phillip S. Raine rest areas (replaced by CALTRANS 2012)	District

**Blue Star Memorial Markers**

Arvin	Bakersfield National Cemetery, 30338 Bear Mountain Blvd.	Oasis GC of IWW (in Desert Empire District)
Fresno	VA Central Valley Healthcare System	District

**Blue Star Byway Markers**

Undedicated*	(In Storage)	Hanford GC
Lemoore	Plaza Park, D Street	Hanford GC
Visalia	Visalia Cemetery, Eagle's Niche	Visalia GC

**Top O'The State District**

**Blue Star Memorial Highway Markers**

Castella	I-5 N bound Vista Point turnout, 1 miles S of Castella	District
Collier (1)	I-5 N & S bound rest area, 11 miles S of Oregon border	Yreka GC
McCloud	SR 89, 100 feet W of exit to McCloud at the flagpole	McCloud GC

**Valley Lode District**

**Blue Star Memorial Highway Markers**

Turlock	SR-99 N-bound, rest area 2 miles S of Turlock	Blue Star Mothers District
Westley	I-5 S bound rest area, 1 mile S of I-5/I-580 interchange	District

**Blue Star Memorial Markers**

Ceres	Ceres Community Center, 2701 Fourth Street	Ceres GC
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**Blue Star Byway Markers**

Angels Camp	SR-49/SR-4, Visitor Center, Main & Hardscrabble Sts	Calaveras County GC
Linden	Farmers & Merchants Bank	Linden Community GC
Lodi	Micke Grove Park	Lodi GC
Lodi	Cherokee Memorial Park, Harney Lane @ Highway 99	Lodi GC
Manteca	Manteca Library, 320 Center Street	Manteca GC
Modesto	Senior Citizens Center, 211 Bodem Street. at Scenic Dr	Modesto GC
Oakdale	Popular & California on Post Office grounds	Oakdale GC
Patterson	Patterson Senior Center, 1033 West Las Palmas	Patterson GC
Ripon	259 N Wilma, at City Hall flagpole	Ripon GC
Stockton	On Tuxedo Ave, at Pacific Avenue by water fountain	Stockton GC
Stockton	Easter Seal Therapeutic Center, Bianchi & Claremont	Stockton GC
Stockton	Haggin Memorial/Museum, Victory Park, Pershing Ave	Stockton GC
Tuolumne	In the triangle at junction of Pine and Fir	Tuolumne County GC

**Yosemite District**

**Blue Star Memorial Highway Markers**

Cathey's Valley	SR-140 East side of road in Catheys Valley	Catheys Valley GC
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**Blue Star Memorial Markers**

Santa Nella	San Joaquin Valley National Cemetery	District
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**Blue Star Byway Markers**

Atwater	Castle Air Museum, Santa Fe Ave.	Atwater GC
Merced	Joe Herb Park, Yosemite Parkway (SR140)	District

**California Garden Clubs, Inc.**

**Blue Star Memorial Highway Markers**

Redondo Beach	SR-1, in SW corner of PCH & Carnelian Street	Vietnam Veterans, CGCI
Reno, NV	Veterans Park	w/Nevada Garden Clubs, Inc.
Twenty-Nine Palms (2)	City limits E & W bound Hwy 62	City of Twenty-Nine Palms, CGCI
Yucca Valley (2)	City Limits, E & W bound Hwy 62	City of Yucca Valley, CGCI

## DEDICATED BLUE STAR MEMORIAL HIGHWAYS

<u>ROUTE NO.</u>	<u>FROM</u>	<u>TO</u>
62	I-10 Riverside County	Adobe Road-Twenty-Nine Palms
1	I-5 at Dana Point in Orange County	Route 101 at Leggett
101	Los Angeles	Oregon State Line
680	County line - Contra Costa & Alameda	Benicia Bridge (Solano County Line)
79 SH 70	Marysville	Hallelujah Junction
395	I-15 near Cajon Pass	Nevada State Line
89	Route 395 near Topaz	I-5 near Mt. Shasta
40	I-15 at Barstow	Arizona State Line
280	Third Street in San Francisco	I-680 in San Jose
140	I-5 near Gustine	Yosemite National Park
97	I-5 at Weed	Oregon State Line
58	Route 101 (Santa Margarita)	I-15 (Barstow)
36	Route 101 - Alton	Susanville
254	Humboldt County Avenue of Giants	Route 101 near Pepperwood
8	San Diego (formerly 80)	Arizona State Line
80	San Francisco	Nevada State Line
5	Mexico Border (Tijuana)	Oregon State Line
Old US 99	Mexico Border at Calexico	Oregon State Line



**ADMINISTRATIVE REPORT**

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**Agenda Item: H.5.**

Meeting Date: 3/21/2016

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**Report Prepared by:** Ken Elwin, Public Works Director

**SUBJECT:** Brokerage Services Agreement With McLaughlin Hay Service, Incorporated for Wastewater Treatment Plant Land Application Crops

**REPORT IN BRIEF**

Authorizes a three-year agreement with McLaughlin Hay Service, Inc. for the Wastewater Treatment Plant Land Application Area fodder crops.

**RECOMMENDATION**

**City Council** - Adopt a motion authorizing the approval of the agreement for brokerage services with McLaughlin Hay Service, Incorporated for the Wastewater Treatment Plant Land Application crops, and authorizing the City Manager to execute the necessary documents.

**ALTERNATIVES**

1. Approve, as recommended by Staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny; or,
4. Refer to Staff for reconsideration of specific items; or,
5. Continue to a future meeting.

**AUTHORITY**

Charter of the City of Merced, Section 200.

**CITY COUNCIL PRIORITIES**

As provided for in the 2015-16 Adopted Budget.

**DISCUSSION**

The Previous contract for the harvesting and brokerage of alfalfa, silage corn, and winter forage has expired. Request for Proposal packages were mailed to 18 vendors; three proposals were sent back as non-deliverable (see attachments one & two). We received one completed proposal from McLaughlin Hay Service, Inc. (see attachment three).

In order to determine which proposal best serves the City's interest, criteria such as the total cost of harvesting crops; the irrigation proposal; brokering fees; the number, type, and quality of harvesting equipment; and recent and past experience of handling large volumes of hay and silage were looked at.

Since we only received one proposal, which was submitted by McLaughlin Hay Service, Inc., a true comparison could not be done.

In order to produce maximum tonnage and profits, all hay crops are fertilized, sprayed for insects and weeds, and the soil is monitored and conditioned for optimal crop growth and production. The last, most vital stage in hay production is how well the hay is cut, cured, raked, and correctly baled. Poorly baled hay that is too loose, damp, or baled too dry will reduce the market value 10% to 20% or more. Well maintained equipment in large numbers will produce high quality hay bales and ensures for a quick harvest. For this reason, staff feels that McLaughlin Hay Service, Inc. would best serve the needs of the Land Application Area (LAA).

The contract for McLaughlin Hay Service, Inc. will be for three years, with the option of extending the contract on a yearly basis for two additional consecutive years. The City retains the right to cancel the contract at any time (see attachment four).

### **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

### **ATTACHMENTS**

1. Request for Proposal for Brokerage & Harvesting of Fodder Crops
2. List of Vendors mailed a Request for Proposal packet
3. McLaughlin Hay Service, Inc. Request for Proposal
4. McLaughlin Hay Service, Inc. Contract

# City of Merced

## Request for Proposal

### For the brokerage of hay

Please contact Mr. Charles Slagter, Operations Supervisor, at (209) 385-6207 to arrange an inspection of the Land Application fields. Inspections will be arranged between 9:00 a.m. and 3:00 p.m., Monday through Friday, at the City of Merced Land Application, 10260 Gove Road, Merced CA.

The City of Merced Land Application Division currently has in production 260 acres of alfalfa, 415 acres of rotating crops of Triticale and Silage corn, and 70 acres of dry farm winter oats (hereafter “Crops”). Fields may be taken out of production upon the discretion of City of Merced staff for the incorporation of biosolids, which typically occurs twice a year. The allocation of crop acreage and rotation of crops may change during the term of the Brokerage Agreement at the sole discretion of the City.

The following Terms and Conditions will apply to the brokerage of all hay crops:

1. Bidders are to formally submit the rates they charge for brokerage of Crops. See supplemental bid form. These rates will be in effect during the term of the Agreement, but shall be subject to an annual adjustment for inflation based on the Consumer Price Index (“CPI”) for the area closest to the City, published by the United States Department of Labor, Bureau of Labor Statistics. If the CPI is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same results as would be obtained if the index had not been discontinued or revised.
2. The successful responder will sell each cutting of Crops according to market value and deduct brokerage fees, harvesting costs, as well as any time or materials incurred during the growing cycle of the harvested crop. Determination of value will be coordinated with and approved by Charles Slagter, Operations Supervisor WWTF.
3. Hay Samples will be taken by City of Merced staff, and once the results are obtained, the broker and city staff will determine the approximate market value of the hay. Brokerage of the hay crop is responsibility of the broker.
4. The coordination of cutting, baling, spraying, irrigation, and planting is to be handled between the City’s Land Application Program Lead Worker, the operations supervisor, and the broker. The City of Merced has the final authority and discretion regarding irrigation timing and practices and fertilizer applications to ensure compliance with permits and regulations.
5. All hay or silage is to be sold “as is and where is” and without any recourse to the City of Merced. Upon harvesting, all crops are to be sold and removed from premises in as short as time possible to avoid accumulation of stacked hay.
6. All hay is to be stacked separately from each field and tonnage per field is to be provided for documentation purposes.
7. Crops must be paid in full (minus any authorized deductions) to the City of Merced within 30 days of the sale. All loads must be weighed on a certified scale. (NO EXCEPTIONS). Checks can be made out to the City of Merced, and dropped off in person at the WWTF.
8. The City of Merced reserves the right to reject any and/or all proposals, or to accept the proposal that best serves the public, even though it may not be the highest.

9. Proposals are to encompass the entire harvest, proposal for certain crops or for certain fields are not accepted.
10. The length of the Agreement will be for three years with an option to extend the Agreement for two (2) one (1) year periods. An annual review of the broker's performance in all aspects of service shall be performed by the City. The City of Merced retains the right to cancel the contract at any time.
11. The successful responder will be required to enter into an Agreement that will include the requirements of this RFP as well as other requirements, including signing a Release of Liability and Indemnity Agreement. Any submission of a response without objection to the Agreement or Release of Liability and Indemnity Agreement indicates responder's understanding and intention to sign the aforementioned Agreements. If there is a term or condition in either Agreement that responder intends to negotiate, it must be stated in their response. The City reserves the right to reject any response(s) containing exceptions or modifications to the Agreements. The Agreements are attached to this RFP and should be reviewed carefully before submitting a response as both contain indemnification clauses.

SEALED BIDS will be accepted until 3:00 p.m. January 5, 2016, at the city of Merced Wastewater Treatment Facility located at 10260 S. Gove Road, Merced, CA, 95341.

The undersigned agrees to the harvesting, selling, brokering of all herein described hay.

The undersigned also agrees to pay all such charges as may be necessary for the purchase of the herein described Hay.

Bidder's Name: \_\_\_\_\_

By: \_\_\_\_\_  
Signature

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Date: \_\_\_\_\_

List of Vendors mailed a Request for Proposal Packet

	Vendor Name	Vendor Address	Response
1	Eddie R. Blades	2271 Dinkey Creek Ave. Merced, CA 95341	<a href="#">Returned Undeliverable</a>
2	Keith Moss	1254 S. Hwy 59 Merced, CA 95341	did not submit a proposal
3	Machado Hay Company	935 Northwood Dr. Merced, CA 95348	did not submit a proposal
4	Michael M. Vieira	530 Nightingale Ct. Merced, CA 95340	<a href="#">Returned Undeliverable</a>
5	Moss Hay	1260 S. Hwy 59 Merced, CA 95340	did not submit a proposal
6	Todd Anthony Machado	244 S. Gurr Rd. Merced, CA 95340	did not submit a proposal
7	Alan L. Sagouspe	25106 W. Hwy 152 Los Banos, CA 93635	<a href="#">Returned Undeliverable</a>
8	Brazil Hay Express	17590 Diana Rd. Los Banos, CA 93635	did not submit a proposal
9	David Santos Farming	19566 W. Charleston Rd Los Banos, CA 93635	did not submit a proposal
10	Delta Farms Trucking, Inc.	13816 W. Bisignani Rd. Los Banos, CA 93635	did not submit a proposal
11	Frank & John Nunes Hay Sales, Inc.	13346 Johnson Rd. Los Banos, CA 93635	did not submit a proposal
12	Steven Allen Battle	21425 Ingomar Grade Rd. Los Banos, CA 93635	did not submit a proposal
13	Louie Cabral	12737 Westside Blvd. Livingston, CA 95334	did not submit a proposal
14	Menezes Hay Company	5030 Dwight Ave. Livingston, CA 95334	did not submit a proposal
15	Silva's Hay Source	8270 N. Winton Way Winton, CA 95388	did not submit a proposal
16	McLaughlin Hay Service	10520 S. Orchard Way El Nido, CA 95317	<a href="#">Proposal Received</a>
17	Michael Bettencourt	11584 Shaffer Rd. Winton, CA 95388	did not submit a proposal
18	M &S Farms	10723 W. Bell Dr. Atwater, CA 95301	did not submit a proposal

# City of Merced

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10. The length of the Agreement will be for three years with an option to extend the Agreement for two (2) one (1) year periods. An annual review of the broker's performance in all aspects of service shall be performed by the City. The City of Merced retains the right to cancel the contract at any time.
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The undersigned also agrees to pay all such charges as may be necessary for the purchase of the herein described Hay.

Bidder's Name: McLaughlin Hay Service Inc.  
 By:   
 Signature  
 Address: P.O. Box 230  
El Nido CA 95317  
 Phone Number: 209-777-5090  
 Date: 12-18-15

### Supplemental Bid Form

**Equipment Inventory List**

1	5 Big Balers	amount: 5
2	Small balers	amount: 5
3	hay rakes	amount: 5
4	Swathers	4
5	Small tractors	7
6	med. tractors	2
7	Big tractors	5
8	retriever truck	1
9	various implements	
10		
11	All Late Model Equipment	
12		

Brokerage Fees:	Hay/ton	\$15.00/ton
	Silage/ton	\$5.00/ton
	Labor rate	\$15.00/hr

**Harvest Costs**

Cutting	\$11.00/ac Alfalfa, \$15.18.10/ac oats + grain	
Raking	\$5.50/ac	
Baling	\$16.00/ton	
Stacking	45¢ small bales	4.50 big bales
Attachment #1	Package Deal = \$38.00/ton	

McLaughlin Hay Service, Inc.

P.O. Box 230

El Nido, Ca. 95317

(209)777-5090

We have 25+ years of farming experience with 20+ years custom hay work. Currently we process 9,000 acres on a monthly basis during the hay season. We have a solid relationship and reputation with our customers and within our community. McLaughlin Hay Service, Inc. has grown annually due to reputation and quality of work. We have been doing work for the City of Merced Waste Water Treatment Plant for the past several years.

Thank You,

John McLaughlin

# City of Merced

## AGREEMENT FOR BROKERAGE SERVICES

This Agreement is entered into this \_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Merced, (hereinafter "City") whose address of record is 678 West 18<sup>th</sup> Street, Merced, California 95340, and McLaughlin Hay Services, Inc, a California Corporation, (hereafter "Broker") whose address of record is P.O. Box 230 El Nido, California 95317, for good and valuable consideration the receipt and sufficiency is hereby agreed, upon the following mutual promises:

1. SCOPE OF SERVICES. City currently has approximately two hundred and sixty (260) acres of alfalfa, four hundred and fifteen (415) acres of rotating crops of Tritacale and silage corn and an additional seventy (70) acres of dry farm winter oats (the "Crops"). Broker has bid on the right to broker and harvest said Crops and is the successful bidder following a bid process. Broker agrees to harvest and broker the Crops at the bid amount as shown in Exhibit "A" attached hereto and herein incorporated by reference. The allocation of crop acreage and rotation of crops may change during the term of this Agreement at the sole discretion of the City.

Broker shall market the City's Crops and sell them at a price based upon the current market price in the Merced area for a similar grade and quality of the Crops sold. Broker shall utilize best marketing efforts on behalf of the City to return the highest possible price in the best interest of the City. Samples will be taken by City of Merced staff and once the results are obtained, Broker and a designated representative from the City will determine the approximate market value of the Crop.

2. CROP LOCATION. The Crops are located at 10260 Gove Road, Merced, California. Fields may be taken out of production upon the discretion of the City for the incorporation of Bio-solids which will typically occur twice a year.

3. PAYMENT TO CITY: Within thirty (30) days from the date of sale of any crops (in whole or in part thereof) covered by this Agreement, Broker shall pay City the proceeds from the sale of said Crops less the following expenses:

a. Broker's costs of brokering and harvesting said Crops as set forth pursuant to the rate schedule set forth in Exhibit "A" attached hereto;

b. The costs of any groundwork performed on a time and materials basis pursuant to the rate schedule set forth in Exhibit "A" attached hereto. All work must be preapproved by City. Broker must submit weekly timesheets reflecting the days and hours worked for each individual providing groundwork services pursuant to this Agreement.

4. DESIGNATED CONTACT: For purposes of this Agreement, the day-to-day contact for this Agreement is Mr. Charles Slagter, Operations Supervisor, at phone number (209) 385-6975. Arrangements for the harvesting and access to the fields are to be made through Mr. Slagter.

5. BROKER RESPONSIBILITIES. Broker is to pay for the costs of harvesting Crops and transporting Crops from the City of Merced Land Application site to Broker's desired location for storage or sale. Broker shall be entitled to deduct its costs of brokering and harvesting the Crops from the proceeds of any sales of the Crops only as authorized by section 3 of this Agreement. All Crops are to be sold "as is and where is" and without any recourse to the City of Merced. All Crops are to be stacked separately from each field. The tonnage per field is to be provided for documentation purposes.

6. COORDINATION OF WORK. The loading and harvesting of the Crops is to be coordinated with the City's Land Application Lead Worker. All requests for harvesting and loading outside of the City's normal business hours must be coordinated and approved in advance with the City's Land Application Lead Worker.

The coordination of cutting, baling, spraying, irrigation, and planting will be jointly handled by the City's Land Application Program Lead Worker, the City Operations Supervisor and Broker, however, City retains the final authority on irrigation timing, practices and fertilizer applications to ensure compliance with relevant permits and regulations.

7. REMOVAL OF CROPS. The Crops must be removed from City fields within a reasonable amount of time after harvesting, or the City, at Broker's expense, will remove remaining Crops.

8. CERTIFIED WEIGHT TAGS. All certified weight tags must be submitted to the Land Application Lead Worker on a daily basis. The Land Application Lead Worker may approve weekly weight tag submittals, only when

requested in advanced. **(NO EXCEPTIONS TO THIS REQUIREMENT ARE ALLOWED).**

9 FIELD GRADING. The City has the sole discretion to pre-select and identify fields that may be considered standard or sub-standard.

10. RELEASE OF LIABILITY. Broker shall sign a Release of Liability, a copy of which is attached to this Agreement. No harvesting of the Crops shall commence until all documents, including the proof of the required Insurance coverage and Release of Liability have been executed and/or filed with the City.

11. INDEPENDENT CONTRACTOR. Nothing herein is intended to create an employer-employee relationship between the City and Broker. Broker and any of his or her employees, workers or assistants are independent contractors and not agents, sub-agents, or employees of the City. Contractor shall indemnify, defend (with legal counsel selected by City), protect, and hold the City, its officers, employees, and agents harmless from and against any and all claims, demands, causes of action, orders, decrees or judgments for personal liability including all costs occasioned by growing out of, or arising or resulting from: 1) the performance of any services required herein to be performed by Broker, or 2) any act or omission on the part of the Broker or any employees, workers or assistants of Broker. Broker shall be responsible for the payment of all taxes, workers' compensation insurance and unemployment insurance. Should Broker desire any insurance protection, Broker is to acquire same at his/her expense. In the event Broker or any employee, agent, or subcontractor of Broker providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Broker shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Broker or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

12. INSURANCE. During the term of this Agreement, Broker shall maintain in full force and effect at its own cost and expense, the following insurance coverage:

a. Workers' Compensation Insurance. Full workers' compensation insurance shall be provided with a limit of at least One Hundred Thousand Dollars

(\$100,000) for any one person and as required by law, including Employer's Liability limits of \$1,000,000.00 per accident. The policy shall be endorsed to waive the insurer's subrogation rights against the City.

b. General Liability.

- (i) Broker shall obtain and keep in full force and effect general liability coverage at least as broad as ISO commercial general liability coverage occurrence Form CG 0001.
- (ii) Broker shall maintain limits of no less than One Million Dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage.
- (iii) The City, its officers, employees, volunteers and agents are to be named as additional insureds under the policy, as respects liability arising out of work or operations performed by or on behalf of the Broker.
- (iv) The policy shall stipulate that this insurance will operate as primary insurance for work performed by Broker and its sub-contractors, and that any other insurance or self insurance maintained by City or other named insureds shall be excess and non-contributory.
- (v) Broker shall maintain its commercial general liability coverage for three (3) years after completion of the work and shall add an additional insured endorsement form acceptable to the City naming the City of Merced, its officers, employees, agents and volunteers for each year thereafter for at least three (3) years after completion of the work. Copies of the annual renewal and additional insured endorsement form shall be sent to the City within thirty (30) days of the annual renewal.

c. Automobile Insurance.

- (i) Broker shall obtain and keep in full force and effect an automobile policy of at least One Million Dollars (\$1,000,000) per accident for bodily injury and property damage.

- (ii) The City, its officers, employees, volunteers and agents are to be named as additional insureds under the policy, as respects automobiles owned, leased, hired or borrowed by the Broker.
- (iii) The policy shall stipulate that this insurance will operate as primary insurance for work performed by Broker and its sub-contractors, and that any other insurance or self insurance maintained by City or other named insureds shall be excess and non-contributory.

d. **Qualifications of Insurer.** The insurance shall be provided by an acceptable insurance provider, as determined by City, which satisfies all of the following minimum requirements:

- (i) An insurance carrier admitted to do business in California and maintaining an agent for service of process within this State; and,
- (ii) An insurance carrier with a current A.M. Best Rating of A:VII or better (except for workers' compensation provided through the California State Compensation Fund).

e. **Certificate of Insurance.** Broker shall complete and file with the City prior to engaging in any operation or activity set forth in this Agreement, certificates of insurance evidencing coverage as set forth above and which shall provide that no cancellation or expiration by the insurance company will be made during the term of this Agreement, without thirty (30) days written notice to City prior to the effective date of such cancellation—including cancellation for nonpayment of premium. In addition to any other remedies City may have, City reserves the right to withhold payment if Broker's insurance policies are not current.

13. **TERMINATION FOR CONVENIENCE OF CITY.** The City may terminate this Agreement any time by mailing a notice in writing to Broker that the Agreement is terminated. Said Agreement shall then be deemed terminated, and no further work shall be performed by Broker.

14. **TERM.** Unless terminated pursuant to section 13 of this Agreement, the term of this Agreement shall commence on \_\_\_\_\_, and shall continue for a period of three (3) years. At the conclusion of the three year term,

the Agreement can be extended for up to two (2) one (1) year terms- for a total of an additional two years- in the sole discretion of the City. An annual review of Broker's performance for all services being provided pursuant to this Agreement shall occur during each year the Agreement is in effect at a date determined by the City. The costs of brokering and harvesting the Crops, as shown in Exhibit "A", shall remain the same but each year the Agreement is in effect, the Broker shall be entitled to an annual adjustment for inflation ("New Cost") based on the Consumer Price Index ("CPI") for the area closest to the City, published by the United States Department of Labor, Bureau of Labor Statistics. In the event the CPI is discontinued or revised during the term of this Agreement, another substantially similar government index or computation with which it is replaced shall be used in order to obtain substantially similar results.

15. **BROKER'S BOOKS AND RECORDS.** Broker shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Broker to this Agreement. Any records or documents required to be maintained shall be made available for inspection, audit and/or copying at any time during regular business hours, upon oral or written request of the City.

16. **CONFORMANCE TO APPLICABLE LAWS.** Broker shall comply with its standard of care regarding all applicable Federal, State, and municipal laws, rules and ordinances. No discrimination shall be made by Broker in the employment of persons to work under this contract because of race, color, national origin, ancestry, disability, sex or religion of such person.

Broker hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act (8 U.S.C.A. 1101 *et seq.*), as amended; and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Broker so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should any agency or instrumentality of the federal or state government, including the courts, impose sanctions against the City for such use of unauthorized aliens, Broker hereby agrees to, and shall, reimburse City for the cost of all such sanctions imposed, together with any and all costs, including attorneys' fees, incurred by the City in connection therewith.

17. **WAIVER.** In the event that either City or Broker shall at any time or times waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or any other covenant, condition or obligation. Waiver shall not be deemed effective until and unless signed by the waiving party.

18. **INCONSISTENT OR CONFLICTING TERMS IN AGREEMENT AND EXHIBITS.** In the event of any contradiction or inconsistency between any attached document(s) or exhibit(s) incorporated by reference herein and the provisions of the Agreement itself, the terms of the Agreement shall control.

Any exhibit that is attached and incorporated by reference shall be limited to the purposes for which it is attached, as specified in this Agreement. Any contractual terms or conditions contained in such exhibit imposing additional obligations on the City are not binding upon the City unless specifically agreed to in writing, and initialed by the authorized City representative, as to each additional contractual term or condition.

19. **AMBIGUITIES.** This Agreement has been negotiated at arms' length between persons knowledgeable in the matters dealt with herein. Accordingly, any rule of law, including, but not limited to, Section 1654 of the Civil Code of California, or any other statutes, legal decisions, or common-law principles of similar effect, that would require interpretation of any ambiguities in this Agreement against the party that drafted this Agreement is of no application and is hereby expressly waived.

20. **VENUE.** This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this agreement shall be held exclusively in a state court in the County of Merced.

21. **AMENDMENT.** This Agreement shall not be amended, modified, or otherwise changed unless in writing and signed by both parties hereto.

22. **INTEGRATION.** This Agreement constitutes the entire understanding and agreement of the parties and supersedes all previous and/or contemporaneous understanding or agreement between the parties with respect to all or any part of the subject matter hereof.

23. **AUTHORITY TO EXECUTE.** The person or persons executing this Agreement on behalf of the parties hereto warrants and represents that he/she/they

has/have the authority to execute this Agreement on behalf of their entity and has/have the authority to bind their party to the performance of its obligations hereunder.

24. COUNTERPARTS. This Agreement may be executed in one or more counterparts with each counterpart being deemed an original. No counterpart shall be deemed to be an original or presumed delivered unless and until the counterparts executed by the other parties hereto are in the physical possession of the party or parties seeking enforcement thereof.

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

CITY OF MERCED  
A California Charter Municipal  
Corporation

BY: \_\_\_\_\_  
City Manager

ATTEST:  
STEVE CARRIGAN, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

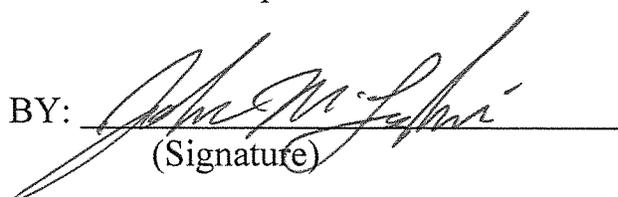
APPROVED AS TO FORM:

BY: Kelley Fincher      11/27/14  
City Attorney                      Date

ACCOUNT DATA:

BY: \_\_\_\_\_  
Verified by Finance Office

BROKER  
MCLAUGHLIN HAY SERVICE, INC.,  
A California Corporation

BY:  \_\_\_\_\_  
(Signature)

John McLaughlin  
\_\_\_\_\_  
(Typed Name)

Its: \_\_\_\_\_

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name)

Its: \_\_\_\_\_

Taxpayer I.D. No. 26-0191008

ADDRESS: P.O. Box 230  
El Nido, CA 95317

TELEPHONE: (209) 777-5090

FACSIMILE: (209) 723-1924

E-MAIL: \_\_\_\_\_

City of Merced  
Request for Proposal  
For the brokerage of hay

Please contact Mr. Charles Slagter, Operations Supervisor, at (209) 385-6207 to arrange an inspection of the Land Application fields. Inspections will be arranged between 9:00 a.m. and 3:00 p.m., Monday through Friday, at the City of Merced Land Application, 10260 Gove Road, Merced CA.

The City of Merced Land Application Division currently has in production 260 acres of alfalfa, 415 acres of rotating crops of Triticale and Silage corn, and 70 acres of dry farm winter oats (hereafter "Crops"). Fields may be taken out of production upon the discretion of City of Merced staff for the incorporation of biosolids, which typically occurs twice a year. The allocation of crop acreage and rotation of crops may change during the term of the Brokerage Agreement at the sole discretion of the City.

The following Terms and Conditions will apply to the brokerage of all hay crops:

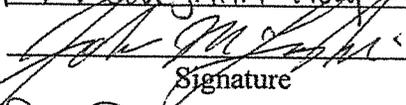
1. Bidders are to formally submit the rates they charge for brokerage of Crops. See supplemental bid form. These rates will be in effect during the term of the Agreement, but shall be subject to an annual adjustment for inflation based on the Consumer Price Index ("CPI") for the area closest to the City, published by the United States Department of Labor, Bureau of Labor Statistics. If the CPI is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same results as would be obtained if the index had not been discontinued or revised.
2. The successful responder will sell each cutting of Crops according to market value and deduct brokerage fees, harvesting costs, as well as any time or materials incurred during the growing cycle of the harvested crop. Determination of value will be coordinated with and approved by Charles Slagter, Operations Supervisor WWTF.
3. Hay Samples will be taken by City of Merced staff, and once the results are obtained, the broker and city staff will determine the approximate market value of the hay. Brokerage of the hay crop is responsibility of the broker.
4. The coordination of cutting, baling, spraying, irrigation, and planting is to be handled between the City's Land Application Program Lead Worker, the operations supervisor, and the broker. The City of Merced has the final authority and discretion regarding irrigation timing and practices and fertilizer applications to ensure compliance with permits and regulations.
5. All hay or silage is to be sold "as is and where is" and without any recourse to the City of Merced. Upon harvesting, all crops are to be sold and removed from premises in as short as time possible to avoid accumulation of stacked hay.
6. All hay is to be stacked separately from each field and tonnage per field is to be provided for documentation purposes.
7. Crops must be paid in full (minus any authorized deductions) to the City of Merced within 30 days of the sale. All loads must be weighed on a certified scale. (NO EXCEPTIONS). Checks can be made out to the City of Merced, and dropped off in person at the WWTF.
8. The City of Merced reserves the right to reject any and/or all proposals, or to accept the proposal that best serves the public, even though it may not be the lowest.

9. Proposals are to encompass the entire harvest, proposal for certain crops or for certain fields are not accepted.
10. The length of the Agreement will be for three years with an option to extend the Agreement for two (2) one (1) year periods. An annual review of the broker's performance in all aspects of service shall be performed by the City. The City of Merced retains the right to cancel the contract at any time.
11. The successful responder will be required to enter into an Agreement that will include the requirements of this RFP as well as other requirements, including signing a Release of Liability and Indemnity Agreement. Any submission of a response without objection to the Agreement or Release of Liability and Indemnity Agreement indicates responder's understanding and intention to sign the aforementioned Agreements. If there is a term or condition in either Agreement that responder intends to negotiate, it must be stated in their response. The City reserves the right to reject any response(s) containing exceptions or modifications to the Agreements. The Agreements are attached to this RFP and should be reviewed carefully before submitting a response as both contain indemnification clauses.

SEALED BIDS will be accepted until 3:00 p.m. January 5, 2016, at the city of Merced Wastewater Treatment Facility located at 10260 S. Gove Road, Merced, CA, 95341.

The undersigned agrees to the harvesting, selling, brokering of all herein described hay.

The undersigned also agrees to pay all such charges as may be necessary for the purchase of the herein described Hay.

Bidder's Name: McLaughlin Hay Service Inc.  
 By:   
 Signature  
 Address: PO. Box 230  
El Nido CA 95317  
 Phone Number: 209-777-5090  
 Date: 12-18-15

### Supplemental Bid Form

**Equipment Inventory List**

1	5 Big Balers	amount: 5
2	Small balers	amount: 5
3	hay rakes	amount: 5
4	Swathers	4
5	Small tractors	7
6	med. tractors	2
7	Big tractors	5
8	retriever truck	1
9	various implements	
10		
11	All Late model Equipment	
12		

Brokerage Fees:	Hay/ton	\$15.00/ton
	Silage/ton	\$5.00/ton
	Labor rate	\$15.00/hr

**Harvest Costs**

Cutting	\$11.00/ac Alfalfa, \$15-18.00/ac oats & grain	
Raking	\$5.50/ac	
Baling	\$16.00/ton	
Stacking	45¢ small bales	4.50 big bales

Attachment #1 Package Deal = \$38.00/ton

McLaughlin Hay Service, Inc.

P.O. Box 230

El Nido, Ca. 95317

(209)777-5090

We have 25+ years of farming experience with 20+ years custom hay work. Currently we process 9,000 acres on a monthly basis during the hay season. We have a solid relationship and reputation with our customers and within our community. McLaughlin Hay Service, Inc. has grown annually due to reputation and quality of work. We have been doing work for the City of Merced Waste Water Treatment Plant for the past several years.

Thank You,

John McLaughlin

## RELEASE OF LIABILITY AND INDEMNITY

In consideration of the City of Merced's ("City") brokerage agreement with McLaughlin Hay Service, Inc., a California Corporation, ("Releasor") for the harvest crop, Releasor hereby agrees to forever release, discharge and acquit City, its managers, officers, employees, agents and volunteers, and each of them, from any and all claims, injuries, demands, obligations, indebtedness, acts, omissions, costs, losses, damages, liabilities or causes of action of every type, kind, nature, description or character that may arise out of or in connection with or be incidental to Releasor's harvesting, loading and transporting of the crop from the City's Land Application site, irrespective of how, why or by reason of what facts such injuries, losses, damages, or liabilities may occur.

Releasor further acknowledges that it is assuming all risks relating to, arising out of or in connection with, or inherent to harvesting, loading and transporting of the crop and that such risks may include claims, losses, injuries, demands, obligations, indebtedness, acts, omissions, costs, damages, liabilities or causes of action asserted by persons or entities not a party to this Agreement, including but not limited to, property damage, personal injury, and wrongful death claims and including but not limited to all risks relating to any act, omission, misfeasance, malfeasance or negligence of City, its managers, officers, employees, agents or volunteers.

By execution of this Agreement, Releasor on behalf of itself, its successors and assigns represents that it is insured for any and all of the above-described claims, losses, damages, or causes of action which may be asserted against City.

Releasor further acknowledges and agrees, at its sole expense, to indemnify and defend City against any and all of the above-described claims, losses, damages, or causes of action which may be asserted against City.

The undersigned hereby acknowledges that she/he has read the foregoing Agreement and knows the contents thereof, that the terms thereof are contractual and not by way of recital, that she/he signs this Agreement as his/her own free act, and that she/he is authorized to sign this Agreement by Releasor.

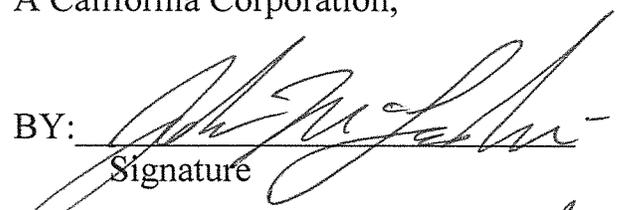
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I AM FULLY AWARE THAT BY SIGNING THIS DOCUMENT I AM AGREEING TO SHIFT LEGAL LIABILITY FOR ALL RISKS, INCLUDING ALL ACTS, OMISSIONS, MALFEASANCE, MISFEASANCE, OR NEGLIGENCE OF THE CITY, TO RELEASOR SO THAT I MAY FULFILL MY OBLIGATIONS UNDER THE BID AWARDED TO ME FOR THE PURCHASE OF THE ALFALFA HARVEST CROP.

DATED: 2/2/16

“RELEASOR”  
McLaughlin Hay Service, Inc.,  
A California Corporation,

BY:   
Signature  
John McLaughlin  
Print Name



## ADMINISTRATIVE REPORT

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**Agenda Item: H.6.**

Meeting Date: 3/21/2016

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**Report Prepared by:** *Matt Williams, Captain, Merced Police Department*

**SUBJECT:** City School District Crossing Guards Agreement

### REPORT IN BRIEF

Authorize a three-year agreement with the City School District to reimburse a portion of the cost associated with the School Crossing Guard Program.

### RECOMMENDATION

**City Council** - Adopt a motion approving the agreement with the Merced City School District for reimbursement of a portion of the cost associated with the School Crossing Guard Program and authorizing the City Manager to execute the necessary documents.

### ALTERNATIVES

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

### AUTHORITY

Charter of the City of Merced, Section 200.

### CITY COUNCIL PRIORITIES

Public safety.

### DISCUSSION

Since the City of Merced implemented the neighborhood schools program, students who live within a one-mile radius of the school are required to walk to school. As a result, the Merced City School District has been required to increase the number of school crossing guards to assist the students walking to school. The City of Merced has always provided funding for four (4) school crossing guards at a cost of \$20,000. In 2009, at the request of the School District, the City negotiated a three-year contract with increases each year based on the annual "cost of living adjustments" (COLA).

This year the Merced City School District is requesting a three-year contract without annual increases based on COLA.

The agreement states that each year of the contract the City of Merced shall reimburse the School District for a portion of the cost of the crossing guard program, from July 1, 2015 through June 30, 2018, not to exceed \$26,024.00, unless a different amount is otherwise agreed to in writing and appropriately authorized by the parties hereto.

Under this agreement the school district would recruit, test, complete background checks, pay the crossing guards, and then bill the City of Merced for reimbursement. The City of Merced and the School District will jointly plan, coordinate, and conduct annual training for district crossing guards.

### **IMPACT ON CITY RESOURCES**

Funds in the amount of \$26,024.00 for fiscal year 2015 - 2016 are listed in the 2015 - 2016 police budget under account number 001-1008-522-17-00.

Because this would be a three-year contract, additional funds would have to be included in subsequent budgets under account number 001-1008-522-17-00.

### **ATTACHMENTS**

1. Contract Agreement for Crossing Guards

## AGREEMENT FOR CROSSING GUARDS

THIS AGREEMENT entered into on the \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Merced, a California Charter Municipal Corporation, whose address of records of 678 W. 18th Street, Merced, California (hereinafter referred to as "City"), and the Merced City School District, a public school district of the State of California, whose address of records is 444 W. 23rd Street, Merced, California (hereinafter referred to as "District").

### WITNESSETH

WHEREAS, the District and the City recognize the importance of crossing guards to the safety of students walking to and from school; and

WHEREAS, the District is willing to hire, employ and pay Crossing Guards for the provision of such services; and

WHEREAS, the City is willing to reimburse the District for a portion of the Crossing Guard expense; and

WHEREAS, the Crossing Guard program is essential for the safety of students in the Merced area.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein cited agree as follows:

SECTION 1. Scope of Services. This Agreement defines the cost reimbursement and specific responsibilities for the School Crossing Guard Program. The funds provided by the City to the District shall be used to provide school crossing guard services at the locations and times determined by the District for the geographic areas described in Attachment A, which is attached hereto and incorporated herein.

SECTION 2. Term. The term of this Agreement shall be from July 1, 2015 through June 30, 2018. This Agreement may be extended annually by mutual agreement between the City and the District.

SECTION 3. Employment. The school crossing guards shall be employees of the District. Except as provided for in Section 4 below, the District shall be solely responsible for the Crossing Guard program, including, but not

limited to the hiring, supervision, scheduling, and day-to-day management of the employees within the Crossing Guard program. The District shall establish the wages, hours and working conditions of said crossing guards. District shall also be responsible for providing appropriate supplies, equipment and uniforms.

SECTION 4. Training. The City and the District shall share responsibility for training Crossing Guards under this program. The City and the District will share responsibility for developing a training plan. Each year, the City and the District shall each provide an employee to facilitate and conduct Annual Crossing Guard Training.

SECTION 5. Payment. The City shall reimburse the District for a portion of the cost of the Crossing Guard Program in the amount not to exceed Twenty-Six Thousand and Twenty Four Dollars (\$26,024) per fiscal year (July 1 to June 30) during the term of this Agreement, unless a different amount is otherwise agreed to in writing and appropriately authorized by the parties hereto.

In each fiscal year, upon receipt of a request for payment and any supporting documentation by the City Finance Department, the City will process the request for payment and endeavor to make such payments within thirty (30) days.

SECTION 6. Indemnification. District agrees to defend, indemnify, protect and hold City and its agents, officers, and employees harmless from and against any and all claims asserted or liability established for damages or injuries (including death) to any person or property, including injury to District's employees, agents, or officers which arise from or are connected with or are caused or claimed to be caused by the acts or omissions of District and its agents, officers, and employees, in conducting school crossing guard services.

SECTION 7. Assignment. Assignment of this Agreement will only be permitted upon receipt of the express written consent of the City and District.

SECTION 8. Alterations. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.

SECTION 9. Notices. All notices required to be sent pursuant to this Agreement shall be delivered by either first class mail, return receipt requested, and properly addressed with the correct postage fully paid thereon, or by personal

delivery to the individuals designated below at the address designated below.

City: City Clerk  
City of Merced  
678 West 18th Street  
Merced, California 95340

District: Greg Spicer, Assistant Superintendent  
Merced City School District  
444 West 23rd Street  
Merced, California 95340

SECTION 10. Interpretation. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue shall be in a state court in the County of Merced. The use of the singular herein includes the plural, and the use of the neuter herein includes the masculine and/or feminine, as the context may require. The captions of the Sections and Subsections of this Agreement are for convenience only and shall not be considered nor referred to in resolving questions of interpretation and construction.

SECTION 11. No Presumption Re Drafter. The parties hereto acknowledge and agree that the terms and provisions of this Agreement have been negotiated and discussed between the parties and their attorneys, and this document reflects their mutual agreement regarding the same. Because of the nature of such negotiations and discussions, it would be inappropriate to deem any party to be the drafter of this Agreement, and therefore no presumption for or against validity or as to any interpretations hereof, based upon the identity of the drafter, shall be applicable in interpreting or enforcing this document.

SECTION 12. Relationship of Parties. Nothing contained in this Agreement shall be interpreted or understood by any of the parties, or by any third person, as creating the relationship of employer and employee, principal and agent, limited or general partnership, or joint venture between City and District or their agents, employees or contractors. It is expressly understood that the Crossing Guards are not employees of the City and do not have any contractual relationship with the City. Except as either party may specify in writing, neither party shall have the authority to act as an agent of the other party or to bind the other party to any obligation.

SECTION 13. Non-Liability of Officials. No member, official, employee or agent of City or District shall be personally liable to the other party in the event of any default or breach by City or District or for any amount which may become due to City or District or their successor or on any obligation under the term of this Agreement.

SECTION 14. No Third Party Beneficiaries. The parties hereto intend not to create rights in, or to grant to any third party as a beneficiary of the Agreement.

SECTION 15. Invalidity. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

SECTION 16. Entire Agreement. This Agreement is a fully integrated agreement that contains the complete, final, and entire agreement and understanding of the parties hereto. This Agreement supersedes and replaces all negotiations, and all proposed agreements, whether oral or written, between the parties hereto regarding, arising out of, or relating to the subject matter hereof. Each party acknowledges that it has read this Agreement and has signed it freely and voluntarily without reliance on any representations or promises made by any of the other, or their attorneys or its representatives, other than as expressly set forth within this Agreement.

SECTION 17. Waiver. Any waiver by either party of any obligation or condition in this Agreement must be in writing. No waiver will be implied from any delay or failure by either party to take action on any breach or default of the other party or to pursue any remedy allowed under this Agreement or applicable law. Any extension of time granted to either party to perform any obligation under this Agreement shall not operate as a waiver or release from any of its obligation under this Agreement. Consent by either party to any act or omission by the other party shall not be construed to be a consent to any other or subsequent act or omission or to waive the requirement for the other party's written consent to future waivers.

SECTION 18. Counterparts. This Agreement may be executed in counterparts and when each party has signed and delivered at least one such counterpart to the other parties hereto, each counterpart shall be deemed an original, and all counterparts taken together will constitute one and the same Agreement, which will be binding and effective as to the City and District. No

counterpart shall be deemed to be an original or presumed delivered unless and until the counterpart executed by the other party to this Agreement is in the physical possession of the party seeking enforcement thereof.

SECTION 19. Authority to Execute. Each party hereto expressly warrants and represents that he/she/they has/have the authority to execute this Agreement on behalf of his/her/their governmental entity and warrants and represents that he/she/they has/have the authority to bind his/her/their entity to the performance of its obligations hereunder.

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

CITY OF MERCED  
A California Charter Municipal Corporation

BY: \_\_\_\_\_  
City Manager

ATTEST:  
STEVE CARRIGAN, CITY CLERK

BY: \_\_\_\_\_  
Assistant City Clerk

APPROVED AS TO FORM:

BY: Kelly Fincher 3/9/16  
City Attorney Date

ACCOUNT DATA:

*[To be entered by Requesting Department]:*

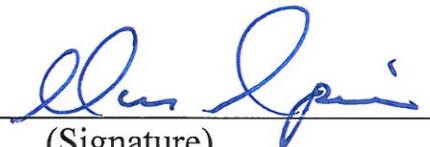
Account No.: 001-1008-522-17-00

Amount: \$26,024.00

VERIFIED:

BY: \_\_\_\_\_  
Finance Officer

“DISTRICT”  
MERCED CITY SCHOOL DISTRICT,  
A public school district

BY:   
(Signature)

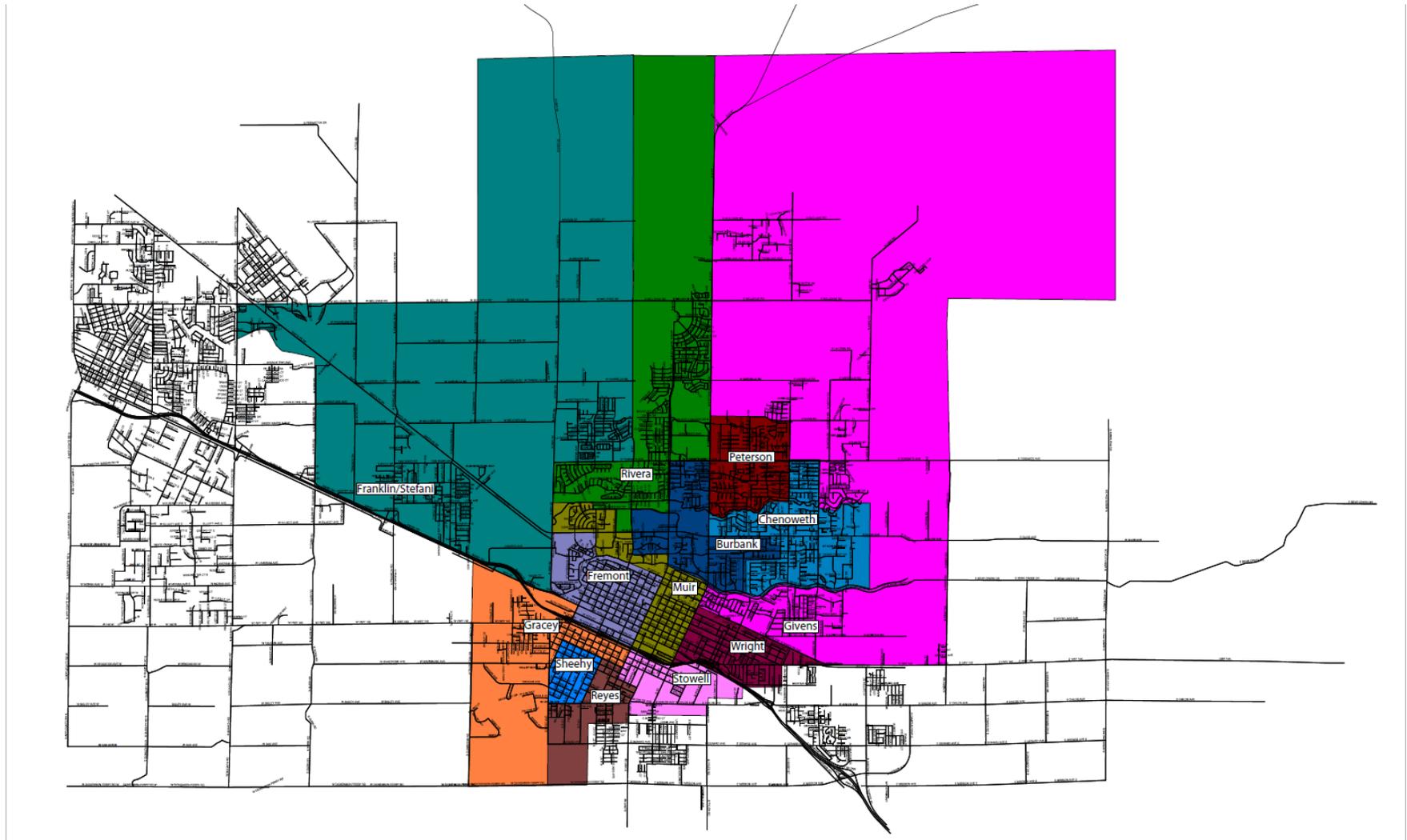
\_\_\_\_\_  
Greg Spicer  
Assistant Superintendent  
District Representative

Taxpayer I.D. No. \_\_\_\_\_

ADDRESS: 444 W. 23rd Street  
Merced, California 95340

TELEPHONE: (209) 385-6376

# Merced City School District – Elementary Schools (Boundary Map)





**ADMINISTRATIVE REPORT**

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**Agenda Item: H.7.**

Meeting Date: 3/21/2016

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**Report Prepared by:** *Francisco Mendoza-Gonzalez, Planner, Development Services*

**SUBJECT:** Street Closure #16-04 for Sacred Heart Catholic Church to Host the “Stations of the Cross” Reenactment and the Silent March for Good Friday

**REPORT IN BRIEF**

Consider a request for use of City streets.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the street closures of 13<sup>th</sup> Street (between M Street and Canal Street), Canal Street (between 13<sup>th</sup> Street and 11<sup>th</sup> Street), 11<sup>th</sup> Street (between Canal Street and M Street), M Street (between 11<sup>th</sup> Street and 13<sup>th</sup> Street), and the two alleyways located within the street closure boundary, as requested by Sacred Heart Catholic Church, on Friday, March 25, 2016, from 3:00 p.m. to 4:30 p.m. and from 7:00 p.m. to 8:00 p.m.; subject to the conditions outlined in the administrative staff report.

**ALTERNATIVES**

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

**AUTHORITY**

City of Merced Charter Section 200; California Vehicle Code (CVC) Sections 21100(a) and 21101(e), the latter as follows:

"21101. Local authorities, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution on the following matters:

"(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

**CITY COUNCIL PRIORITIES**

Not applicable.

## DISCUSSION

### Event Description

Sacred Heart Catholic Church requests the street closures to host two religious activities associated with Good Friday (March 25, 2016). As with other Catholic churches honoring this day, these activities include a "Stations of the Cross" procession. The procession will stop and start intermittently in order to perform certain scenes in the Passion of the Christ. This procession will begin at 3:00 p.m. and will last approximately one hour. Additionally, the Silent March for Good Friday will be a slow walk through the closure area and will also last approximately one hour. This march will begin at 8:00 p.m.

The "Stations of the Cross" reenactment and the Silent March for Good Friday are two separate activities held in connection with Good Friday remembrances. The congregation expects an attendance of approximately 800 people for both events. Food or alcohol will not be served at this event.

### Street Closure Details

Requested street closure times are as follows:

- "Stations of the Cross": Friday, March 25, 2016; 3:00 p.m. to 4:30 p.m.
- Silent March for Good Friday: Friday, March 25, 2016; 7:00 p.m. to 8:00 p.m.

Requested street closure locations

- 13<sup>th</sup> Street, between M Street and Canal Street
- Canal Street, between 13<sup>th</sup> Street and 11<sup>th</sup> Street
- 11<sup>th</sup> Street, between Canal Street and M Street
- M Street, between 11<sup>th</sup> Street and 13<sup>th</sup> Street
- The two alleyways located within the street closure boundary

Route (both events will use the same route):

The route will begin from the alley between W. 13th/W. 12th/M/Canal Streets (adjacent to the church), then proceed to Canal Street, south to W. 11th Street, west to M Street, north to W. 13th Street, and end the procession by entering the church office's parking lot (519 W. 12th Street), and returning to the front of the church. All streets will be fully open during the hours of 4:30 p.m. and 7:00 p.m. between activities.

The affected streets will be closed as the processions move through the loop and then will be reopened when the streets are clear for traffic. Barricades will be used to block off all streets. Traffic control will be provided at the surrounding six intersections by church volunteers and the Merced Police Department to ensure the safety of participants.

At least seventy-two hours (three days) prior to the street closures, the event organizers are required to notify nearby businesses and residences within one-half mile of the affected streets (Condition #5).

To ensure this is done, event organizers are required to provide staff with confirmation that this notification was given. To accomplish this, staff has prepared a standard form that the event sponsor shall complete, photocopy, and distribute to businesses and residences within the stated area (Attachment 2). A copy of this form shall also be signed and submitted to Planning Department staff, affirming that the required businesses and residences were notified.

Conditions of Approval

The event and street closure will be subject to the following conditions, if approved:

1. By applying for the street closure request, the Permittee shall agree to indemnify, protect, defend (with counsel selected by the City), save, and hold City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, volunteers, or participants, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the City. Acceptance by City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.
2. Prior to engaging in the event, Event Sponsor shall provide the City with a Certificate of Liability Insurance evidencing coverage in an amount of no less than \$500,000 for property damage and \$500,000 for personal injury or a minimum combined single limit coverage of \$500,000. Said policy shall stipulate that this insurance will operate as primary insurance and that no other insurance will be called on to cover a loss covered thereunder. Additional insured endorsements evidencing this coverage, naming the City of Merced, its Officers, Employees, and Agents as additional insureds, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City. Certificates of Insurance shall also be provided for Automobile insurances of all automobiles used for the event. If the Event Sponsor has any employee(s), full workers' compensation insurance shall be provided with a limit of at least \$100,000 for any one person as required by law.
3. Failure to comply with any law, rule, or regulation applicable to the use of said streets shall be grounds to revoke any such permit and, in such circumstances, the Chief of Police shall immediately revoke said permit. The Event Sponsor or permit holder, in such case, shall have the right to appeal said revocation to the City Council.
4. Event sponsor shall be responsible for placing and removing all traffic barricades and posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least twenty-four (24) hours prior to towing of vehicle(s) per California Vehicle Code Section 22651(m).
5. Event sponsor shall contact all businesses and residences affected by the street closures,

advising them of the hours, conditions, and reason thereof within one-half mile of the closure area at least seventy-two (72) hours prior to the event. Event Sponsor shall provide the City with confirmation that the proper notification was given (Attachment 2).

6. Event sponsor shall provide emergency vehicle access to and through the interior of the closure area at all times. Fire hydrant access shall not be blocked at any time whatsoever.

7. In addition to the traffic control provided by the Merced Police Department, the Event Sponsor shall provide traffic monitors at the frequency of 3-4 volunteers each City block throughout the closure area in order to safely and efficiently move the activities through the closure areas. Each traffic monitor shall wear a safety vest for visibility and, at night, shall carry a flashlight.

8. Prior to and for the duration of each activity, safety monitors shall be stationed at the east and west ends of each affected alley to ensure vehicles cannot enter or exit as participants walk by. Additionally, temporary barricades (i.e. safety cones, etc.) at the alleys are required.

9. Safety monitors, with aid of the Merced City Police Department if necessary, shall close and reopen the streets one block in advance and one block behind the Stations of the Cross procession and Silent March as they move through each City block.

10. The Merced City Police Department or their designee has the authority to immediately cancel all activities requested with this street closure if there is a police or other emergency incident in the area. Application fees are non-refundable.

11. Event sponsor shall be responsible for removing all equipment and disposing of any trash and debris within and around the closure area that is generated from the event prior to the expiration of the closure permit.

12. Alcoholic beverages may not be served or sold at this event.

13. All other provisions addressed in Ordinance #1941 Chapter 12.42 (Temporary Street Closures) shall apply.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

## **ATTACHMENTS**

1. Attachment 1 - Street Closure Area
2. Attachment 2 - Notification of Pending Street Closure

Street Closure Area  
for Sacred Hearth Church

99

99

13TH

M

12TH

CANAL

11TH

ATTACHMENT 1



## NOTIFICATION OF PENDING STREET CLOSURE

This is to notify you of an event that will require the closure of street(s) in your area. Please note the details below, including the date and time of the closure(s), and plan to park your vehicle(s) off the affected street(s) on the day of the event. Your cooperation is greatly appreciated. If you have any concerns, please notify the contact person listed.

Name of Event: \_\_\_\_\_ Type of event (parade, etc.): \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Date(s) of closure: _____	Time: between _____ am/pm and _____ am/pm
Streets to be closed: _____	
Other streets with restricted access: _____	

**Please Note:** Event Sponsor is responsible for posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least twenty-four (24) hours prior to any necessary towing of vehicle(s), per California Vehicle Code Section 22651(m).

To avoid having your vehicle towed, please keep this notice as a reminder and comply with the posted parking restrictions. If you are a business with employees, please notify your employees as soon as possible and post this notice in a conspicuous location. Thank you.

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## NOTIFICATION OF PENDING STREET CLOSURE

This is to notify you of an event that will require the closure of street(s) in your area. Please note the details below, including the date and time of the closure(s), and plan to park your vehicle(s) off the affected street(s) on the day of the event. Your cooperation is greatly appreciated. If you have any concerns, please notify the contact person listed.

Name of Event: \_\_\_\_\_ Type of event (parade, etc.): \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Date(s) of closure: _____	Time: between _____ am/pm and _____ am/pm
Streets to be closed: _____	
Other streets with restricted access: _____	

**Please Note:** Event Sponsor is responsible for posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least twenty-four (24) hours prior to any necessary towing of vehicle(s), per California Vehicle Code Section 22651(m).

To avoid having your vehicle towed, please keep this notice as a reminder and comply with the posted parking restrictions. If you are a business with employees, please notify your employees as soon as possible and post this notice in a conspicuous location. Thank you.

---

**To be signed by Event Sponsor Representative after completion of required 72-hour notification and submitted to the City of Merced Planning Dept, City Hall (2<sup>nd</sup> Floor), 678 W. 18<sup>th</sup> Street, Merced.**

I have notified the required parties of the dates, times, and affected streets, as required.

Signed \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



## ADMINISTRATIVE REPORT

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**Agenda Item: H.8.**

Meeting Date: 3/21/2016

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**Report Prepared by:** *Kenneth Rozell, Senior Deputy City Attorney*

**SUBJECT:** Transfer of 19th and "N" Streets Property to Merced Designated Local Authority

### REPORT IN BRIEF

Authorizes transfer of the property at 19th and "N" Streets to the Merced Designated Local Authority, which - in turn - will license the property to UC Merced as a construction staging site for UC Merced's new downtown administrative building project.

### RECOMMENDATION

**Parking Authority** - Adopt a motion authorizing the Executive Director of the Parking Authority to sign all necessary documents to facilitate the transfer of the parcel at the corner of 19th and "N" Streets to the Merced Designated Local Authority, the successor agency to the Merced Redevelopment Agency.

### ALTERNATIVES

1. Approve as recommended;
2. Refer back to staff with specific direction;
3. Take no further action regarding this matter.

### AUTHORITY

Streets and Highways Code Section 32500, *et seq.*

### CITY COUNCIL PRIORITIES

Not Applicable.

### DISCUSSION

In January 2011, the City of Merced and the Merced Redevelopment Agency took a series of steps to protect the important assets of the Merced Redevelopment Agency from a then pending effort by the State of California pursuant to AB 1x 26 and AB 1x 27 to take the assets for the benefit of the State of California.

Like a number of other redevelopment agencies around the state of California, the Merced Redevelopment Agency transferred a variety of assets to another entity. For Merced, it was to the City of Merced Public Financing and Economic Development Authority ("PFEDA"). Until all redevelopment agencies in California were dissolved in February 2012, PFEDA continued acting on behalf of the Merced Redevelopment Agency in fulfilling the mission of the agency - including funding

the construction of affordable housing and needed public infrastructure within the City of Merced.

PFEDA subsequently transferred certain assets to the City of Merced that had been the housing assets of the Merced Redevelopment Agency. PFEDA also transferred some parking-related assets to the Parking Authority of the City of Merced (the "Parking Authority"), including the parking structure located on "M" Street between 18th and 19th Streets and the undeveloped parcel located at the corner of 19th and "N" Streets.

In August 2014, the City Council authorized staff to begin the process of turning over to the Merced Designated Local Authority (the DLA) selected non-housing assets that were previously owned by the Merced Redevelopment Agency. This asset transfer, however, was contingent upon the City and the State of California first resolving issues regarding the amount of credit that the City of Merced and PFEDA would receive for the redevelopment activities that were conducted by PFEDA between February 1, 2011 and February 1, 2012.

Although these issues are still outstanding, the DLA has requested that the City facilitate the transfer of the property at 19th and "N" Streets because UC Merced wishes to use that parcel for a construction staging ground for its proposed new administrative building located across the street from City Hall. It is also anticipated that - once construction is completed on the administrative building - UC Merced will purchase the property and use the parcel at 19th and "N" Streets for off-street parking for that facility.

The Parking Authority will not receive any compensation for conveying the property located at 19th and "N" Streets to the DLA. However, if (as expected) the DLA sells the property to UC Merced, the City of Merced (as well as the other taxing entities in Merced County) will receive a share of the proceeds from the sale of the property.

### **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

### **ATTACHMENTS**

None.



## ADMINISTRATIVE REPORT

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**Agenda Item: J.1.**

Meeting Date: 3/21/2016

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

**SUBJECT:** Recreation and Parks Commission Appointments

### REPORT IN BRIEF

Consider accepting nominations and appointing individual(s) to the Recreation and Parks Commission.

### RECOMMENDATION

**City Council** - Adopt a motion accepting nominations and appointing one individual to serve as a member of the Recreation and Parks Commission until July 2017 and one individual to serve as a member until July 2019.

### ALTERNATIVES

1. Accept nominations and appoint one individual to serve as a member of the Recreation and Parks Commission until July 2017 and one individual to serve until July 2019; or
2. Refer to staff with direction to resume recruitment of applicants for this Commission.

### AUTHORITY

Article VII, Sections 700, 702, 702.1, 705, 711, and 712 of the Merced City Charter.

### DISCUSSION

The Recreation and Parks Commission, created by City Charter, acts in an advisory capacity to the City Council in all matters pertaining to recreation and parks; considers the annual budget for recreation and parks; and assists in the planning of a recreation program. This Commission consists of seven members who are qualified electors of the City of Merced. Meetings are held on the fourth Monday of each month at 5:30 p.m.

Commissioner Jeanette Carey's term ended on July 1, 2015. The individual appointed to this seat will have a term date of July 1, 2019.

Commissioner Shawn Dwyer resigned from his seat on July 20, 2015. He was a replacement appointment. The individual appointed to this seat will have a term date of July 1, 2017.

Both individuals would be eligible for reappointment at the end of their respective terms.

In accordance with Council direction, the Clerk's Office notices vacancies for all boards and

commissions in a local newspaper and maintains an updated vacancy notice for all boards and commissions outside City Hall, at the entrance of the Council Chamber and on the City's website. Additionally, in accordance with Government Code 54972, the Clerk's Office posts the Local Appointments List (Maddy Act) yearly.

The City Clerk's Office has received applications from individuals who are qualified voters of the City of Merced. A copy of the current roster, and copies of their respective applications are attached for your reference.

**ATTACHMENTS**

1. Current Roster
2. Application of Bianca Warren
3. Application of Corinne Chavez



City of Merced, CA

# RECREATION AND PARKS COMMISSION

## BOARD ROSTER



**FLIP HASSETT**

**1 Term** Jul 01, 2013 - Jul 01, 2017

**Position** Commissioner  
**Appointed by** City Council



**JEREMY JENKINS**

**1 Term** May 05, 2014 - Jul 01, 2018

**Position** Commissioner  
**Appointed by** City Council



**ONIS LENTZ**

**1 Term** May 05, 2014 - Jul 01, 2018

**Position** Commissioner  
**Appointed by** City Council



**ERIC NELSON**

**2 Term** Sep 02, 2014 - Jul 01, 2018

**Position** Vice-Chair  
**Appointed by** City Council



**NAPOLEON WASHINGTON, JR.**

**1 Term** Sep 16, 2013 - Jul 01, 2017

**Position** Chair  
**Appointed by** City Council



**VACANCY**



**VACANCY**

### Profile

Bianca

First Name

Warren

Last Name

Middle Initial

Employer

Job Title

[Redacted]

Email Address

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

8

Number of Years Living in Merced:

[Redacted]

Street Address

[Redacted]

Suite or Apt

[Redacted]

City

[Redacted]

State

[Redacted]

Postal Code

### Highest Level of Education Completed: \*

Associate's Degree

N/A

Are you currently serving on a Board or Commission?  
If so, please list:

### Which Boards would you like to apply for?

Recreation and Parks Commission

### Communication

The City of Merced uses email as a preferred method of communication regarding your

application. Is this acceptable to you?

---

Yes  No

e-mail

If you selected no, please identify how you would like to be contacted:

---

## Interests & Experiences

**Tell us about yourself, and why you are applying for this particular Board or Commission:**

---

I have lived in the Merced community since 2007. My family and I have volunteered and the community and I want to continue to be apart of the positive growth in Merced.

**What is your understanding of the roles and responsibilities of this Board or Commission?**

---

To meet with the board, share ideas and those ideas are presented and it gives perspective to those that make the final decision.

**Do you have experience or special knowledge pertaining to the areas of interest?**

---

I have volunteered for quite a few years and I an apart of a non-profit which helps in our community.

**Any other comments you would like to add that may assist the City Council in their decision?**

---

Bianca\_resume.docx

Upload a Resume

---

## Requirements

### AB 1234 Ethics Training

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I Agree \*

### Attendance Policy

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I Agree \*

### Statement of Economic Interests - FPPC Form 700

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I Agree \*

### Oath of Office

---

---

I Agree \*

### Public Scrutiny

---

---

I Agree \*

### How did you hear about this vacancy? \*

---

Other

### NAACP

---

If you selected other, please indicate how you learned about the vacancy:

## Demographics

African American

---

Ethnicity

Female

---

Gender

03/01/1977

---

Date of Birth

---

## Submission

BPW

---

I declare under penalty of disqualification or termination that all statements in this application are true and complete to the best of my knowledge.

### Profile

Corinne

First Name

A

Middle Initial

Chavez

Last Name

Homemaker

Employer

Homemaker

Job Title

[Redacted]

Email Address

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

5

Number of Years Living in Merced:

[Redacted]

Street Address

[Redacted]

Suite or Apt

[Redacted]

City

[Redacted]

State

[Redacted]

Postal Code

### Highest Level of Education Completed: \*

Bachelor's Degree

no

Are you currently serving on a Board or Commission?  
If so, please list:

### Which Boards would you like to apply for?

Recreation and Parks Commission

### Communication

The City of Merced uses email as a preferred method of communication regarding your

**application. Is this acceptable to you?**

---

Yes  No

---

If you selected no, please identify how you would like to be contacted:

---

## **Interests & Experiences**

**Tell us about yourself, and why you are applying for this particular Board or Commission:**

---

I am a mother of 6, wife and soon to have another baby. Growing up we had things to do here in Merced. As time has passed there have been less and less things to do. My children were restricted to a few parks, pools closed and family activities started closing down. I want to ensure that there are activities for both our teenagers and families.

**What is your understanding of the roles and responsibilities of this Board or Commission?**

---

That we discuss the needs of our community and vote on what should be presented to the City Council based on the most beneficial to our community and its residents. That if I want change to happen I need to be part of that voice of reason in those changes.

**Do you have experience or special knowledge pertaining to the areas of interest?**

---

I work with children at schools. I have been head of Intramural Sports to where I set up games between core classes. This was to keep kids busy during lunch to help keep them out of trouble. I was President of the PTSC where I set up Movie Nights, Game Nights, Family Activities, Host Book Fairs and other activities to give our teenagers and their families activities to do, to help bonding. I wanted to show our children that there are more things in life than bullying, gangs and drugs. My 5 teenagers and I have been helping CNC with the newly passed District changes here in Merced. We helped with Measure M over 900 hours to ensure that our schools are taken care of so that our future children have a safe place to acquire there much needed education.

**Any other comments you would like to add that may assist the City Council in their decision?**

---

I was raised that if you want change you have to do the foot work needed to start that change. That just because it may not work out like you wanted does not mean that what you did, did not make a difference. I would really like to see Merced offer what potential it has to our families and visitors, to see our city on a map for tourists to visit because Merced has been one of the better places to offer that freedom of change. That our many voices will make the difference necessary to ensure our children's future. Which in turn will ensure our future.

## Requirements

### AB 1234 Ethics Training

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I Agree \*

### Attendance Policy

---

---

I Agree \*

### Statement of Economic Interests - FPPC Form 700

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---

I Agree \*

### Oath of Office

---

---

I Agree \*

### Public Scrutiny

---

---

I Agree \*

### How did you hear about this vacancy? \*

---

Other

CNC

If you selected other, please indicate how you learned about the vacancy:

---

## Demographics

Hispanic

Ethnicity

Female

Gender

03/24/1979

Date of Birth

---

## Submission

CAC

I declare under penalty of disqualification or termination that all statements in this application are true and complete to the best of my knowledge.