



CITY OF MERCED

Meeting Agenda

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

City Council/Public Finance and Economic Development Authority/Parking Authority

Monday, February 1, 2016

7:00 PM

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

Closed Session at 5:30 PM

NOTICE TO PUBLIC

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL

At least 72 hours prior to each regular City Council meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Council will be available for public inspection at the City Clerk's Office during regular business hours.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium against the right-hand side of the Council Chambers. 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 Chambers

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

- B.1. 16-034** SUBJECT: PUBLIC EMPLOYMENT - Title: City Attorney; Authority:
Government Code Section 54957

C. CALL TO ORDER

C.1. Invocation - Eileen Ambrosini, Congregation Etz Chaim

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. REPORT OUT OF CLOSED SESSION

F. CEREMONIAL MATTERS

F.1. Oath of Office - City Manager

G. WRITTEN PETITIONS AND COMMUNICATIONS

H. 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 this is listed on the agenda will be called upon to speak during discussion of that item.

I. CONSENT CALENDAR

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

- I.1. **16-015** **SUBJECT: Information Only-Planning Commission Minutes of November 4 and 18, 2015**
- I.2. **16-016** **SUBJECT: Information Only-Site Plan Review Committee Minutes of August 13, September 10, and October 8, 2015**
- I.3. **16-032** **SUBJECT: Information Only Contracts**
- I.4. **15-385** **SUBJECT: Information Only - Community Facilities District (CFD) Annual Reports**

REPORT IN BRIEF

Governmental Codes relating to special tax measures and local bond issues require Community Facilities Districts Annual Reports be prepared and filed with the Agency's governing board annually.

RECOMMENDATION

For Information only

I.5. 16-031

SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

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

RECOMMENDATION

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

I.6. 16-021

SUBJECT: Administering Agency State Program Supplement for Accepting an Active Transportation Program (ATP) Cycle 1 Grant for the Environmental Phase of the Highway 59 Multi-Use Pathway Crossing Project 115047

REPORT IN BRIEF

Considers a Resolution approving a California Department of Transportation Program Supplement and accepting ATP Grant funding for the environmental phase of the pedestrian crossing project.

RECOMMENDATION

City Council - Adopt a Motion:

A. Adopting **Resolution 2016-06**, a Resolution of the City Council of the City of Merced, California, Approving Federal-Aid Projects Program Supplement Agreement No. 028-N; and,

B. Accepting and appropriating \$5,000 in grant funds from ATP for the environmental phase associated with the pedestrian crossing; and,

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

I.7. 15-210

SUBJECT: Fiscal Year 2015 State Homeland Security Grant Program (SHSGP)

REPORT IN BRIEF

Consider accepting Fiscal (FY) 2015 State Homeland Security Grant Program (SHSGP) funds to purchase a Bomb Suit and Bomb Helmet (EOD) for the Merced Police Department Bomb Unit to protect bomb tech when down range investigating suspicious packages.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting FY 2015 SHSGP grant funds in the amount of \$25,355.00 as revenue in account 001-1001-324-02-00;

B. Appropriating \$25,355.00 to Machinery/Equipment expense account 001-1001-523-43-00;

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

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

I.8. 15-292

SUBJECT: Award Bid to Evoqua Water Technologies for Furnishing Granular Activated Carbon for the PCE Wellhead Treatment System at Well 3C, Project No. 115048

REPORT IN BRIEF

Consider awarding a contract in the amount of \$200,000 to Evoqua Water Technologies to furnish granular activated carbon for the PCE Wellhead Treatment System at Well 3C.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Granular Activated Carbon For Water Treatment Project No. 115048, to Evoqua Water Technologies, in the amount of \$200,000; and,

B. Authorizing contract change orders as necessary to replenish the carbon at the costs/terms specified in this three-year option contract; and,

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

J. PUBLIC HEARINGS

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

J.1. 16-012 **SUBJECT: Conduit Financing for Golden Valley Health Centers Project**

REPORT IN BRIEF

Consider conducting a public hearing under the Tax and Equity Fiscal Responsibility Act (TEFRA) in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority (CMFA) in an amount not to exceed \$9,500,000, for the purpose of financing and refinancing the acquisition, construction, improvement and equipping of health facilities for Golden Valley Health Centers located at 847 West Childs Avenue, in the City of Merced, California.

RECOMMENDATION

City Council - Adopt **Resolution 2016-07**, a Resolution of the City Council of the City of Merced, California, approving the issuance of Revenue Bonds by the California Municipal Finance Authority for the purpose of financing and refinancing the acquisition, construction, improvement and equipping of health facilities for Golden Valley Health Centers, and certain other matters relating thereto.

K. REPORTS

K.1. 16-033 **SUBJECT: Adoption of a Resolution for an Exemption to CalPERS 180-day Wait Period Pursuant to Government Code Sections 7522.56 and 21224**

REPORT IN BRIEF

Adoption of a resolution approving the hiring of Roberta Medina as an extra-help retired annuitant to perform the duties of a Temporary Community Services Officer under Government Code sections 7522.56 and 21224, effective February 8, 2016.

RECOMMENDATION

City Council - Adopt **Resolution 2016-08**, a Resolution of the City Council of the City of Merced, approving an exception to the CALPERS 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

L. BUSINESS

L.1. Request to Add Item to Future Agenda

L.2. City Council Comments

M. ADJOURNMENT



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 16-034

Meeting Date: 2/1/2016

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



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 16-015

Meeting Date: 2/1/2016

Report Prepared by: *Vicci Lane, Secretary III, Planning Division*

SUBJECT: Information Only-Planning Commission Minutes of November 4 and 18, 2015

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, November 4, 2015

Chairperson COLBY called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Kurt Smoot, Kevin Smith, Bill Baker, Robert Dylina, Peter Padilla, Jill McLeod, and Chairperson Travis Colby

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Police Lieutenant Matthews, Associate Planner Nelson, Senior Deputy City Attorney Rozell, Secretary Davis, and Recording Secretary Lane

1. **APPROVAL OF AGENDA**

M/S BAKER-SMOOT, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. **MINUTES**

M/S BAKER-DYLINA, and carried by unanimous voice vote, to approve the Minutes of October 21, 2015, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1205, initiated by Tongtoua Yang on behalf of Kajla Mahinder Singh, property owner. This application involves a request to allow the relocation of the 24-hour Merced Poker Room from 1445 Martin Luther King Jr., Way to 1459 Martin Luther King, Jr., Way, Suites, 4, 5, and 6, and to allow the sale of beer and wine for on-site consumption at the new location. The subject site has a General Plan Designation of Thoroughfare Commercial (CT) and is located within a Thoroughfare Commercial (C-T) zone.

Associate Planner NELSON reviewed the report on this item. After additional conversations with the Police Department, staff is recommending a modification to Condition #27. This is contained in a memo from staff, which was provided to the Commission prior to the meeting. For further information, refer to Staff Report #15-20.

Public testimony was opened at 7:26 p.m.

Speakers from the Audience (Neutral):

HECTOR RAMIREZ, Merced

Lieutenant MATTHEWS responded to some questions from the Commission.

No one spoke in favor of or in opposition to the project.

Public testimony was completed at 7:29 p.m.

The Commission discussed various aspects of the project, including the conditions regarding installing video surveillance cameras and providing food for the patrons. Some concerns were raised regarding the request for alcohol sales and this possibly resulting in more police calls and incidents. There were some comments to give the applicants

November 4, 2015

the benefit of the doubt and approve their request for alcohol sales since conditions were in place to address potential problems.

M/S PADILLA-BAKER, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-28, and approve Conditional Use Permit #1205, subject to the Findings and thirty (30) Conditions set forth in Staff Report #15-20, amending Condition #27 as follows (RESOLUTION #3056):

(Note: ~~Strikethrough~~ deleted language, underline added language.)

“27. The business must have food available, other than chips and nuts, to patrons during the hours that alcohol is served ~~of operation~~ ~~which may include having food brought in from nearby~~ ~~restaurants if food cannot be prepared on site.~~ ~~Details to be~~ ~~worked out with staff.”~~

AYES: Commissioners Baker, Dylina, Padilla, McLeod, and Chairperson Colby

NOES: Commissioners Smoot and Smith

ABSENT: None

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA introduced new Planning Commissioner Jill McLeod and briefed the Planning Commission on items for the next few Planning Commission meetings and reminded them of the Joint City Council/Planning Commission study session on the Zoning Code that will be held on Monday, December 7, 2015, at 5:30 p.m.

November 4, 2015

6. **ADJOURNMENT**

There being no further business, Chairperson COLBY adjourned the meeting at 7:51 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



TRAVIS COLBY, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3056

WHEREAS, the Merced City Planning Commission at its regular meeting of November 4, 2015, held a public hearing and considered **Conditional Use Permit #1205**, initiated by Tongtoua Yang on behalf of Kajla Mahinder Singh, property owner. This application involves a request to allow the relocation of the 24-hour Merced Poker Room from 1445 Martin Luther King Jr., Way to 1459 Martin Luther King, Jr., Way, Suites, 4, 5, and 6, and to allow the sale of beer and wine for on-site consumption at the new location. The subject site has a General Plan Designation of Thoroughfare Commercial (CT) and is located within a Thoroughfare Commercial (C-T) zone; also known as Assessor's Parcel No. 031-241-029; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through L of Staff Report #15-20; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #15-28, and approve Conditional Use Permit #1205, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Padilla, seconded by Commissioner Baker, and carried by the following vote:

AYES: Commissioners Baker, Dylina, Padilla, McLeod, and
Chairperson Colby
NOES: Commissioners Smoot and Smith
ABSENT: None
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #3056

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November 4, 2015

Adopted this 4th day of November 2015



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3056
Conditional Use Permit #1205

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (floor plan) -- Attachments B and C of Staff Report #15-20, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The business owner shall obtain all necessary permits and approvals from the Merced City Fire Department. The business owner shall contact the Merced City Fire Department at 61 E. 16th Street to obtain all necessary approvals.
8. This approval is for four card tables. If in the future, any additional tables are allowed within the City of Merced, the business owner shall be required to obtain Conditional Use Permit approval to add additional tables.
9. The Merced Poker Room shall not operate at this location until it has vacated the existing location (1445 Martin Luther King, Jr. Way). Under no circumstances shall the Merced Poker Room operate at both locations.
10. No food shall be prepared on the premises without prior approval of the City's Inspection Services and Fire Departments and the Merced County Health Department. Prior to food being prepared on the premises, a commercial kitchen shall be installed.
11. All signing shall comply with the City's Sign Ordinance.
12. If the Merced Poker Room is closed at this location for six months or more, this Conditional Use Permit shall expire and will no longer be valid.
13. If the Merced Poker Room moves to another permitted location within the City of Merced, this approval shall no longer be valid and shall terminate upon vacation of the premises by the Merced Poker Room.
14. The card room is approved to operate 24 hours per day.
15. The City reserves the right to periodically review the area for potential problems. If problems, including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, arise as a result of the cardroom, this conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and following the procedures outlined in the Merced Municipal Code.

16. “No Loitering” signs shall be placed on the exterior of the building to deter non-patrons from gathering near the building.
17. Sufficient lighting shall be provided throughout the site to provide a safe environment for patrons of the cardroom.
18. The premises shall remain clean and free of debris at all times.
19. No one under the age of 21 shall be allowed to participate in card playing activities.
20. All participants in the card games shall play with their own money. No employees shall be allowed to participate in the game.
21. No owner or employee shall extend credit to card players.
22. The Merced Police Department reserves the right to conduct inspections of the cardroom during normal business hours to monitor compliance with all conditions of approval and state regulations.
23. The applicant shall install interior and exterior video surveillance cameras that continuously record both the inside and outside activities 24 hours a day, 7 days a week (locations to be worked out with the Police Department). Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.
24. Smoking is not allowed within 25-feet of the entrance to the building and the owner shall designate an exterior area that is available for smoking that is at least 25 feet from all business entrances. Receptacles acceptable for the disposal of smoldering remnants and discarded debris associated with smoking tobacco products (such as ashes and cigarette butts) shall be made available within this smoking area. The business owner shall be responsible for ensuring all applicable laws are enforced and adhered to and that signage is posted advising patrons of those rules.
25. A minimum of one security guard shall be provided in the cardroom area during business hours. The Police Department reserves the right to request additional security guards if any problems arise. All security guards shall be hired from a company that has been approved by the Merced City Council and properly licensed through the City of Merced.

All security guards are subject to approval of the Merced Police Department.

26. Beer and wine only may be sold for on-site consumption in the cardroom. The business shall also provide a variety of non-alcoholic beverages for sale to patrons.
27. The business must have food available, other than chips and nuts, to patrons during the hours that alcohol is served.
28. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.
29. In accordance with state law, no alcoholic beverages shall be sold between 2:00 a.m. and 6:00 a.m. of the same day.
30. Approval of the sale of beer and wine shall not become effective until such time as the City Council makes a Finding of Public Convenience or Necessity to allow the sale of alcoholic beverages at this location. If no such finding is made, the approval for alcohol sales becomes null and void.

n:\shared\planning\PC Resolutions: CUP#1205 Exhibit A

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, November 18, 2015

Chairperson COLBY called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Kurt Smoot, Kevin Smith, Bill Baker, Robert Dylina, Peter Padilla, Jill McLeod, and Chairperson Travis Colby

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Police Captain Trinidad, Planner Mendoza-Gonzalez, Senior Deputy City Attorney Rozell, Secretary Davis, and Recording Secretary Lane

1. APPROVAL OF AGENDA

M/S PADILLA-SMOOT, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. MINUTES

M/S MCLEOD-BAKER, and carried by unanimous voice vote, to approve the Minutes of November 4, 2015, as submitted.

3. COMMUNICATIONS

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1206, initiated by Sound Life International Ministries on behalf of the Merced Lodging Corporation, property owners. This application involves a request to convert an existing 100-unit motel to a worship center and a rehabilitation facility with up to 200 beds at 1213 V Street, generally located 150 feet south of the intersection at Highway 140 and V Street, within a Thoroughfare Commercial (C-T) zone.

Commissioner PADILLA recused himself due to the fact that he had previously done business with the applicant and left the dais.

Planner MENDOZA-GONZALEZ reviewed the report on this item. He noted an email and a letter, both opposing the project, which were received after the staff report had been written and were provided to the Commission prior to the meeting. For further information, refer to Staff Report #15-22.

Captain TRINDAD commented on behalf of the Merced Police Department. He stated that they were neither for nor against the project, but it would have an impact upon the Police Department. He noted that a similar facility that provided services to the homeless was previously located at the corner of R Street and W. 14th Street, and that facility caused impacts to Police resources due to increased calls for services to the area.

Public testimony was opened at 7:23 p.m.

Speakers from the Audience in Favor:

RUDY SANCHEZ, Merced, representing the applicant
KATHY RODRIGUEZ, Merced
DANIEL KAZAKOS, Merced
SANDY HAAR, Merced

November 18, 2015

Speakers from the Audience in Opposition:

ISRAEL ALVAREZ, Merced, leader of the opposition
ROSEMARY PARGA DURAN, Merced, Merced City School District
KEN TESTA, Fresno, Merced City School District
JOEL KNOX, Merced, Golden Valley Neighborhood Association
MEENU CHANANA, Merced (also submitted a letter of her concerns)
JOSE MUNOZ, Merced, Merced City School District
GREG SPICER, Merced, Merced City School District
MARIA MENDOZA, Merced
JIM ABBATE, Merced County, Citizens for the Betterment of Merced
County
LISA LINARES, Merced
JESSICA KAZAKOS, Merced

RUDY SANCHEZ, Merced, representing the applicant, spoke in rebuttal to comments made during the public testimony.

Public testimony was completed at 8:36 p.m.

Chairperson COLBY noted that due to a possible perception of a conflict of interest regarding his job as a Prosecutor for Merced County in which he might refer clients to such a facility, he would be abstaining on the vote although it is not a conflict of interest under the law.

The Commission discussed various aspects of the project, including the proximity to Gracey and Sheehy Elementary schools and concerns about the safety of nearby students, residences, and businesses. The Commission also noted that some of the people entering this facility would not be our own local citizens, but brought in from out of town. They commented that the background checks might be insufficient to screen out sex offenders since fingerprinting would not be a requirement. The Commission was also concerned about what impacts this project and its location would have on the Police Department.

Public testimony was re-opened at 8:40 p.m.

In response to a question from the Commission regarding the radius for school bus pick up, GREG SPICER answered that there is a 1 mile walking radius from the school, less than a mile if there is a barrier such as a major highway, etc.

Public testimony was completed at 8:41 p.m.

M/S SMOOT-SMITH, and carried by the following vote, to continue this item, Conditional Use Permit #1206 and Environmental Review #15-30, to the next regularly scheduled Planning Commission Meeting of December 9, 2015, and to direct staff to prepare a Resolution for Denial.

AYES: Commissioners Smoot, Smith, Baker, Dylina, and McLeod

NOES: None

ABSENT: None

ABSTAIN: Commissioner Padilla and Chairperson Colby

Commissioner PADILLA returned to the dais.

4.2 Zoning Ordinance Amendment #14-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would make massage establishments a conditional use in the C-O (Professional/Commercial Office), C-N (Neighborhood Commercial), and C-C (Central Commercial) zones and would add required conditions that must be met before a massage establishment can obtain a conditional use permit in the C-T (Thoroughfare Commercial) and C-G (General Commercial) zones. Massage therapy provided by a sole practitioner who has a valid certificate as a massage practitioner or massage therapist from the State of California would still be allowed as principally-permitted uses in the C-O, C-N, and C-C zones.

Planning Manager ESPINOSA reviewed the report on this item. For further information, refer to Staff Report #15-21.

There was no one present wishing to speak regarding the proposed amendment; therefore, public testimony was opened and closed at 8:59 p.m.

M/S PADILLA-SMITH, and carried by the following vote, to recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #14-25, and approval of Zoning Ordinance Amendment #14-01, subject to the Findings set forth in Staff Report #15-21 (RESOLUTION #3057):

AYES: Commissioners Smoot, Smith, Baker, Dylina, Padilla, McLeod, and Chairperson Colby
NOES: None
ABSENT: None
ABSTAIN: None

4.3 Appointment to Housing Element Update Task Force

Commissioners BAKER and MCLEOD volunteered to join the Housing Element Update Task Force with the support of their fellow Commissioners.

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

Commissioner PADILLA brought in a copy of the City of Merced Ad Hoc Citizens Advisory Committee High-Speed Rail Station Area Plan. Planning Manager ESPINOSA offered to scan the document and provide it to the rest of the Commission by email.

6. ADJOURNMENT

There being no further business, Chairperson COLBY adjourned the meeting at 9:20 p.m., to the Joint Planning Commission/City Council Study Session

Planning Commission Minutes

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November 18, 2015

on the Draft Zoning Code on Monday, December 7, 2015, at 5:30 p.m. in the City Council Chambers.

Respectfully submitted,

Bill King for Kim Espinosa

KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:

Travis Colby for

TRAVIS COLBY, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3057

WHEREAS, the Merced City Planning Commission at its regular meeting of November 18, 2015, held a public hearing and considered **Zoning Ordinance Amendment #14-01**, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would make massage establishments a conditional use in the C-O (Professional/Commercial Office), C-N (Neighborhood Commercial), and C-C (Central Commercial) zones and would add required conditions that must be met before a massage establishment can obtain a conditional use permit in the C-T (Thoroughfare Commercial) and C-G (General Commercial) zones. Massage therapy provided by a sole practitioner who has a valid certificate as a massage practitioner or massage therapist from the State of California would still be allowed as principally-permitted uses in the C-O, C-N, and C-C zones; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through G of Staff Report #15-21; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #14-25, and approval of Zoning Ordinance Amendment #14-01, as set forth in Attachment A of Staff Report #15-21.

Upon motion by Commissioner Padilla, seconded by Commissioner Smith, and carried by the following vote:

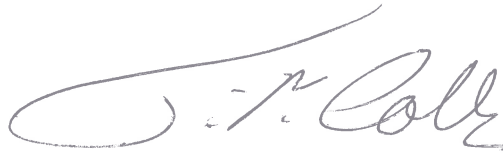
AYES: Commissioners Smoot, Smith, Baker, Dylina, Padilla, McLeod,
and Chairperson Colby
NOES: None
ABSENT: None
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3057

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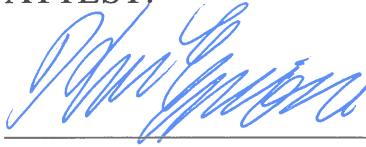
November 18, 2015

Adopted this 18th day of November 2015

A handwritten signature in black ink, appearing to read "J. R. Cole", written over a horizontal line.

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

A handwritten signature in blue ink, appearing to read "John G. ...", written over a horizontal line.

Secretary



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 16-016

Meeting Date: 2/1/2016

Report Prepared by: *Vicci Lane, Secretary III, Planning Division*

SUBJECT: Information Only-Site Plan Review Committee Minutes of August 13, September 10, and October 8, 2015

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, August 13, 2015

Acting Chairperson KING called the meeting to order at 1:31 p.m.

ROLL CALL

Committee Members Present: Principal Planner King (for Director of Development Services Gonzalves), Land Engineer Cardoso (for City Engineer Elwin), and Plan Examiner England (for Assistant Chief Building Official Stephenson)

Committee Members Absent: None

Staff Present: Planning Manager Espinosa and Planner/Recording Secretary Mendoza-Gonzalez

1. **MINUTES**

M/S ENGLAND-CARDOSO, and carried by unanimous voice vote, to approve the Minutes of July 16, 2015, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.1 Site Plan Application #383, submitted by Mary Davidson, property owner, to allow a secondary unit (571 square feet) at 2852 Rambler Lane, within a Low Density Residential (R-1-10) zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #383.

August 13, 2015

M/S ENGLAND-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-19, and approve Site Plan Application #383, subject to the Findings and eight (8) conditions set forth in the Draft Resolution #383:

AYES: Committee Members Cardoso, England, and Acting Chairperson King

NOES: None

ABSENT: None

4.2 Site Plan Application #384, submitted by Amir Sahebalzamany, for Burger King, applicant for King of Central Valley II, LP, property owner, to modify the exterior of an existing building at 555 W. Olive Avenue within Planned Development (P-D) #5, with a General Plan designation of Thoroughfare Commercial (CT).

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #384.

M/S ENGLAND-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-20, and approve Site Plan Application #384, subject to the Findings and twelve (12) conditions set forth in the Draft Resolution #384 with the addition of Condition #13 as follows:

(Note: ~~Strikethrough~~ deleted language, underline added language.)

“13. The applicant shall replace the existing bike racks with new bike racks that satisfy City standards.”

AYES: Committee Members Cardoso, England, and Acting Chairperson King

NOES: None

ABSENT: None

August 13, 2015

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

There was no discussion regarding the calendar of meetings/events.

6. **ADJOURNMENT**

There being no further business, Acting Chairperson KING adjourned the meeting at 1:59 p.m.

Respectfully submitted,



Kim Espinosa, Secretary

Merced City Site Plan Review Committee

APPROVED:



BILL KING, Acting Chairperson/
Principal Planner,

Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #383

<u>Mary Davidson</u> APPLICANT	<u>Construct a secondary dwelling unit</u> PROJECT
<u>2850 Rambler Lane</u> ADDRESS	<u>2852 Rambler Lane</u> PROJECT SITE
<u>Merced, CA 95340</u> CITY/STATE/ZIP	<u>007-024-009</u> APN
<u>(209) 614-2319</u> PHONE	<u>Low Density Residential (R-1-10)</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Review Application #383 on August 13, 2015, submitted by Mary Davidson, property owner, to allow a secondary dwelling unit (571 square feet) at 2852 Rambler Lane, within a Low Density Residential (R-1-10) zone. Said property being more particularly described as Parcel 3 as shown on that Map entitled "Map of Wil-Mar-Dan Acres," recorded in Volume 12, Page 20 of Parcel Maps, Merced County Records; also known as Assessor's Parcel Number (APN) 007-024-009.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15303 (a) (Exhibit F); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the Zoning designation of Low Density Residential (R-1-10) and with the General Plan designation of Low Density Residential (LD).
- B) There are no changes proposed for the existing home at 2850 Rambler Lane.
- C) The subject site has sufficient parking to accommodate the existing home and the secondary dwelling unit.
- D) In 1981, the Merced Minor Subdivision Committee reviewed and approved Boundary Adjustment #81-01 (Exhibit D), involving Assessor's Parcel Numbers 007-024-009 (subject site), 007-024-008, and 007-032-003. However, the boundary adjustment process was never formally completed with new deeds showing the results of Boundary Adjustment #81-01 (see Condition #7).

August 13, 2015

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #383, subject to the following conditions:

1. All applicable conditions contained in Site Plan Approval Resolution #79-1-Amended ("Standard Conditions for Site Plan Application") shall apply.
2. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
3. The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (elevations/floor plan) and as modified by the conditions of approval within this resolution.
4. Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
5. The applicant shall comply with the development standards for the R-1-10 zone found in Merced Municipal Code Chapter 20.10 - R-1 District, including but not limited to those regarding parking, setbacks, and lot coverage. In addition, the applicant shall comply with the conditions outlined in Merced Municipal Code Section 20.54.350 - Secondary Dwelling Units (Exhibit E).
6. Lighting for the secondary unit shall not spill over onto adjacent residential properties.
7. Prior to issuing a building permit, the applicant shall work with the City's Land Engineer and show a clear title reflecting the approval of Boundary Adjustment #81-01.
8. The exterior of the secondary unit shall match the existing structure in materials, color, and elevation design.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

August 13, 2015

DATE


SIGNATURE

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Elevations/Floor Plan
- D) Boundary Adjustment #81-1
- E) Merced Municipal Code Section 20.54.350 (Secondary Dwelling Units)
- F) Categorical Exemption

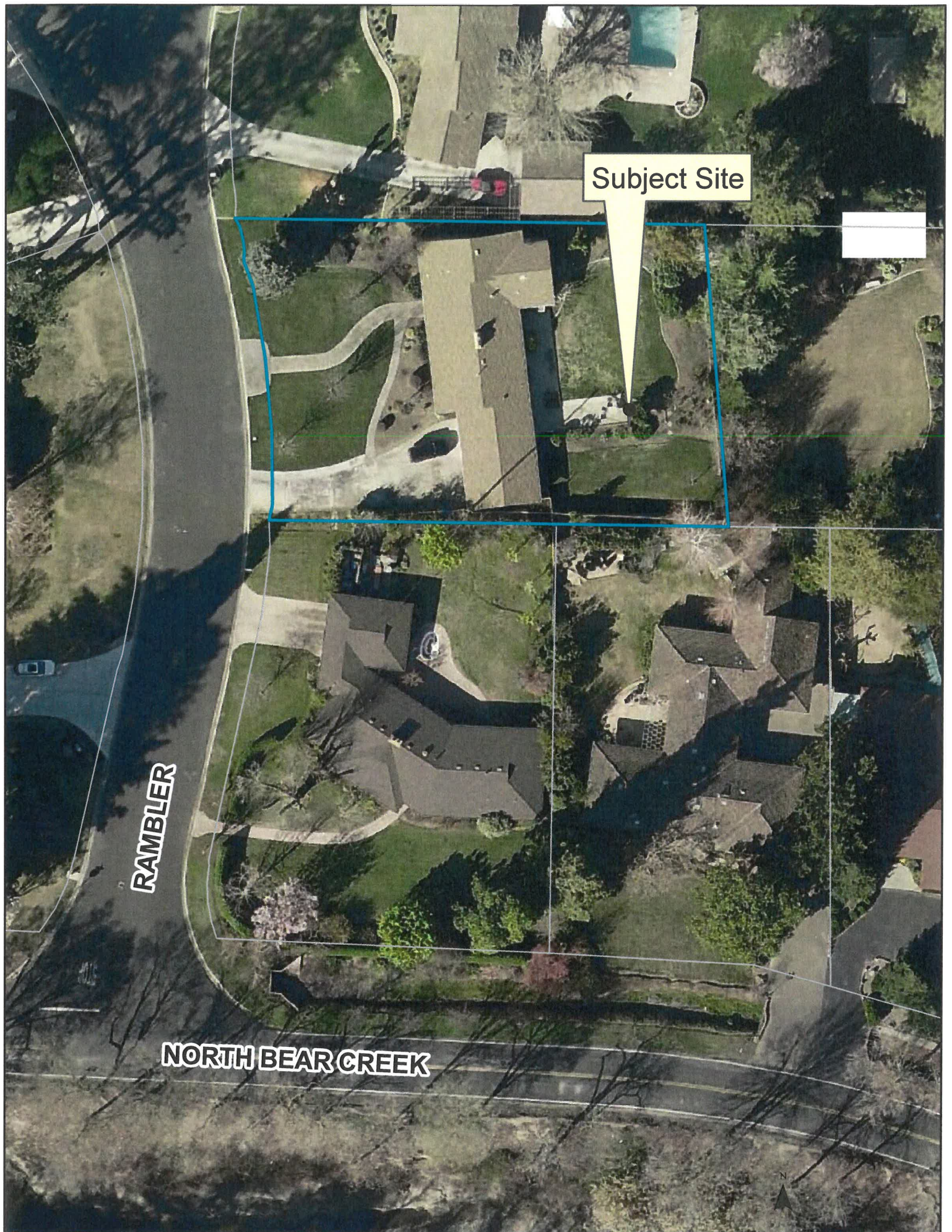


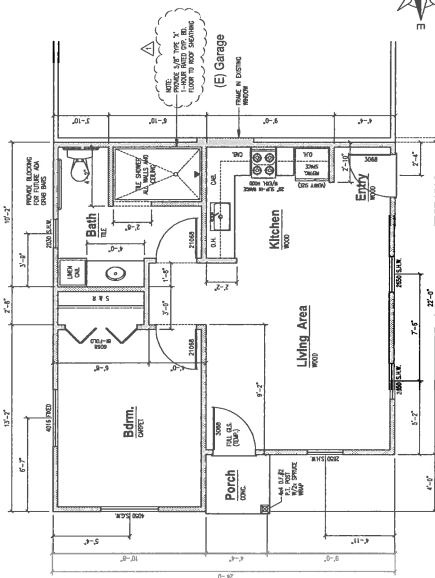
EXHIBIT A

EXHIBIT B



ORDERED FOR: **Davidson Residence**
 8650 Rambler Lane
 Menlo Park, CA 94034
 Job Site A.P.N.: 007-024-009
 PROJECT DATA
 Order: APRIL 2015
 Scale: AS SHOWN
 Drawn By: RICK
 Title Name: DAVIDSON_571
 SHEET NUMBER:

A1.0

[illegible]

FLOOR PLAN

QLE: 1/4" = 1'-0"

CITY OF MERCED
Minor Subdivision Committee
Boundary Adjustment

RESOLUTION #372

Amended May 1, 1981

WHEREAS, the Merced Minor Subdivision Committee met on April 17, 1981, to consider Boundary Adjustment Application BA #81-1, which would provide for the resubdivision of two lots being generally described as being located on the east side of Rambler Lane and the west side of Ardell Drive, north of North Bear Creek Drive; said parcels being more particularly described as being:

1. Lot 3 - Having a total of 112.32+ feet of frontage on the east side of Rambler Lane; said lot contains 34,142+ square feet as being shown as "Lot 3" on "Map of Wilmar-Dan Acres," recorded in Volume 12 at Page 20 of Official Plats, Merced County Records, Section 19, T7S, R14E, MDB&M, Merced County, California.
2. Lot 5 - Having a total of 99.96+ feet of frontage on the west side of Ardell Drive; said lot contains 18,970+ square feet as being shown as "Lot 5" on "Map of Ardell Park," recorded in Volume 12 at Page 39 of Official Plats, Merced County Records, Section 19, T7S, R14E, MDB&M, Merced County, California.

Said boundary adjustment will create the following two lots:

1. Lot 3 - Having a total of 112.32+ feet of frontage on the east side of Rambler Lane; said lot contains 18,477+ square feet as being shown as "Lot 3" on "Record of Survey for Dennis S. Cesar" (Merced Minor Subdivision Boundary Adjustment BA #81-1).
2. Lot 5 - Having a total of 96.96+ feet of frontage on the west side of Ardell Drive; said lot contains 34,635+ square feet as being shown as "Lot 5" on "Record of Survey for Dennis S. Cesar" (Merced Minor Subdivision Boundary Adjustment BA #81-1).

NOW, THEREFORE, BE IT RESOLVED that the Minor Subdivision Committee for the City of Merced does approve Boundary Adjustment BA #81-1, submitted by Dennis S. Cesar, subject to the following conditions:


1. Survey monuments shall be set at all angle points and lot corners.
- * 2. Either prior to the sale of any parcel described herein, or within one year of the date of this resolution, whichever is sooner, an official parcel map shall be filed with the Merced County Recorder in accordance with Section 66410 et seq. of the State of California Government Code (Subdivision Map Act).

Minor Subdivision Committee
BOUNDARY ADJUSTMENT RESOLUTION #372
Page 2
April 17, 1981

- *3. Prior to recordation of the parcel map, the subdivider shall dedicate to the City of Merced a 7-foot public utilities easement along the Rambler Lane and Ardell Drive property frontages. (This dedication may be accomplished on the face of the parcel map.)

Upon motion by Committee Member Hofmann, seconded by Committee Member Cote, and unanimously approved.

Adopted this 17th day of April, 1981.


Chairperson, Minor Subdivision Committee
of the City of Merced, California

ATTEST:


Acting Secretary

Amended as follows:

- *2. Either prior to the sale of any parcel described herein, or within one year of the date of this resolution, whichever is sooner, an official Record of Survey shall be filed with the Merced County Recorder in accordance with Section 66410 et seq. of the State of California Government Code (Subdivision Map Act).
- *3. Delete No. 3 in its entirety.

I, the undersigned, ELIZABETH F. LEUSCHNER, do hereby certify that I am the owner of the lands hereon shown, that I caused the same to be surveyed and to be subdivided into lots for the purpose of sale, that I, in connection to the survey and subdivision of the County of Merced, California, have caused the same to be surveyed and subdivided in accordance with the laws of California, and hereby offer for dedication to public use all drives, roads (or streets) and easements hereon shown.

Elizabeth F. Leuschner
Signature

County of Merced, California, on this 10 day of July 1951 before me George T. Wacker, a notary public in and for the County of Merced, State of California, residing herein, duly commissioned and sworn, personally appeared ELIZABETH F. LEUSCHNER known to me to be the person whose signature is hereto attached and acknowledged to me that she subscribed her respective signature hereto in witness whereof, I have hereunto set my hand and official seal the day and year first above written.

George T. Wacker
Notary Public

My commission expires 3-29-54.

I, W. E. BERDESEN, COUNTY SUPERVISOR of the County of Merced, State of California, do hereby certify that I have caused this map of ARDELL PARK to be surveyed and subdivided into lots for the purpose of sale, that I have caused the same to be surveyed and subdivided in accordance with the laws of California, and hereby offer for dedication to public use all drives, roads (or streets) and easements hereon shown.

W. E. Berdesen
County Supervisor

This map having been approved by the Merced County Planning Commission, the Board of Supervisors of the County of Merced, State of California, hereby accept this map as the official map of ARDELL PARK, and accept on behalf of the public all drives, roads (or streets) and easements hereon shown.

Attest: *Edmund* Clerk

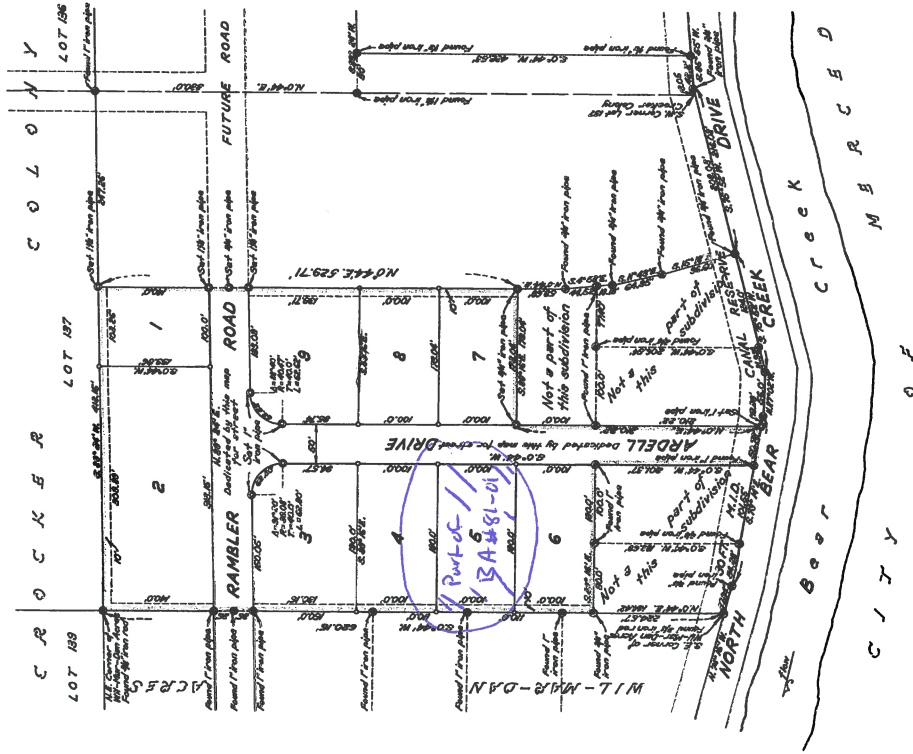
By Henry P. Schaefer Chairman

I, W. E. BERDESEN, a duly licensed surveyor of the State of California, do hereby certify that I made the survey and subdivision of the lands hereon shown, that I caused the same to be surveyed and subdivided in accordance with the laws of California, and hereby offer for dedication to public use all drives, roads (or streets) and easements hereon shown.

W. E. Berdesen
Licensed Surveyor 19555

NP 10802
Filed for record in the office of the County Recorder of the County of Merced, State of California at minutes past 2 PM, this 12 day of Sept. 1951 in Volume 16 of Official Plates at page 39 Merced County Records.
At the request of Elizabeth F. Leuschner
Dec 15 - 1951

W. J. Tuley
County Recorder
By E. E. Dean Deputy



LEGEND

- Monuments set on other surveys
- Monuments set on this survey
- 98' iron rods set on this survey
- Public utilities easements 10 ft. wide
- Lot distances are measured to the sides of road and drive
- The exterior boundary of this subdivision is indicated by a red border

MAP OF
ARDELL PARK
BEING A RESUBDIVISION OF A PORTION OF
LOT 137 "CROCKER COLONY"
SECTION 18, T.7S. R. 4E., M.D.B. & M.
MERCED COUNTY, CALIFORNIA
SCALE: 1"=100' VOL. 16 PAGE 39.

20.54.350 - Secondary dwelling units.

A secondary dwelling unit may be erected even if the lot is less than six thousand (6,000) square feet per unit in R-1 District (as specified in Section 20.10.070(D)); three thousand (3,000) square feet per unit in R-2 District (as specified in Section 20.12.060(B)); one thousand five hundred (1,500) square feet per unit in R-3-1.5 District and two thousand (2,000) square feet per unit in R-3-2 District (as specified in Section 20.14.060); and one thousand (1,000) square feet per unit in R-4 District (as specified in Section 20.16.060(B)), if all of the following conditions are met:

- A. A secondary dwelling unit may be constructed only if there is already a single-family dwelling existing on the lot, regardless of the zoning district, which shall be deemed the primary dwelling unit.
- B. Either the primary single-family dwelling or the secondary dwelling unit must be owner-occupied.
- C. No lot line adjustment, subdivision of land, air rights or condominium shall be allowed to enable the sale or transfer of the secondary residential unit independently of the primary dwelling unit or any portion of the property. The secondary dwelling unit shall not be sold, transferred, or otherwise disposed of independently from the primary dwelling unit. This stipulation shall be included in the recorded deed restriction for the property.
- D. The secondary dwelling unit in compliance with this section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot.
- E. Only one (1) secondary dwelling unit may be constructed per legal lot regardless of the number of single-family dwellings on the lot.
- F. Construction must conform to height, setback, and lot coverage standards as well as fees, charges, and other zoning requirements applicable to construction in the permitted residential districts. The secondary dwelling unit shall be located to the rear of the primary unit, and if attached to the primary dwelling unit the outside entrance for the second dwelling unit must not be on the same side as the front elevation of the primary dwelling unit. The secondary unit shall be clearly subordinate to the primary dwelling by size, appearance, and location on the parcel.
- G. The permitted size of the second dwelling is based on whether it is attached or detached. In either case, at least an efficiency dwelling unit as defined in Section 17958.1 of the California Health and Safety Code may be permitted:
 - 1. Attached: The increased floor area shall not exceed fifty (50) percent of the existing living area, in that the overall increase does not exceed one thousand (1,000) square feet (excluding any carport or garage that may be constructed with the second dwelling). For example, a one thousand (1,000) square foot attached secondary dwelling may be permitted for a primary dwelling with two thousand (2,000) square feet of livable area ("livable area" does not include garage). The addition may not result in violations of the standards of the Uniform Building Code and Uniform Housing Code or the Merced Municipal Code;

2. Detached: The total floor area shall not exceed one thousand two hundred (1,200) square feet; this area does not include any space devoted to a carport or garage.
- H. One (1) additional parking space shall be provided for a secondary dwelling unit that has one (1) or two (2) bedrooms in addition to those spaces required for the primary dwelling unit. If the secondary dwelling unit has three (3) or more bedrooms, two (2) parking spaces shall be provided in addition to those spaces required for the primary dwelling unit. The creation of a secondary dwelling through the conversion of all or a portion of a garage is prohibited.
- I. The secondary dwelling unit must be eligible to receive city sewer and water services.
- J. The secondary dwelling shall be constructed in such a manner as to be architecturally similar to the primary dwelling unit in terms of design, material, height, exterior finish, roof pitch, and landscaping. Additionally, the secondary dwelling shall utilize the same type and color of roofing material and shall be painted the same color as that of the primary dwelling unit. The parcel shall retain a single-family appearance and the secondary dwelling unit shall be integrated into the design of the existing improvements of the property.
- K. The addresses of both the primary and secondary dwelling units shall be displayed and clearly visible from the street.
- L. The site planning and architectural features of the secondary dwelling unit shall be reviewed and approved by the site plan approval committee for compliance with all standards of this section and compliance with Section 20.54.250

(Ord. 2288 § 2, 2007).

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

 X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #383 (Environmental Review #15-19)

Project Applicant: Mary Davidson

Project Location (Specific): 2852 Rambler Lane **APN:** 007-024-009

Project Location - City: Merced

Project Location - County: Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Mary Davidson

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ X Categorical Exemption. State Type and Section Number: 15303 (a)
☐ Statutory Exemptions. State Code Number: _____
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of a secondary dwelling unit in a residential zone in an urbanized area, which is considered to be exempt under the CEQA Guidelines per Section 15303 (a).

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 08-06-2015 **Title:** Planner

 X Signed by Lead Agency Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #384

<u>Amir Sahebalzamany</u> APPLICANT	<u>Façade remodel (Burger King)</u> PROJECT
<u>2565 Zanella Way</u> ADDRESS	<u>555 W. Olive Avenue</u> PROJECT SITE
<u>Chico, CA 95928</u> CITY/STATE/ZIP	<u>236-230-014</u> APN
<u>(925) 989-1185</u> PHONE	<u>Planned Development (P-D) #5</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #384 on August 13, 2015, submitted by Amir Sahebalzamany, for Burger King, applicant for King of Central Valley II, LP, property owner, to modify the exterior of an existing building at 555 W. Olive Avenue within Planned Development (P-D) #5, with a General Plan designation of Thoroughfare Commercial (CT). Said property being more particularly described as Parcel A as shown on the Map entitled "Parcel Map for Donald B. Dunwoody," recorded in Book 31, Page 37 of Merced County Records; also known as Assessor's Parcel Number (APN) 236-230-014.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit E); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the General Plan designation of Thoroughfare Commercial (CT) and the Zoning classification of Planned Development (P-D) #5.
- B) The subject site has adequate parking for this use.
- C) The subject site satisfies the City's parking lot tree requirements.
- D) The use of xeriscape landscaping is not required, but it is encouraged for this site.
- E) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, driveway(s) and street

corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #384 subject to the following conditions:


- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit D (elevations), and as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including, but not limited to, the California Building code and Fire codes.
- 4) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 5) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 6) Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.

- 7) All signing shall comply with the North Merced Sign Ordinance. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
- 8) A canopy or overhang shall be installed on the west elevation, above the drive thru window, to protect patrons and employees from rain and for aesthetic purposes. The color, scale, and material of this canopy or overhang shall be similar to that of other canopies for this building. This condition shall be reviewed and approved by planning staff during building permit review.
- 9) The applicant shall work with the City's Refuse Department to determine the adequacy of the existing trash enclosure. A larger trash enclosure may be required to serve this site and to meet future requirements regarding the separation of food waste from other waste. The location of the trash enclosure (if relocation is needed) shall be determined by the City's Refuse Department.
- 10) The applicant shall work with the City's Refuse Department to determine if a recycling container will be required to comply with AB 341. If it is required, the recycling container shall be enclosed within a refuse enclosure built to City Standards.
- 11) The premises shall remain clean and free of debris and graffiti at all times.
- 12) The applicant shall work with the Building Department to ensure that water used for landscaping does not spill-over onto the driveways or sidewalk. This may require onsite drainage and installing an underground catch basin that terminates at the face of the curb.
- 13) The applicant shall replace the existing bike racks with new bike racks that satisfy City standards.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

8-13-15

DATE



Francisco Mendoza-Gonzalez

Planner
TITLE

Exhibits

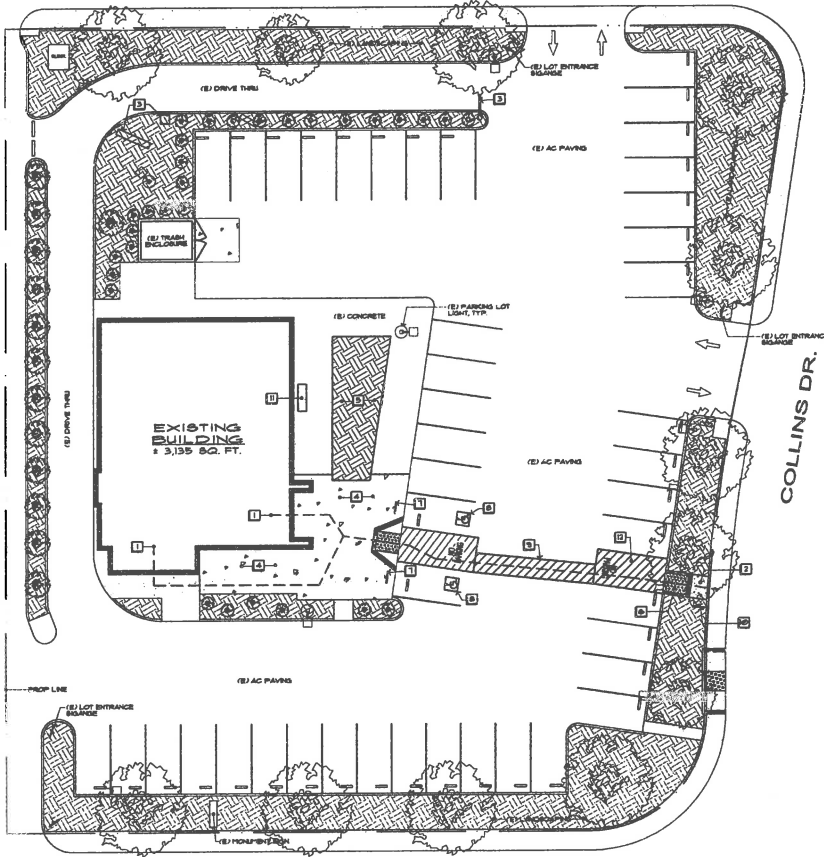
- A) Location Map
- B) Site Plan
- C) Demolition Plan - Elevations
- D) Elevations
- E) Categorical Exemption



EXHIBIT A

FAIRFIELD DR.

EXISTING SITE AREA: (0.88 ACRES) 38,711 SF = 100%
EXISTING BUILDING AREA: 2,135 SF = 6%
EXISTING PAVED AREA: 27,573 SF = 71%
EXISTING LANDSCAPE AREA: 8,003 SF = 21%



ADJACENT LOT
PIZZA HUT - N.A.P.

W. OLIVE AVE

Reference - Proposed Site Plan 1
SCALE: Not to Scale

Legend	
	(N) TRUNCATED DOMES
	(N) SITE WALL
	NEW
	EXISTING
	DRIVE
	CONCRETE FLATWORK
	AC PAVING
	CONCRETE DRIVE LINE
	EXISTING PARKING LOT LIGHTING (4 LIGHT)
	EXISTING PARKING LOT LIGHTING (2 LIGHT)
	PATH OF ACCESSIBLE TRAVEL - F.O.T.
	RED PAINT (7' FIRE LINE)
	PROPOSED PARCEL LINE
	PROPERTY LINE

- Site Plan Keyed Note's**
1. PATH OF ACCESSIBLE TRAVEL (FOOT) - NO JUMP-UP CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL. UNDER THE SLOPE AND CROSS-SLOPE ALONG THE PATH OF TRAVEL, SHALL BE LOCATED IN AND TO RESPECTIVELY. AC DRIVEWAY THAT BE USED INSPECTOR TO VERIFY.
 2. NEW CONCRETE SIDEWALKS REFER TO GENERAL NOTES 2.6.11.8.
 3. INSTALL (N) CLEARANCE SIGN, SIGN AND FURN - BY OTHERS K.C.
 4. (N) CONCRETE FLATWORK TO MATCH (E) REFER TO NOTE 1.
 5. (N) LANDSCAPING TO MATCH (E) CONDITIONS
 6. (N) TRUNCATED DOMES - LOCATED AT ACCESSIBLE RAMP, REFER TO 2.6.11.4, TYPICAL
 7. (E) ACCESSIBLE PARKING STALL SIGNAGE
 8. (N) ACCESSIBLE PARKING STALL SYMBOL
 9. (N) CROSSWALK STRIPING
 10. (N) ACCESSIBLE DIRECTIONAL SIGNAGE
 11. (N) BICYCLE RACKS
 12. (N) PAINTED STALL STRIPING WITH NO PARKING

General Note's	
1.	SCOPE OF WORK FOR EXISTING PARKING LOT IS LIMITED TO PROVIDE NEW ASPHALT COATING, NEW STALL STRIPING OF BAYE PAINT REMOVE REPAIRS OF EXISTING DAMAGED / CRACKED EXISTING ASPHALTIC CONCRETE PAVING PRIOR TO NEW COATING AND TO FIELD VERIFY DAMAGED LOCATIONS AND NEW COATING MARK.
2.	ALL ACCESSIBLE PARKING, CROSSWALKS AND HANDICAPED SHALL COMPLY WITH A MINIMUM OF 1% CROSS SLOPE IN ANY DIRECTION AS REQUIRED BY ADA STANDARDS, NOTIFY ARCHITECT IN ANY CONFLICT.
3.	SIDEWALKS ARE TO BE CONTRACTED IN THE AREA AS SHOWN ON THE CONSTRUCTION PLANS WITH 4" OF CONCRETE SET IN 2" OR 4" COMPRESSIVE STRENGTH OF 1500 PSI. JOINTS SHALL BE EITHER TOoled OR SAW CUT AT A DISTANCE OF 8'-0" MAX. CONCRETE SHALL MATCH APPROVED AT ADJACENT SIDEWALK.
4.	CURBS SHALL BE CONTRACTED AS PER NOTED ON THE CONSTRUCTION PLANS. CONCRETE CURBS SHALL BE CLASS 1 CURBS SHALL HAVE SAW CUT CONTRACTION JOINTS AND SHALL BE CONTRACTED AT 10'-0" MAX. INTERVALS.
5.	CONTRACTOR SHALL SAW CUT PERIMETER LINES OF WALLS / CONCRETE SLABS TO BE RETAINED CONTRACTOR SHALL NOT CUT WALLS / CONCRETE SLABS UNTIL PERIMETER LINES HAVE BEEN CUT. DO NOT OVERCUT.
6.	1" UP #4 11x11 D SALED CONTROL JOINTS SHALL BE PLACED BETWEEN ALL CONCRETE / WALL BOARDS.
7.	1" UP #4 11x11 D SALED CONTROL JOINTS SHALL BE PLACED AT 8'-0" INTERVALS ALONG SLABWALL.
8.	SEAL OF NEW SLAB TO MATCH ADJACENT EXISTING TO MATCH.

SGA
ARCHITECT
SCOTT GORDON ARCHITECT, INC.
204 DOWNEY AVE. SUITE 200
CHICO, CA 95926
P: 530 / 343-7687
F: 530 / 343-7447

REVISIONS	
NO.	DESCRIPTION
1	REVISION
2	REVISION
3	REVISION
4	REVISION
5	REVISION

BURGER KING
TENANT
REMODEL
555 W. OLIVE AVENUE
PERRIS, CA 92546

REFERENCE
PROPOSED
SITE PLAN

DATE: 05/16/2018
JOB NO. 18-011
DR-6

SCALE: 3/16" = 1'-0"

EXHIBIT D

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

 X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #384 (Environmental Review #15-20)

Project Applicant: Amir Sahebalzamany

Project Location (Specific): 555 W. Olive Ave. **APN:** 236-230-014

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Amir Sahebalzamany

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ X Categorical Exemption. State Type and Section Number: 15301 (a)
☐ Statutory Exemptions. State Code Number: _____
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior and exterior alterations only, such as a façade remodel, resurfacing the parking lot, and repainting the existing parking stalls, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 08-05-2015 **Title:** Planner

 X Signed by Lead Agency

Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, September 10, 2015

Acting Chairperson STEPHENSON called the meeting to order at 1:33 p.m.

ROLL CALL

Committee Members Present: Assistant Chief Building Official Stephenson
and City Engineer Elwin

Committee Members Absent: Director of Development Services Gonzalves

Staff Present: Planner/Recording Secretary Mendoza-
Gonzalez

1. **MINUTES**

M/S STEPHENSON-ELWIN, and carried by unanimous voice vote, to table the Minutes of August 13, 2015, to the next Site Plan Review Meeting, because both committee members were absent during that meeting and could not confirm the accuracy of the minutes.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.1 Site Plan Application #385, submitted by Holly Lee for Jeffrey B. and Susan L. Lee, property owners, to allow a beauty salon (for hair and nails) within a 1,451-square-foot tenant space inside an existing building located at 708 W. 20th Street (Suite C), within an Office Commercial (CO) Zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #385.

September 10, 2015

M/S STEPHENSON-ELWIN, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-24, and approve Site Plan Application #385, subject to the Findings and twelve (12) conditions set forth in the Draft Resolution #385:

AYES: Committee Member Elwin and Acting Chairperson
Stephenson

NOES: None

ABSENT: Chairperson Gonzalves

4.2 Extension of Resolution #928 for Lot Split #11-02 - a request for a one year extension for the tentative subdivision map approved with Lot Split #11-02 to subdivide a 3.2 acre parcel into three individual parcels.

Planner MENDOZA-GONZALEZ explained that upon further review it was determined that this item should be reviewed by the Minor Subdivision Committee instead.

M/S STEPHENSON-ELWIN, and carried by the following vote, to take no action on the request to extend Resolution #928 for Lot Split #11-02:

AYES: Committee Member Elwin and Acting Chairperson
Stephenson

NOES: None

ABSENT: Chairperson Gonzalves

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

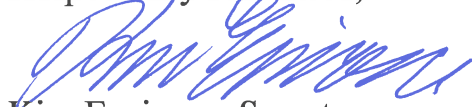
There was no discussion regarding the calendar of meetings/events.

September 10, 2015

6. **ADJOURNMENT**

There being no further business, Acting Chairperson STEPHENSON adjourned the meeting at 1:47 p.m.


Respectfully submitted,



Kim Espinosa, Secretary

Merced City Site Plan Review Committee

APPROVED:



MIKE STEPHENSON,

Acting Chairperson/

Assistant Chief Building Official,

Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #385

<u>Holly Lee</u> APPLICANT	<u>Locate a beauty salon inside an existing tenant space.</u> PROJECT
<u>2036 Robin Hood Lane</u> ADDRESS	<u>708 W. 20th Street, Suite C</u> PROJECT SITE
<u>Merced, CA 95340</u> CITY/STATE/ZIP	<u>031-051-005</u> APN
<u>(209) 388-1837</u> PHONE	<u>Office Commercial (C-O)</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Review Application #385 on September 10, 2015, submitted by Holly Lee for Jeffrey B. and Susan L. Lee, property owners, to allow a beauty salon (for hair and nails) within a 1,451-square-foot tenant space inside an existing building located at 708 W. 20th Street (Suite C), within an Office Commercial (C-O) Zone. Said property being more particularly described as the northeast portion of Block 126 as shown on that Map entitled "City of Merced and Subdivision of Adjoining Acreage Property, Merced, Cal.," recorded in Volume 2 at Page 59, Merced County Records; also known as Assessor's Parcel Number (APN) 031-051-005.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit F); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) A hair salon is considered a Conditional Use within an Office Commercial (C-O) Zone. However, staff has determined that this request will not cause a great impact to the area and could be reviewed by the Site Plan Review Committee. Subject to the conditions of approval, the project would comply with the C-O zoning for the site.
- B) There are no changes proposed for the exterior of the building.
- C) The applicant desires to serve customers by appointment only.
- D) In May 2006, the Design Review Board/Historical Preservation Commission reviewed and approved a request to demolish the building at this location and to construct a new office building in its place, even though the proposed number of parking spaces was below the required amount (24 parking spaces are required, but only 14 were provided). The Commission approved this

request because the proposed site plan contained more parking spaces (six more) and less building footprint (500-square-feet less) than the existing one. To review the minutes from that meeting, refer to Exhibit D. Moreover, to accommodate limited parking availability, customer service will be limited by reservations only (Condition #8).

- E) The Merced Vision Center (neighboring tenant) has expressed support for the proposed beauty salon. The business owner, Matthew Lee, does not anticipate any parking issues within this site, because his customers demand a low volume of parking spaces (Exhibit E).
- F) Future land uses within Suite B (currently a vacant 1,399-square-foot tenant space) may be limited by parking availability (Condition #10).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #385, subject to the following conditions:

1. All applicable conditions contained in Site Plan Approval Resolution #79-1-Amended ("Standard Conditions for Site Plan Application") shall apply.
2. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
3. The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (floor plan) and as modified by the conditions of approval within this resolution.
4. Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced, including installing a ventilation system for nail polishing services, as required by the California Mechanical Code.
5. This approval allows a total of eight operators (i.e., stylists, manicurists, etc.) to operate within this tenant space. Any increase in the number of operators at this location shall be subject to review by the Director of Development Services, or if deemed necessary, the Site Plan Review Committee.
6. A licensed engineer or architect shall design the water and sewer sizing based on the number of fixture units, as required by the California Plumbing Code.
7. All signing shall comply with the City's Sign Ordinance. Sign permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
8. Customers shall be served by reservations only.
9. Any future requests of this nature at this site (personal service businesses, other than those considered a "permitted" use in a C-O zone) may be subject to Planning

September 10, 2015

Commission review and may not be eligible to be reviewed through the Site Plan Review process at the discretion of the Director of Development Services.

10. Due limited parking availability, the occupancy of Suite B shall be limited to principally-permitted uses in the C-O zone (MMC 20.20.020) unless additional parking is provided either onsite or offsite within the requirements of the Zoning Code.
11. All existing landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
12. The premises shall remain clean and free of debris and graffiti at all times.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

September 10, 2015

DATE



SIGNATURE

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Design Review #06-06 Meeting Minutes
- E) Message of Support from the Merced Vision Center
- F) Categorical Exemption



Court House Square Park

Subject Site
(Hair/Nail Salon)

Optometry Office
(Merced Vision Center)

20TH

N

19TH

EXHIBIT A

Golden Valley Engineering & Surveying
 405 West 19th Street, Suite 200
 Merced, CA 95340
 Phone: (209) 725-3300
 Fax: (209) 725-3301
 Website: www.gveng.com

GOLDEN VALLEY
 ENGINEERING & SURVEYING
 405 West 19th Street, Suite 200
 Merced, CA 95340
 Phone: (209) 725-3300
 Fax: (209) 725-3301
 Website: www.gveng.com

CALIFORNIA

**TENANT IMPROVEMENTS FOR
 HOLLY LEE'S BEAUTY SALON**
 708 W. 20TH ST. SUITE C
 Merced, Ca. 95340

CITY OF MERCED

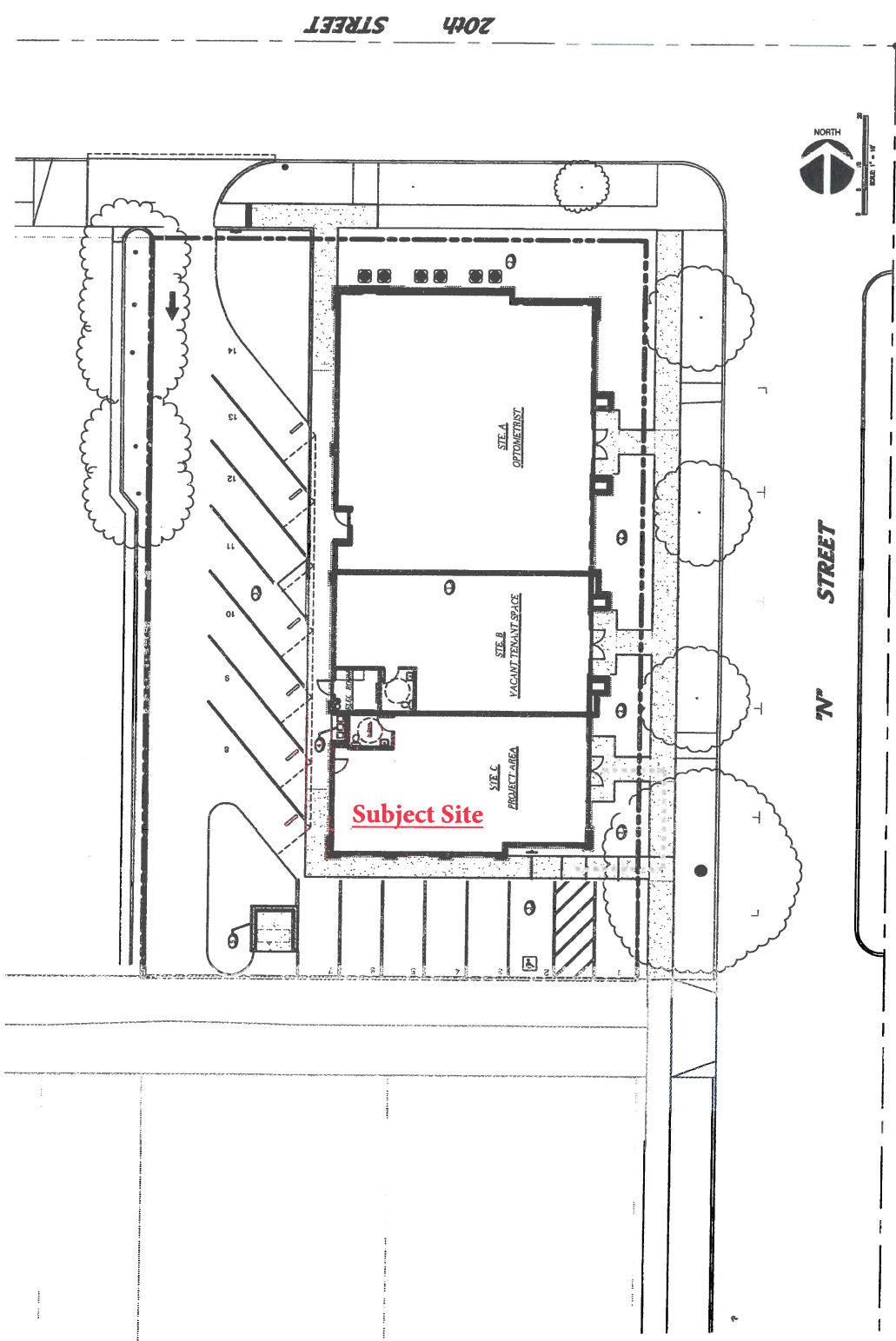


SHEET CONTENTS
 - REFERENCE SITE PLAN

PREPARED BY
 Commercial Construction Co.
 4433 Merced Street
 Merced, CA 95340
 Phone: (209) 384-3943
 Fax: (209) 384-4002

DATE: JULY 2016
 DRAWN: AS SHOWN
 CHECKED BY: CCL
 JOB NO.: 15-1800
 SHEET NAME:

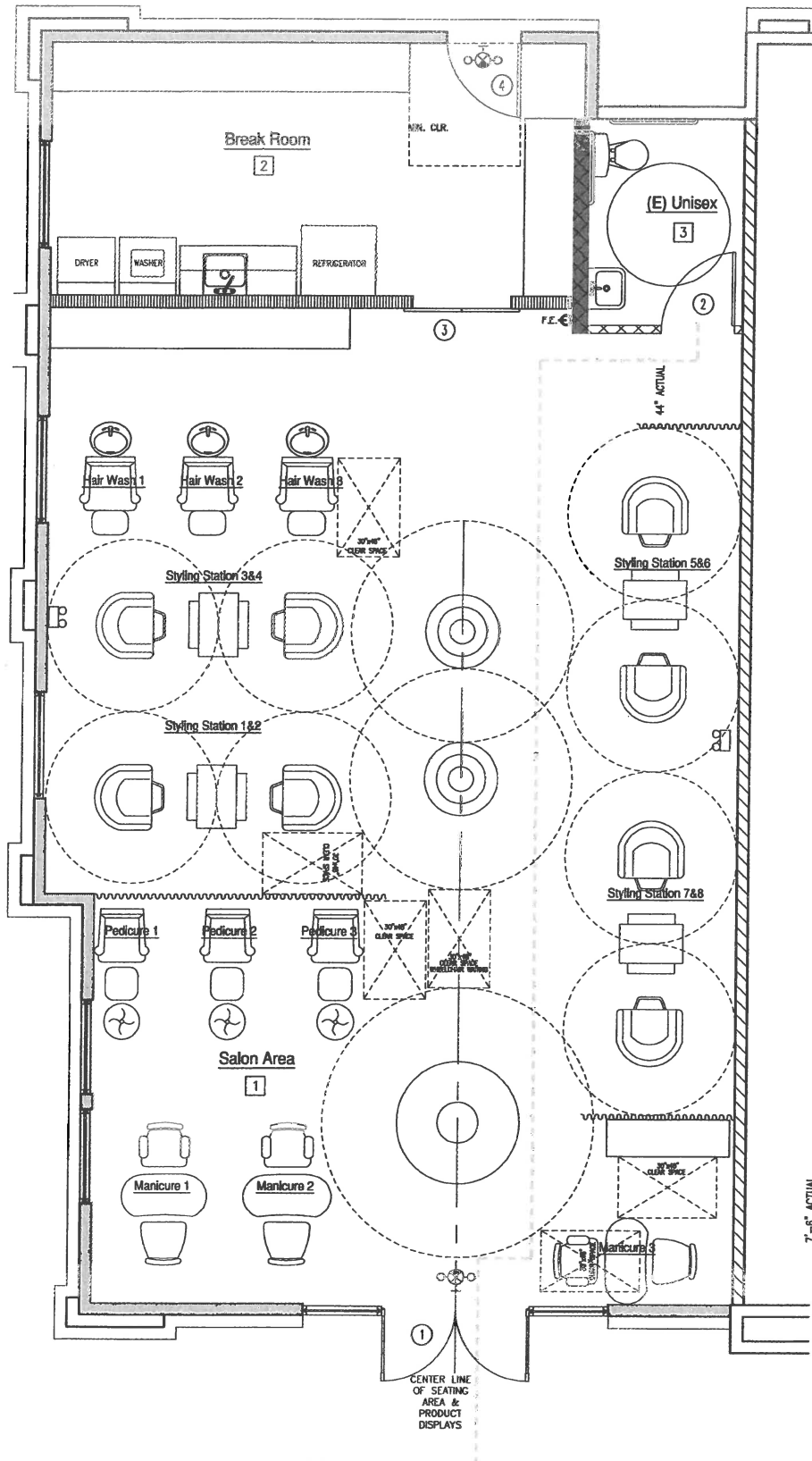
C1.0



LEGEND:
 - - - - - ACCESSIBLE ROUTE
 - - - - - PROPERTY LINE

REFERENCE SITE PLAN

KEYNOTES:
 1-4000 1-4000 1-4000 1-4000
 1-4000 1-4000 1-4000 1-4000
 1-4000 1-4000 1-4000 1-4000
 1-4000 1-4000 1-4000 1-4000



DIMENSION FLOOR PLAN

SCALE: 1/4" = 1'-0"



EXHIBIT C

**DESIGN REVIEW BOARD/HISTORIC PRESERVATION COMMISSION
DEVELOPMENT SERVICES OF THE CITY OF MERCED**

**MINUTES EXCERPT
MEETING DATE: May 10, 2006**

1. DR #06-06 -- **Final Review** of demolition and reconstruction of a commercial office structure for medical use at 708 W. 20th Street.

Planning Technician NUTT presented the project as outlined in Staff Report DR#06-06, explaining the changes to the proposed project since its first approval in 2005.

Commissioner KNIAZEWCY commented that she does not agree with allowing the building's columns to encroach into the setback, and that it would not be appropriate to waive the setback requirement. She stated that she liked the renderings, but that the proposed white stucco may be a little stark of a contrast with the brick. Commissioner HOFMANN stated that he likes the project, but agreed that the setback requirement could not be waived by this Commission. Chairman LOPES agreed that if the applicant wishes the ordinance provision waived, they need to go before the appropriate commission. Commissioner Luhring stated that she agrees with Commissioner KNIAZEWCY regarding the white color, and that perhaps a softer white or beige would be better.

The public hearing was opened at 4:17 p.m.

Duane Andrews, Golden Valley Engineering, asked for the Commission's support and reminded the Commission that the existing building is actually larger than the proposed building. He stated that they will work with staff on the setback issue and will discuss building colors with the applicant.

As there were no additional speakers from the audience, the public hearing was closed at 4:20 p.m.

M/S LUHRING/ARNOLD, and carried by the following vote, to adopt a Categorical Exemption for Environmental Review #05-76 and to approve DR#06-06 as proposed, subject to the staff-recommended conditions and the elimination of Condition #10 to not allow the building into the required setback area:

1. The proposed project shall be constructed/designed as shown on Exhibit 1 and Exhibit 2 -- Attachments C and D of Staff Report DR#06-06.
2. The project shall comply with all applicable California Building and Fire Codes. A building permit is required prior to construction.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the Engineering Department, and all other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The project shall comply with all applicable state laws and local codes and regulations of the current Editions of the Uniform Building and Fire Codes, Plumbing and Mechanical Codes, National Electrical Codes, and State Accessibility (ADA) requirements, including but not limited to, bathrooms, parking, and site accessibility.
5. The applicant shall maintain a clean and respectable appearance of the building at all times, and any graffiti or other vandalism done to any building or accessory structure shall be rectified or repaired within a reasonable amount of time.
6. Public improvements required prior to issuance of the Certificate of Occupancy include, but are not limited to, street trees, driveway bibs, sidewalk repair/replacement, and curb and gutter repair/replacement, where needed. This also would include relocation of the decorative street light and street tree affected by the new driveway entrance. Coordination with the necessary City departments shall be required for the relocation(s).
7. The applicant is granted a 15% reduction for required parking due to unused space within the building. The fourteen parking spaces proposed are approved, as shown on the site plan.

8. A final landscape and sprinkler plan is required at the building permit stage, with details to be reviewed by staff. At the minimum, the project will be required to install the landscaping proposed with this application. All landscaping shall be installed prior to occupancy and shall thereafter be maintained in a healthy and aesthetic manner.
 9. Parking lot trees are required at one tree per each six parking spaces, requiring this project to provide two parking lot trees. As such, the applicant has proposed three, and therefore shall be required to install the proposed number.
 10. ~~The 3½ foot architectural projections into the 10 foot required setback along the east elevation (N Street) are approved for this project only, as they are a minor intrusion and do not add space to the building.~~
 11. A paint permit shall be issued by the Inspection Services Department prior to painting of the building. The applicant shall submit their final paint color proposal with or prior to the building permit submittal. The building permit shall not be issued without approval of the final paint colors. All paint applied to the building shall be treated with an anti-graffiti coating.
 12. The site shall be maintained free of trash, weeds, and other debris.
 13. This approval is in effect for one year.
- AYES: Commissioners KNIAZEWCY, DAKE, ARNOLD, LUHRING, LEMEN, and Chairman LOPES
- NOES: None
- ABSENT: None
- ABSTAIN: Commissioner HOFMANN

Mendoza-Gonzalez, Francisco

From: Matthew Lee <mattleeod@gmail.com>
Sent: Thursday, September 03, 2015 10:21 AM
To: Mendoza-Gonzalez, Francisco
Subject: Parking situation at 708 w 20th

Good morning Francisco,

We have no concerns regarding lack of parking when Holly Lee's salon moves into our building. Currently there are 14 parking spaces on our property and approximately 20+ street parking spaces on our block. In the 8 years since our structure was built, I have yet to see all of our property parking spaces full or see all of the street parking full. On a busy day I estimate only 1/4 to 1/3 of the available street parking is occupied around our building. Due to my observations over the past 8 years regarding parking around our building, I have no concerns that bringing the salon into our building will negatively impact the parking situation. If you have further concerns or questions that I may be of help with, please feel free to contact me.

--

Matthew Lee, O.D.
Lee and Associates
708 West 20th
Suite A
Merced, CA. 95340
(209)384-2335

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #385 (Environmental Review #15-24)

Project Applicant: Holly Lee

Project Location (Specific): 708 W. 20th Street, Ste. C APN: 031-051-005

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Holly Lee

Exempt Status: (check one)

- ____ Ministerial (Sec. 21080(b)(1); 15268);
____ Declared Emergency (Sec. 21080(b)(3); 15269(a));
____ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
X Categorical Exemption. State Type and Section Number: 15301 (a)
____ Statutory Exemptions. State Code Number: _____
____ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior alterations only, such as installing a ventilation system, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 09-03-2015 **Title:** Planner

X Signed by Lead Agency

Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

CITY OF MERCED
Site Plan Review Committee

MINUTES

Planning Conference Room
2nd Floor Civic Center
Thursday, October 8, 2015

Acting Chairperson KING called the meeting to order at 1:34 p.m.

ROLL CALL

Committee Members Present: Principal Planner King (for Director of Development Services Gonzalves), Land Engineer Cardoso (for City Engineer Elwin), and Assistant Chief Building Official Stephenson

Committee Members Absent: None

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Planner/Recording Secretary Mendoza-Gonzalez, and Senior Deputy City Attorney Rozell (in attendance only for a portion of item 4.3)

1. **MINUTES**

M/S STEPHENSON-CARDOSO, and carried by unanimous voice vote, to approve the Minutes of both August 13, 2015, and September 10, 2015, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.1 Site Plan Application #386, submitted by Alik Ghazaryan for K C Parcel 12 Properties, LLC, property owners, to allow a biomedical waste transfer station within a 1,250-square-foot tenant space inside

October 8, 2015

an existing building located at 116 Heron Way (Suite F), within a Light Industrial (I-L) Zone.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #386. A memorandum was distributed before the meeting showing corrections and modifications to findings in the draft resolution. Finding D should be corrected to show that the subject site is located within Airport Compatibility Zones B1 and C instead of Zones B1 and A. In addition, Findings E and F should be updated to show that the applicant does not desire to store dental waste or hazardous liquid waste within their facility at this time.

Acting Chairperson KING recommended modifying Condition #6 to require the applicant to comply with all requirements from the California Department of Public Health and the Merced County Health Department prior to obtaining a Business License or a Building Permit, instead of prior to opening for business.

M/S STEPHENSON-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-25, and approve Site Plan Application #386, subject to the Findings and fourteen (14) conditions set forth in the Draft Resolution #386; amending Findings D, E, and Condition # 6 and adding Finding F as follows:

(Note: ~~Strikethrough~~ deleted language, underline added language.)

"D) The subject site is located within Airport Compatibility Zones B1 and A C. Approval of this use shall be subject to approval from the Airport Land Use Commission or its staff designee. City Council may override the Commission's determination (see Condition #10).

"E) As shown on Exhibit D, the types of biohazardous waste stored in this facility include, but are not limited to, pharmaceutical waste, chemotherapy waste, ~~dental waste, liquid hazardous waste,~~ and pathological waste. Biohazardous waste types not originally reviewed and approved with this request may require additional permits from the California Department of Public Health, Merced County Health Department, City of Merced Fire Department, City

October 8, 2015

of Merced Water Quality Control Division, or other regulatory agencies (see Condition #11).

"F) Although stated in Exhibit D, the applicant is electing to not store dental waste or hazardous liquid waste in their facility at this time.

"6. The applicant shall contact the California Department of Public Health and the Merced County Health Department and comply with all requirements for this type of business prior to ~~opening~~ obtaining a business license or building permit."

AYES: Committee Member Cardoso, Stephenson, and Acting Chairperson King

NOES: None

ABSENT: None

4.2 Site Plan Application #387, submitted by Robert Lattanzio on behalf of Merla E. Puray, property owner, to allow the construction of a 15,237-square-foot office building and associated parking on a 1.6-acre vacant parcel located at 3172 M Street, within Planned Development (P-D) #5, with a Commercial Office (CO) General Plan designation.

Planner MENDOZA-GONZALEZ reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #387. Committee Member CARDOSO recommended modifying Condition #26 to allow the City to retain a portion of the existing sidewalk easement.

M/S STEPHENSON-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-26, and approve Site Plan Application #387, subject to the Findings and twenty-six (26) conditions set forth in the Draft Resolution #387:

(Note: ~~Strikethrough~~ deleted language, underline added language.)

"26. The applicant shall submit a request for the abandonment of a portion of the sidewalk easement located on the western edge of the parcel, prior to building permit issuance."

October 8, 2015

AYES: Committee Member Cardoso, Stephenson, and Acting
Chairperson King

NOES: None

ABSENT: None

4.3 Site Plan Application #388, submitted by Big Red Rooster, on behalf of BDC Merced, LP, property owner, to allow outdoor seating for a restaurant located at 3572 G Street, within Planned Development (P-D) #26 with a Neighborhood Commercial (CN) General Plan designation.

Associate Planner NELSON reviewed the application for this item. For further information, refer to Draft Site Plan Review Committee Resolution #388. She noted that Finding D should be corrected to show that the restaurant will have forty indoor seats not thirty-eight.

Committee Member CARDOSO was concerned that the Yosemite North Shopping Center CC&R Board may not support this request. The applicant did not submit a letter from the board or authorized individuals showing that they support this development within the shopping center common space.

Senior Deputy City Attorney ROZELL was called into the meeting for consultation at 2:38 p.m. He shared similar concerns as those expressed by Committee Member CARDOSO. He recommended adding Condition #15 to address this concern.

M/S STEPHENSON-CARDOSO, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-27, and approve Site Plan Application #388, subject to the Findings and thirteen (13) conditions set forth in the Draft Resolution #388; Finding D amended and Condition # 14 added as follows:

(Note: ~~Strikethrough~~ deleted language, underline added language.)

"D) The proposed outdoor seating would provide an additional 32 seats for the restaurant (Exhibit C) and consist of tables, chairs, and umbrellas (Exhibit F). Forty ~~Thirty-eight~~ seats are provided inside the restaurant.

October 8, 2015

"14. Prior to building permit issuance, the property owner shall provide a letter confirming that the proposed outdoor seating complies with all requirements of the CC&R's for the Yosemite North Shopping Center relating to the use of the shopping center common areas affected by this project."

AYES: Committee Member Cardoso, Stephenson, and Acting
Chairperson King

NOES: None

ABSENT: None

5. **INFORMATION ITEMS**

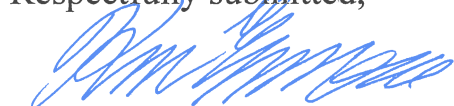
5.1 Calendar of Meetings/Events

There was no discussion regarding the calendar of meetings/events.

6. **ADJOURNMENT**

There being no further business, Acting Chairperson KING adjourned the meeting at 2:56 p.m.

Respectfully submitted,



Kim Espinosa, Secretary

Merced City Site Plan Review Committee

APPROVED:



BILL KING,

Acting Chairperson/

Principal Planner,

Merced City Site Plan Review Committee

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #386

<u>Alik Ghazaryan</u> APPLICANT	<u>Locate a biomedical waste transfer station inside an existing tenant space.</u> PROJECT
<u>11152 Fleetwood Street, Unit 9</u> ADDRESS	<u>116 Heron Way, Suite F</u> PROJECT SITE
<u>Sun Valley, CA 91352</u> CITY/STATE/ZIP	<u>059-430-034</u> APN
<u>(818) 446-2334</u> PHONE	<u>Light Industrial (I-L)</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Review Application #386 on October 8, 2015, submitted by Alik Ghazaryan for K C Parcel 12 Properties, LLC, property owners, to allow a biomedical waste transfer station within a 1,250-square-foot tenant space inside an existing building located at 116 Heron Way (Suite F), within a Light Industrial (I-L) Zone. Said property being more particularly described as Lots 14 and 15 as shown on the Map entitled "Map of Merced Airport Industrial Park," recorded in Volume 20 at Page 51, Merced County Records; also known as Assessor's Parcel Number (APN) 059-430-034.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit E); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the City of Merced General Plan designation of Manufacturing/Industrial (IND) and the zoning designation of Light Industrial (I-L).
- B) There are no changes proposed for the interior or exterior of the building.
- C) The subject site has adequate parking for this use and the existing business. However, additional parking may be required for future uses within the building if more parking-intensive uses are proposed. Future land uses may be limited by parking availability (see Condition #5).
- D) The subject site is located within Airport Compatibility Zones B1 and C. Approval of this use shall be subject to approval from the Airport Land Use Commission or its staff designee. City Council may override the Commission's determination (see Condition #10).
- E) As shown on Exhibit D, the types of biohazardous waste stored in this facility include, but are not limited to, pharmaceutical waste, chemotherapy waste, and

pathological waste. Biohazardous waste types not originally reviewed and approved with this request may require additional permits from the California Department of Public Health, Merced County Health Department, City of Merced Fire Department, City of Merced Water Quality Control Division, or other regulatory agencies (see Condition #11).

- F) Although stated in Exhibit D, the applicant is electing to not store dental waste or hazardous liquid waste in their facility at this time.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #386, subject to the following conditions:

1. All applicable conditions contained in Site Plan Approval Resolution #79-1-Amended ("Standard Conditions for Site Plan Application") shall apply.
2. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
3. The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (floor plan), and as modified by the conditions of approval within this resolution.
4. Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
5. Due to limited parking availability, this approval allows for a maximum of one vehicle to be used in the conduct of business and for two employees to work during the largest shift. Any increase in both the number of vehicles used in the conduct of business or employees working during the largest shift shall be subject to review by the Director of Development Services, or if deemed necessary, the Site Plan Review Committee.
6. The applicant shall contact the California Department of Public Health and the Merced County Health Department and comply with all requirements for this type of business prior to obtaining a business license or building permit.
7. The applicant shall contact the City's Water Quality Control Division and comply with all requirements for this type of business and obtain all proper permits prior to opening for business. Said requirements may include, but are not limited to, ensuring that the storage area (for waste) does not contain drains and ensuring that all items are stored in secondary containments.
8. Storage waste inside the building shall be stored and removed as required by State and/or Federal law.
9. The business owner and their successors-in-interest shall be fully responsible for any Project-related contamination that may be found on the site, away from the site, and for any necessary clean-up of such contamination. This includes all types of hazardous materials or other contaminants. The site plan permit may be subject to review and revocation by the City of Merced per the procedures in the Merced Municipal Code.

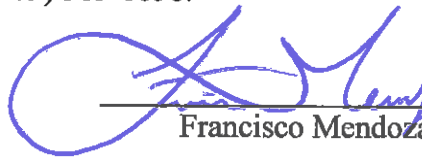
October 8, 2015

10. Approval of this application is subject to approval and/or recommendation by the Airport Land Use Commission, or its staff designee, to determine that the project is consistent with the Airport Land Use Compatibility Plan.
11. Biohazardous waste types not originally approved with this request may require additional permits from the California Department of Public Health, Merced County Health Department, City of Merced Fire Department, or the City of Merced Water Quality Control Division. The applicant shall be responsible for contacting all pertinent regulatory agencies and informing them of any changes in waste storage types stored in this facility and obtaining proper permits.
12. All signing shall comply with the City's Sign Ordinance. Sign permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.
13. All existing landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
14. The premises shall remain clean and free of debris and graffiti at all times.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

October 8, 2015

DATE



Francisco Mendoza-Gonzalez

Planner

TITLE

Exhibits:

- A) Location Map
- B) Site Plan
- C) Floor Plan (Not to Scale)
- D) Business Operation Details
- E) Categorical Exemption



Subject Site

EXHIBIT A

HAWK

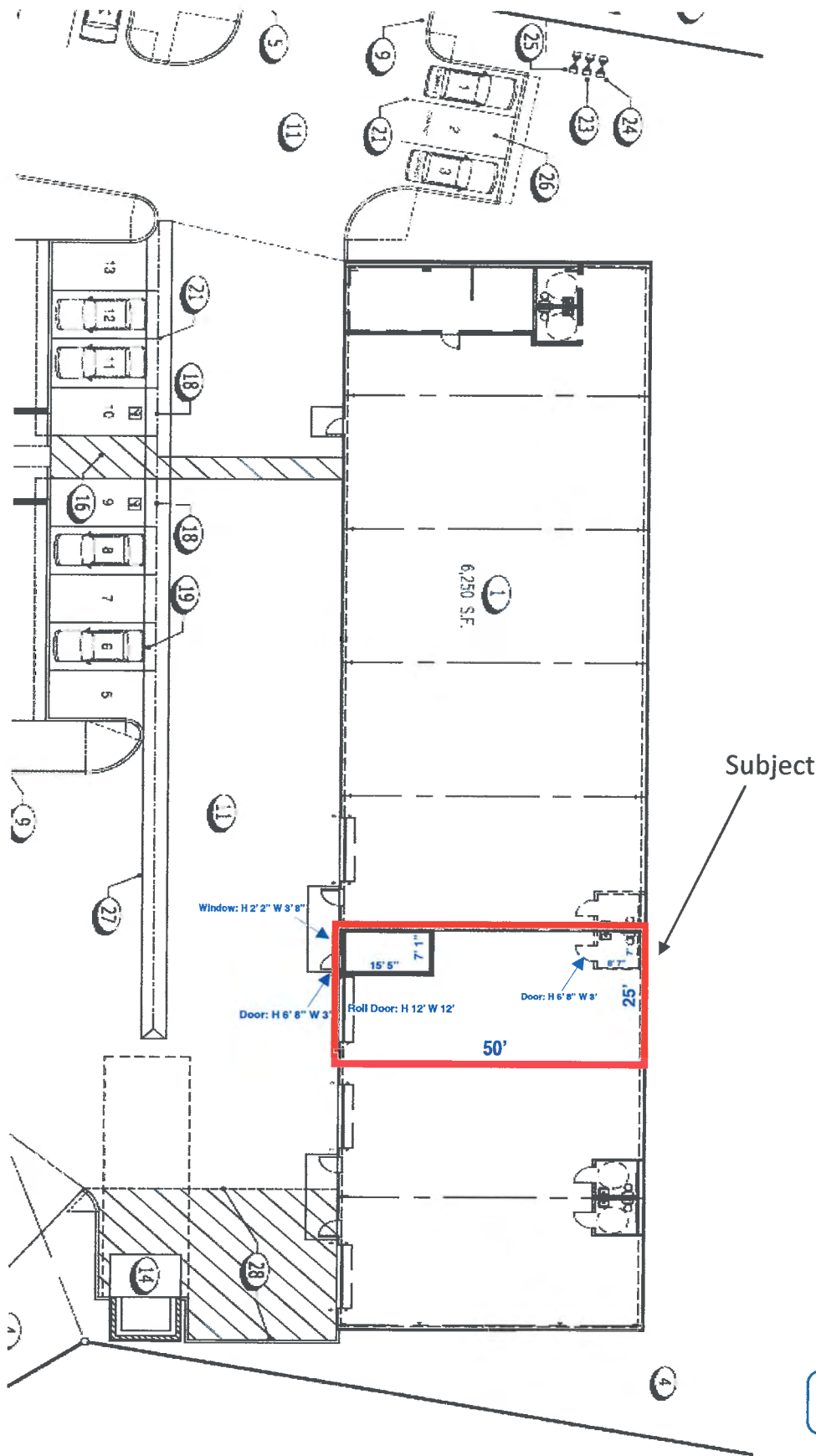


EXHIBIT B

Floor Plan:
Biomedical Waste Disposal
116 Heron Way, #F
Merced, CA 95341
Total SF: 1,250

***THE COLORED ZONES
WILL BE LABELED WITH
INDUSTRIAL FLOOR
MARKERS****

***PLEASE NOTE THERE
WILL BE NO STRUCTURES
ADDED OR MODIFIED****

-  Waste Storage Zone:
L 42' W 13'
-  Clean Cont. Zone:
L 21' 7" W 7"
-  Scale/ Weigh Zone:
L 4' H 4'

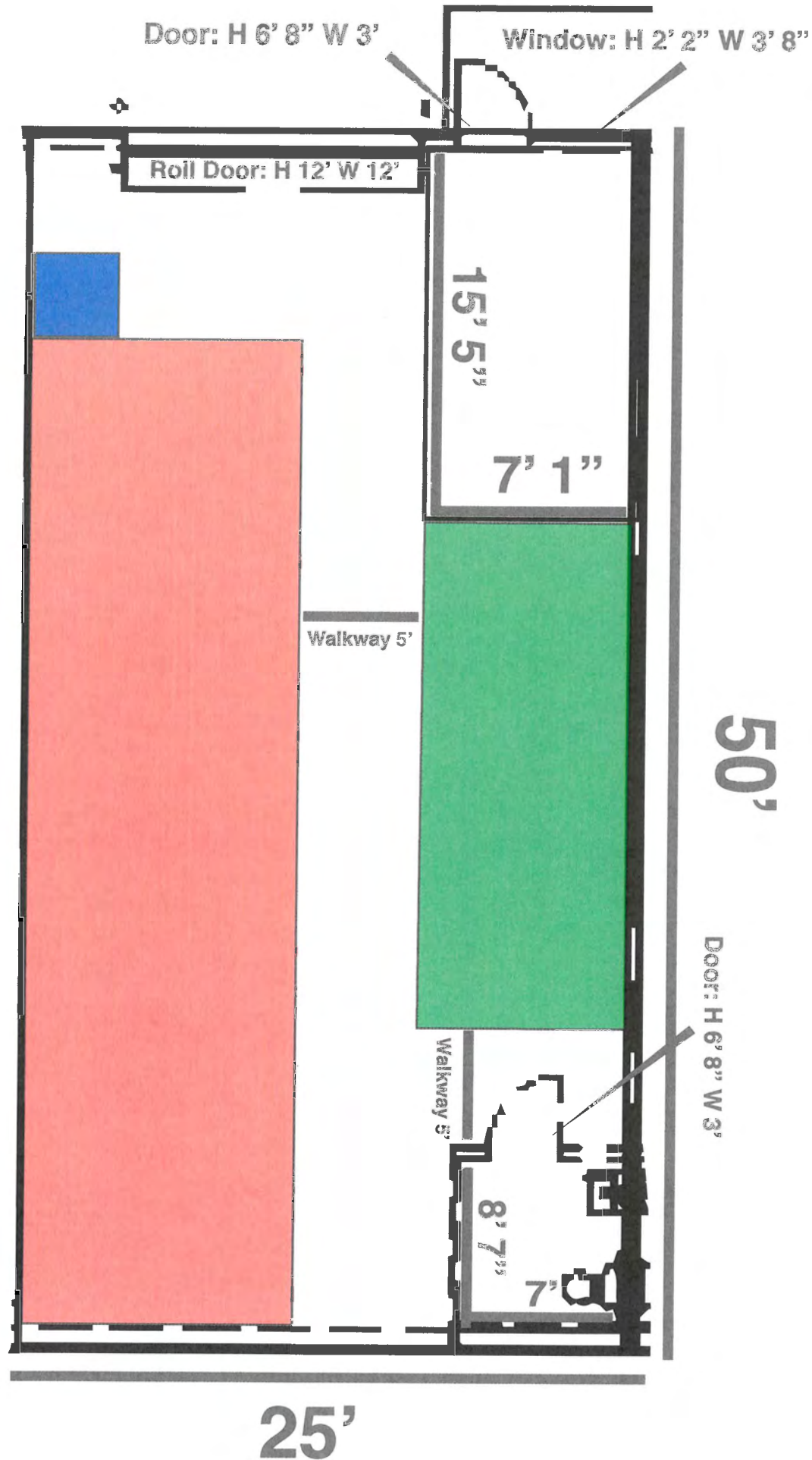


EXHIBIT C



Biomedical Waste Disposal

12930 Ventura Blvd., #915, Studio City, CA 91604

Phone: 1-877-644-2424 | Fax: 1-818-824-8033

www.biomedwastedisposal.com

Zone Descriptions:

Waste Storage Zone (RED): This area will be kept sanitary to state standards at all times. We will store various containers filled with "Biohazardous Waste" in this area for a period NO LONGER than seven (7) days. Types "Biohazardous Waste" stored in this zone include but are not limited to pharmaceutical waste, chemotherapy waste, dental waste, liquid hazardous waste, and pathology waste. The container sizes stored in this area will vary from 1Qt. to 44 Gal. in capacity. These containers will be labeled appropriately and ALWAYS handled with gloves. There will be NO other structures, objects, or materials within this zone as per state regulations.

Clean Container Zone (GREEN): This area will be kept sanitary to state standards at all times. We will store various waste containers that will remain empty and free of residue at all times. Prior to being stored in this zone- these containers will undergo various sanitation techniques. Sanitation techniques will be performed off-site and include but are not limited to acid washing, bleach washing, intense heat steaming, and various chemicals baths. The container sizes stored in this area will vary from 1Qt. to 44 Gal. in capacity. These containers will be labeled appropriately and ALWAYS handled with gloves. There will be NO other structures, objects, or materials within this zone as per state regulations.

Office Area: This area will be kept sanitary to state standards at all times. This area will be used to store and organize any documentation associated with our business. Other items found in this area will be safety supplies, computer/printer, and standard cleaning compounds.

Bathroom Area: This area will be kept sanitary to state standards at all times. This area will ONLY contain various toiletries and personal hygiene supplies.

FAST • EASY • CONVENIENT



Biomedical Waste Disposal

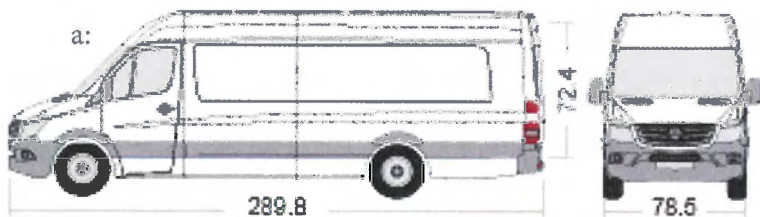
12930 Ventura Blvd., #915, Studio City, CA 91604

Phone: 1-877-644-2424 | Fax: 1-818-824-8033

www.biomedwastedisposal.com

Business Brief:

We will only have one (1) employee at this location at any given time. We will also keep one (1) 2014 Mercedes-Benz Sprinter 2500 High Roof Cargo Van there (see graphic 'a' below). Our one (1) employee will arrive and leave between our operating hours of 6am-6pm M-F. Upon arriving in the morning, the employee will load the van with the required empty containers (see graphics 'b1,b2,b3,b4' below) from the Clean Container Zone. The quantity and size of the contains will vary day-to-day. The employee will then depart to surrounding cities to service our various customers and collect the medical waste (roughly 200lbs total per day). After the employee has finished their route for the day, they will return to this location to carefully unload the- now full- waste containers into the Waste Storage Zone. While out employee unloads the waste, they will carefully weigh and document the weights in the Weighing Zone. All loading and unloading will be done with hand-carts and ramps. No single container will weigh more than 45lbs. The waste will not be stored on site for longer than seven (7) days, as per California State Law. Once a week the employee will carefully load the full waste containers back into the cargo van and transport them to the disposal facilities located at : 7321 Quimby St. Paramount, CA 90723. There the containers will be sanitized and prepped to be returned to the Clean Container Zone. The van will then be returned empty and ready for another week of business.



b3: 38 Gal. Bin 32"x19"x19"



b1: 18 Gal. Bin 15"x19"x19"



b2: 28 Gal. Bin 21"x19"x19"



b4: 44 Gal. Bin 24"x24"x27"

FAST • EASY • CONVENIENT

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

 X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #386 (Environmental Review #15-25)

Project Applicant: Alik Ghazaryan

Project Location (Specific): 116 Heron Way, Suite F **APN:** 059-430-034

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Alik Ghazaryan

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ X Categorical Exemption. State Type and Section Number: 15301 (a)
☐ Statutory Exemptions. State Code Number: _____
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior alterations only which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

Signature:  **Date:** 9-21-2015 **Title:** Planner

 X Signed by Lead Agency **Date Received for Filing at OPR:** _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

EXHIBIT E

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #387

<u>Robert Lattanzio</u> APPLICANT	<u>New 15,237 s.f. office building for the Central Valley Regional Center.</u> PROJECT
<u>940 Calle Negocio, Suite 300</u> ADDRESS	<u>3172 M Street</u> PROJECT SITE
<u>San Clemente, CA 92673</u> CITY/STATE/ZIP	<u>236-230-010</u> APN
<u>(949) 276-4402</u> PHONE	<u>Planned Development (P-D) #5</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #387 on October 8, 2015, submitted by Robert Lattanzio on behalf of Merla E. Puray, property owner, to allow the construction of a 15,237-square-foot office building and associated parking on a 1.6-acre vacant parcel located at 3172 M Street, within Planned Development (P-D) #5, with a Commercial Office (CO) General Plan designation. Said property being more particularly described as Parcel B as shown on the Map entitled "Parcel Map for Herbert H. Lockyer," recorded in Book 28, Page 45 of Merced County Records; also known as Assessor's Parcel Number (APN) 236-230-010.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15332 (Exhibit E); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the General Plan designation of Commercial Office (CO) and the Zoning classification of Planned Development (P-D) #5.
- B) The proposed project provides eighty-three parking spaces. The parking requirement for an office is one space for each two hundred and fifty square feet of floor area and one space for each vehicle used in the conduct of business. Based on this formula, sixty-one parking spaces are required for this use. The project provides an additional twenty-two parking spaces above the minimum requirement.
- C) The official colors for the exterior of the building have yet to be selected. However, the architect has stated that she intends to use an earth tone color scheme (e.g. off-white, beige, tan, brown, etc.) with accent colors (dark earth tone colors) throughout the building (see Condition #11).

- D) The signage locations shown on the elevations are being provided for conceptual purposes only and should not be considered with this request (Exhibit D). The applicant has yet to determine the official signage locations or signage types for this building. However, the applicant is seeking administrative approval for additional signage with this permit. Based on the North Merced Sign Ordinance (MMC 17.36.660.G.2.) this building would qualify for a maximum of 37.5-square-feet of signage. Signage shall be reviewed with sign permit applications to ensure compliance with the City's Sign Ordinance (see Condition #24).
- E) There is an existing sidewalk easement (14-feet wide) located along the western edge of the parcel. The City's Land Engineer does not anticipate a need for this easement and recommends that it be abandoned by the City (see Condition #26).
- F) Portions of the floor plan are currently being modified by the architect and the business owner. The applicant has confirmed that these modifications shall not affect the site plan or elevations for this project.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #387 subject to the following conditions:

- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit D (elevations), and as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
- 4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including the Post Construction Standards for Storm Water that became effective July 1, 2015.
- 5) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental

- entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 6) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
 - 7) Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
 - 8) All parking lot and building lighting shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
 - 9) Bicycle parking spaces shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.
 - 10) The developer shall work with the City Engineer to determine the requirements for storm drainage on the site and the method used to move the storm water to the City’s storm drainage system. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and State regulations.
 - 11) The applicant shall provide the Planning Department with paint samples or colored elevations for approval prior to building permit issuance.
 - 12) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access. The developer shall work with the Fire Department and Refuse Department at the building permit stage to ensure proper access is provided.
 - 13) All driveways into the site shall comply with City Standards and all handicap accessibility requirements.
 - 14) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
 - 15) At time of building permit review, the applicant shall provide documentation of cross access agreements for shared access between the subject site and the property to the south (3170 M Street with APN 236-230-009). If the applicant is unable to obtain a cross access agreement, the applicant shall work with the City’s Engineering Department to determine an alternate access location (if needed).

- 16) The applicant shall work with the City's Refuse Department to determine the exact location for a refuse enclosure. In addition, the applicant shall work with the City's Refuse Department to determine if a recycling container will be required to comply with AB 341. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards. Prior to pouring the concrete for the refuse enclosure, the contractor shall contact the Refuse Department at 209-385-6800 to arrange an inspection by Refuse Department staff to verify the location and angle of the enclosure.
- 17) The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces. These trees shall be installed per the City's Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Irrigation to these trees shall be provided through a drip irrigation or micro-spray system.
- 18) Street trees shall be provided per City Standards. Tree species shall be selected from the City's approved street tree list.
- 19) All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system.
- 20) Detailed landscape and irrigation plans shall be submitted at the building permit stage. These plans shall include all on-site landscaping and all required landscaping in the public right-of-way.
- 21) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
- 22) All mechanical equipment shall be screened from public view.
- 23) It is recommended that the exterior building walls be treated with an anti-graffiti coating to make graffiti removal easier. In any case, graffiti removal shall take place within 24 hours of appearing and shall be painted over with a paint color that matches the existing color of the building wall.
- 24) All signing shall comply with the North Merced Sign Ordinance. The building may have a maximum of 37.5-square-feet of signage. Building permits shall be obtained

prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed.

- 25) The premises shall remain clean and free of debris and graffiti at all times.
- 26) The applicant shall submit a request for the abandonment of a portion of the sidewalk easement located on the western edge of the parcel, prior to building permit issuance.

If there are any questions concerning these conditions and recommendations, please contact Francisco Mendoza-Gonzalez at (209) 385-6858.

October 8, 2015

DATE



Francisco Mendoza-Gonzalez

Planner

TITLE

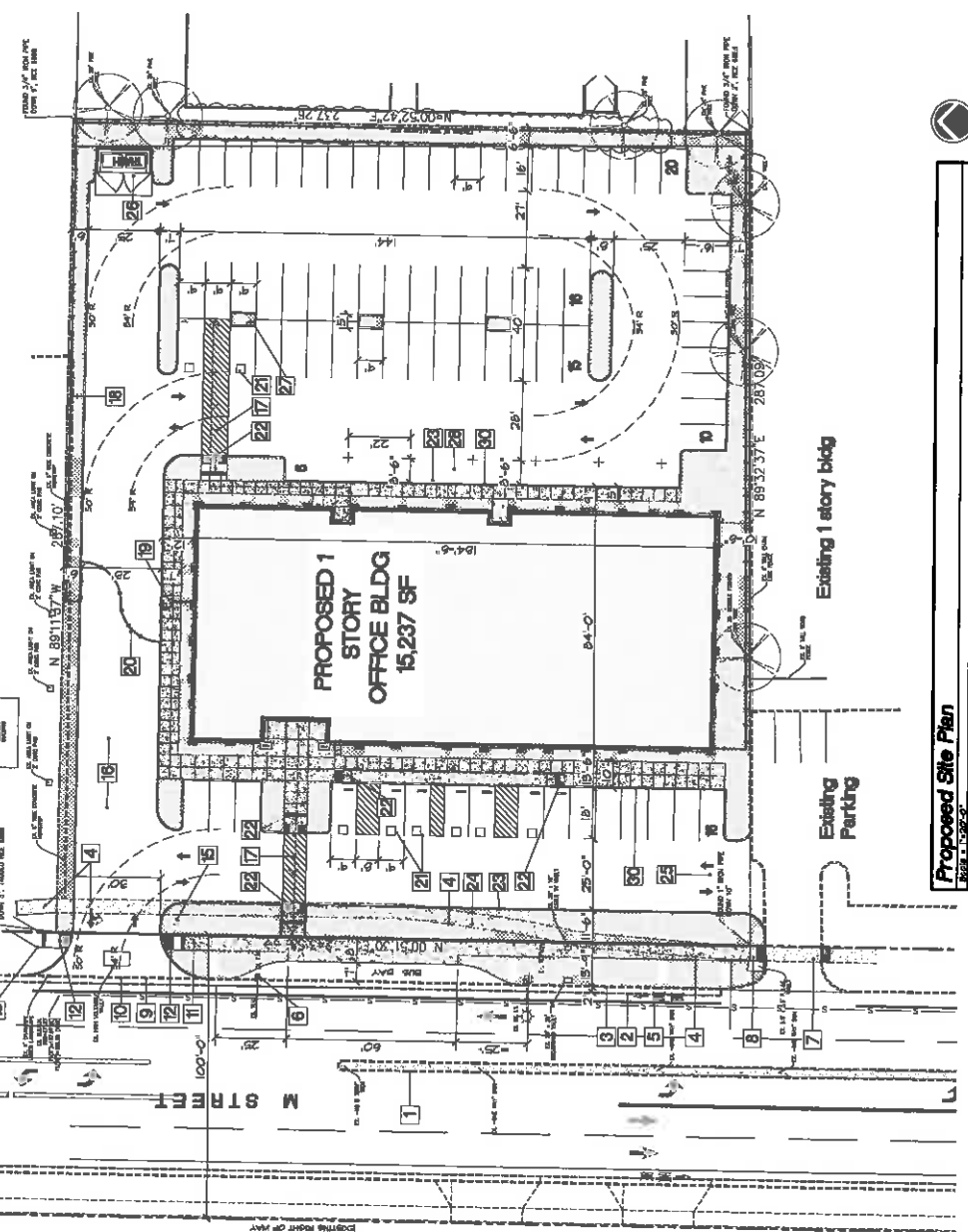
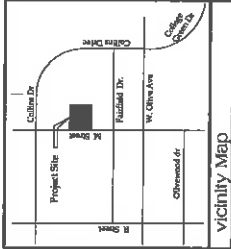
Exhibits

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Elevations
- E) Categorical Exemption



EXHIBIT A

Project Information	
Use:	Office Building
Client:	LAND SC, Inc. 940 Calle Negocio, Suite 200 San Clemente, CA 92675
Address:	3172 M Street Merced, CA
APN:	286-260-010
Zoning:	P-20 (Office / Commercial designation)
Number of Stories:	1 Story Building
Building Occupancy:	B & A3
Construction Type:	V
Parcels:	1.56 ac = 66,019 sq ft
Building Area:	
Proposed:	= 15,237 sq ft
Parking Count:	
Maximum Parking:	
Standard:	1 space per 250 sq ft of bldg.
Area:	15,237 / (250) = 60.95 sq ft
Area:	14,603 sq ft / 250 = 58.41 sq ft
Provided Parking:	
Standard:	70 stalls
Available:	8 stalls
Total:	78 stalls



No.	Description
1	Existing median to remain
2	Existing gutter
3	Existing concrete curb
4	Existing concrete sidewalk, shown dashed to be replaced
5	Existing blue line
6	Existing fire hydrant to be relocated
7	Existing curb ramp
8	Remove existing curb, gutter, and sidewalk
9	Approach per City of Merced Public Works Department
10	Approach per City of Merced Public Works Department
11	Approach per City of Merced Public Works Department
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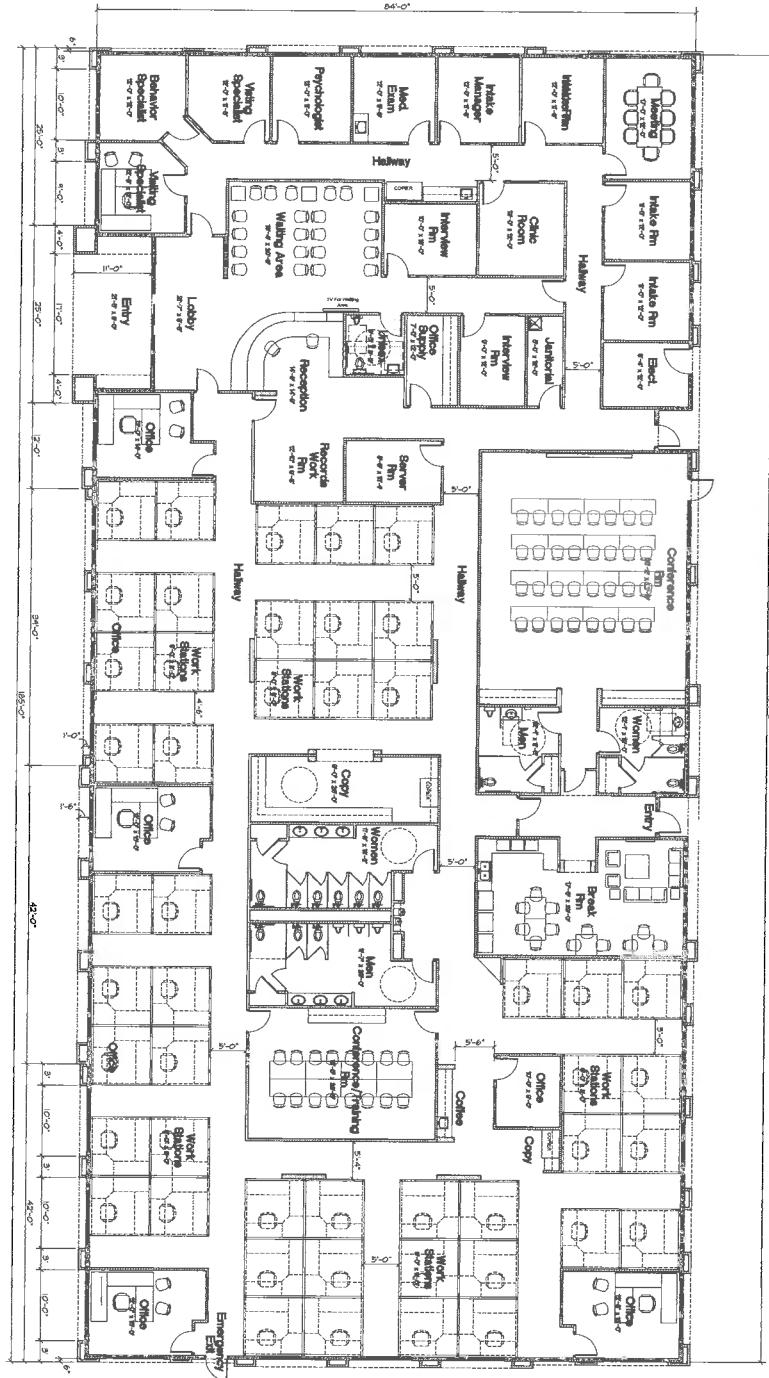
Site Plan Key Notes



Proposed Site Plan
Scale: 1" = 50'-0"

PROPOSED 1 STORY OFFICE BUILDING, 3172 M' Street, MERCED CA.

Proposed Floor Plan



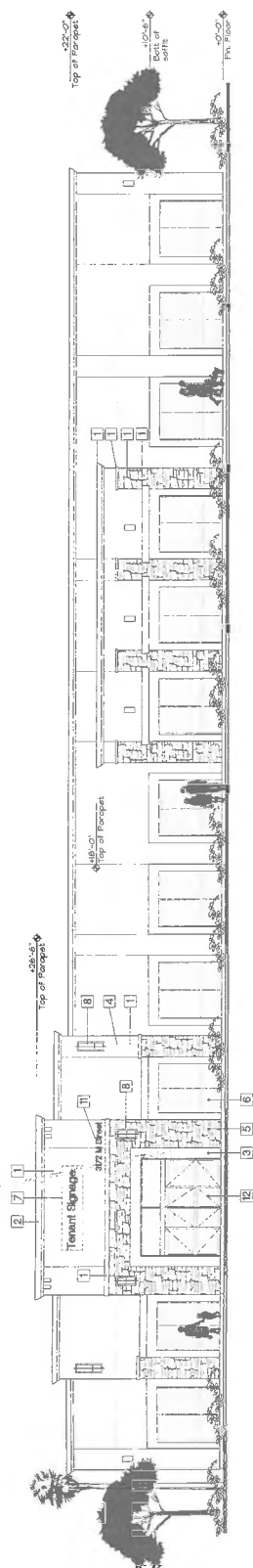
Project Data:
 1 story bldg
 Const. Type VB
 Sprinkler / Yes
 Occupancy B / A2

Phase 1
 Area = 15,237 sq. ft.
 Future Exp = 3,230 sq. ft.
 Total Area = 18,467 sq. ft.

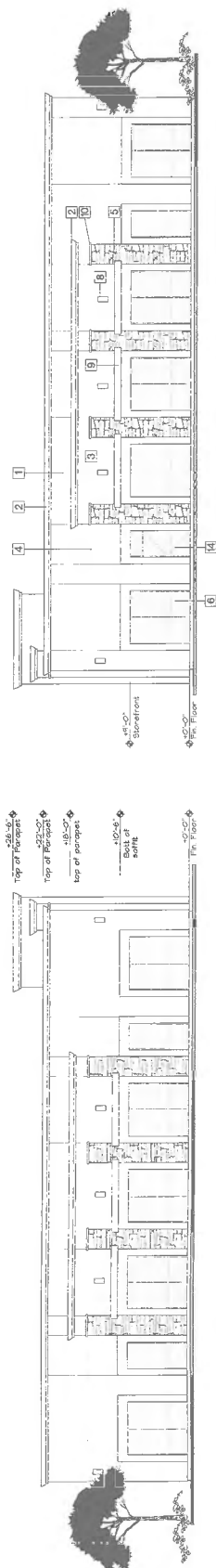
PROPOSED 1 STORY OFFICE BUILDING, 3172 'M' Street, MERCED CA.



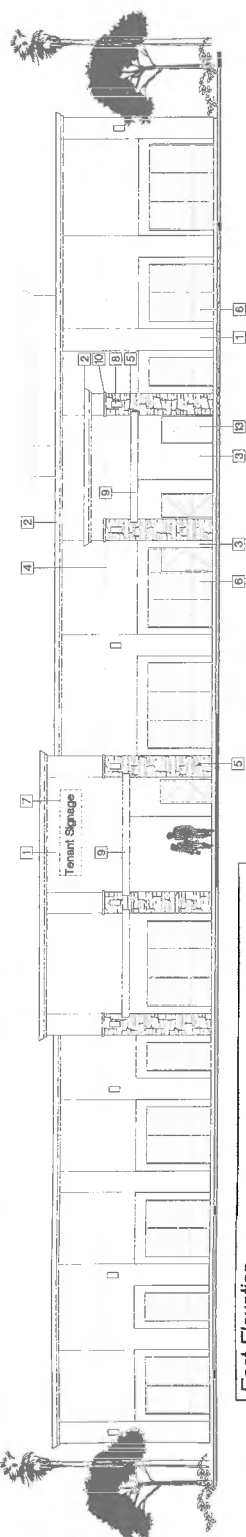
A2.1



West Elevation



North Elevation



East Elevation

[illegible]

Site Plan Key Notes

This sheet and its contents and labels are the property of the "Verbal Group" and no one shall be granted without express written consent.

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

 X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #387 (Environmental Review #15-26)

Project Applicant: Robert Lattanzio

Project Location (Specific): 3172 M Street **APN:** 236-230-010

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Robert Lattanzio

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ X Categorical Exemption. State Type and Section Number: 15332
☐ Statutory Exemptions. State Code Number: _____
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt:

As defined under the above referenced Section, the proposed project is considered an in-fill project. The project location is within the City limits on an approximately 1.6-acre parcel surrounded by urban uses. The site can be served by all required utilities and public services, and the project site has no value as habitat for endangered, rare or threatened species. No significant effects resulting from traffic, noise, air quality, or water quality will result from the construction of the building. The project is consistent with the City of Merced General Plan and Zoning regulations.

Lead Agency: City of Merced

Contact Person: Francisco Mendoza-Gonzalez

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 09-21-2015 **Title:** Planner

 X Signed by Lead Agency

Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #388

<u>Big Red Rooster</u> APPLICANT	<u>Allow outdoor seating for a restaurant (no alcohol served in outdoor area)</u> PROJECT
<u>398 S. Mill Ave., Ste. 201</u> ADDRESS	<u>3172 G Street</u> PROJECT SITE
<u>Tempe, AZ 85281</u> CITY/STATE/ZIP	<u>006-490-006</u> APN
<u>480-626-6304</u> PHONE	<u>Planned Development (P-D) #26</u> ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #388 on October 8, 2015, submitted by Big Red Rooster, on behalf of BDC Merced, LP, property owner, to allow outdoor seating for a restaurant located at 3572 G Street, within Planned Development (P-D) #26 with a Neighborhood Commercial (CN) General Plan designation. Said property being more particularly described Parcel 6 as shown on the Map entitled "Parcel Map for FHK Investment Company," recorded in Book 65, Page 25 of Merced County Records; also known as Assessor's Parcel Number (APN) 006-490-006.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15301 (a) (Exhibit G); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the General Plan designation of Neighborhood Commercial (CN) and the Zoning classification of Planned Development (P-D) #26.
- B) The site is located within the Yosemite North Shopping Center (aka: Raley's Shopping Center) (Exhibit A).
- C) The site shares parking with the entire shopping center. The outdoor seating area would reduce the number of parking spaces in the shopping center by one space and eliminate a landscape area within the parking lot (refer to the Site Plan at Exhibit B).
- D) The proposed outdoor seating would provide an additional 32 seats for the restaurant (Exhibit C) and consist of tables, chairs, and umbrellas (Exhibit F). Forty seats are provided inside the restaurant.

- E) No alcoholic beverages are proposed to be served at the restaurant, either inside or outside. Condition #7 requires approval by the California Department of Alcoholic Beverage Control (ABC) and the City of Merced prior to serving alcoholic beverages.
- F) Fencing is proposed around the portion of the outdoor seating area adjacent to the parking lot (refer to Exhibits D and E).

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #388 subject to the following conditions:

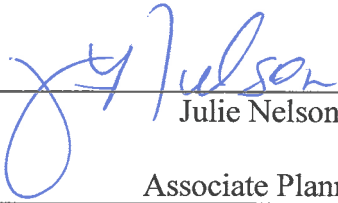
- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (floor plan), Exhibit D (elevations), Exhibit E (fencing detail), and Exhibit F (outdoor equipment) except as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including, but not limited to, the California Building Code and Fire Codes.
- 4) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 5) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event

- of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 6) Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
 - 7) If in the future, the tenant desires to sell alcoholic beverages, Conditional Use Permit approval shall be obtained from the City of Merced as well as a license from the California Department of Alcoholic Beverage Control (ABC).
 - 8) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
 - 9) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
 - 10) A minimum of 2 bicycle parking spaces shall be provided based on the number of vehicle spaces required for this use. However, additional bicycle parking is encouraged. Location of bicycle parking will be determined at the building permit stage.
 - 11) All signing shall comply with the North Merced Sign Ordinance. A maximum of 47 square feet of sign area is allowed for this tenant space. Building permits shall be obtained prior to installing any permanent signing. Any advertising on the umbrellas in the outdoor area shall count toward the overall sign area allowed for this tenant. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed. No signs/banners shall be hung from the fencing or between the building pillars around the sidewalk area.
 - 12) All tables, chairs, fencing, and other equipment in the outdoor seating area shall be regularly maintained and kept in good condition.
 - 13) The premises shall remain clean and free of debris and graffiti at all times.
 - 14) Prior to building permit issuance, the property owner shall provide a letter confirming that the proposed outdoor seating complies with all requirements of the CC&R's for the Yosemite North Shopping Center relating to the use of the shopping center common areas affected by this project.

If there are any questions concerning these conditions and recommendations, please contact Julie Nelson at (209) 385-6858.

10-8-15

DATE



Julie Nelson

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Floor Plan
- D) Elevations
- E) Fence Detail
- F) Patio Equipment (tables, chairs, umbrellas)
- G) Categorical Exemption



SANDPIPER

YOSEMITE

Subject Site

RALEY'S

DONNA

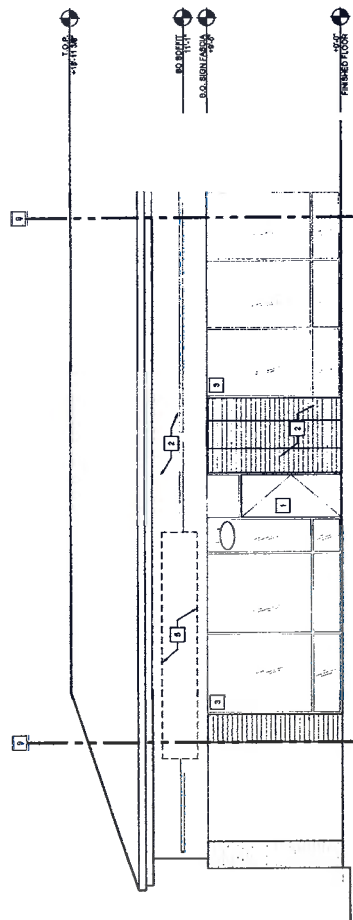
ARCH ROCK



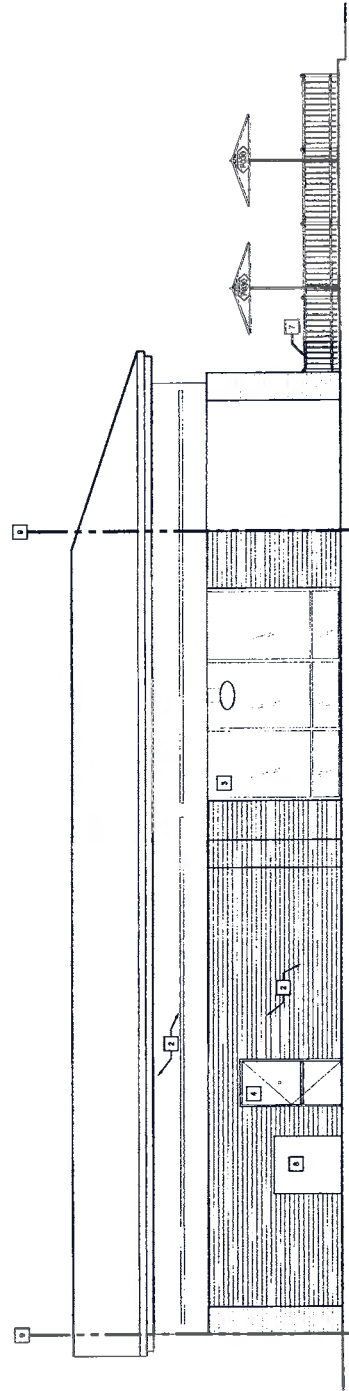
EXHIBIT A

©

- 1 EXISTING STORM/DOOR DOOR
- 2 EXISTING FRAMES TO REMAIN, Q.C. TO MATCH AND REPAIR ANY DAMAGE TO EXISTING FRAMES AND GLASS, REPAIR OR REPLACE ALL JACKBOYS TYP.
- 3 EXISTING FOREFRONT GLAZING SYSTEM TO REMAIN
- 4 NEW SERVICE DOOR
- 5 REPAIR BY TARRANT'S SON CONTRACTOR, UNDER REPAIRS PROGRAM
- 6 AND APPROVAL
- 7 EXISTING WINDOW TO REMAIN
- 8 NEW/EXIST. SHUTTER AND GATE, W/ASTIC MOUNTAGE PLUS BY AMERISTAR COLOR, BLACK
- 9 NEW/EXIST. COOT THIN IN GLOVED CABINET INSTALLED PER MANUFACTURER'S SPECIFICATIONS, UNDER REPAIRS PROGRAM APPROVAL
- 10 1 (LAME LINE)



2 EXTERIOR ELEVATION - WEST



1 EXTERIOR ELEVATION - NORTH

Municipal Approval Stamp

GALBI PUB GRUBBING
FIVE GUYS®

©Harvard

THIS DRAWING AND SPECIFICATION ARE THE CONFIDENTIAL AND PROPRIETARY PROPERTY OF HYUNDAI TIRE LIMITED, U.S. AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN AUTHORIZATION.

Project



DAVID A. VOKOW, ARCHITECT
11881 N. ILINA WAY
SCOTTSDALE, AZ 85259
480.634.3388 PH
480.614.6209 FAX
david@daivokow.net EMAIL

Architect of Record

Consultant

[illegible]

510 *Journal of Management Education*

Seed 0107/10/11

PERMIT/ BID:

Storm Number FGE-

Approved

EXTERIOR ELEVATIONS

13

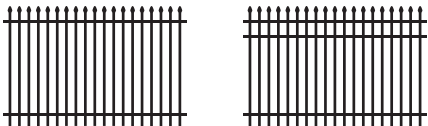
A3-01

MONTAGE PLUS[®]

STYLES, HEIGHTS, & PANEL OPTIONS

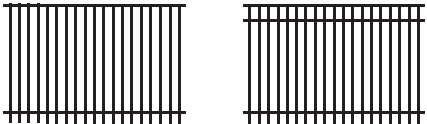


Available Heights: 3', 3-1/2', 4', 5', 6'
Rail Treatment: Extended Picket or Flush Bottom
Picket Air-Space: 4" standard or 3" Pet, Pool, & Play

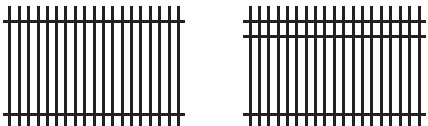


Proposed Fence Design

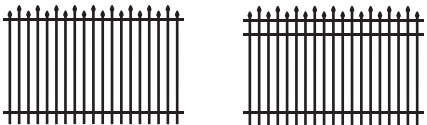
Available Heights: 3', 3-1/2', 4', 5', 6'
Rail Treatment: Extended Picket or Flush Bottom
Picket Air-Space: 4" standard or 3" Pet, Pool, & Play



Available Heights: 3', 3-1/2', 4', 5', 6'
Rail Treatment: Extended Picket or Flush Bottom
Picket Air-Space: 4" standard or 3" Pet, Pool, & Play



Available Heights: 3', 3-1/2', 4', 5', 6'
Rail Treatment: Extended Picket or Flush Bottom
Picket Air-Space: 4" standard





P.O. Box 1700 • Hendersonville, NC 28793 • Tel: (800) 633-8241 • (828) 693-8241
Fax: (828) 693-8777 • www.leisurecraftinc.com • sales@leisurecraftinc.com

SPEC SHEET: SQ36TAB30-PERF

36' SQUARE PERFORATED PEDESTAL TABLE 30" high

Wt. 100 lbs

photo



top view

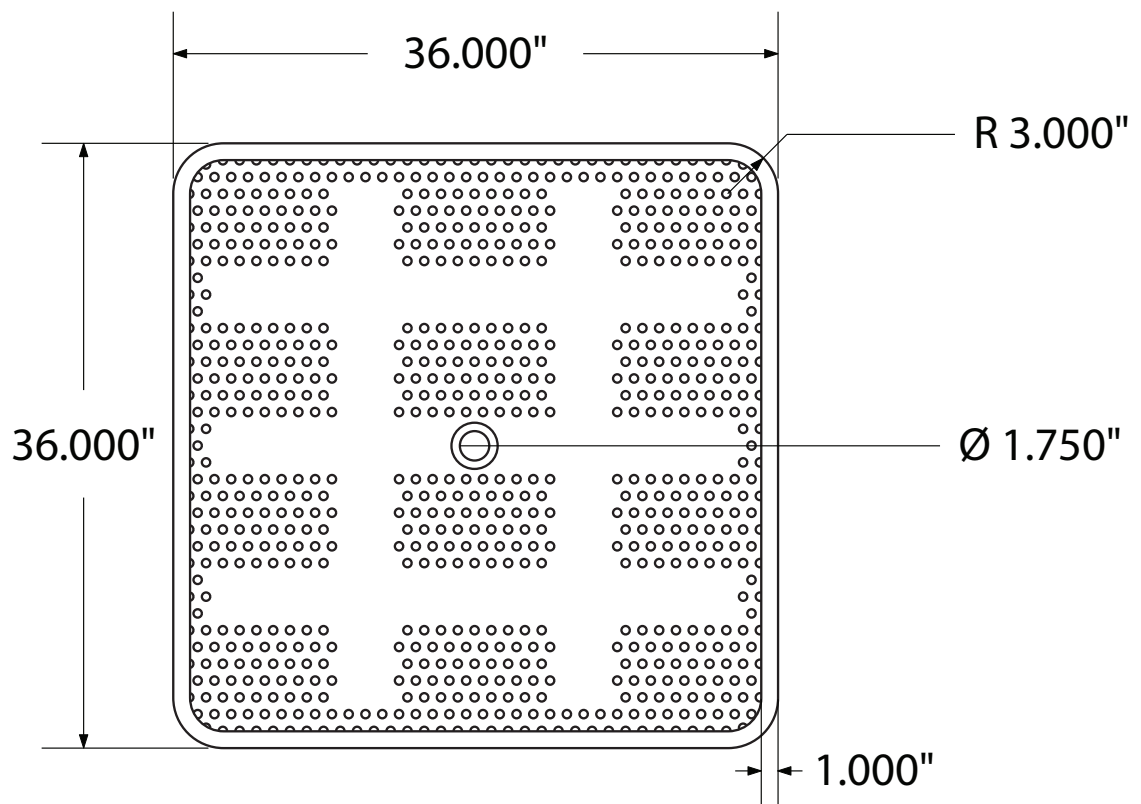
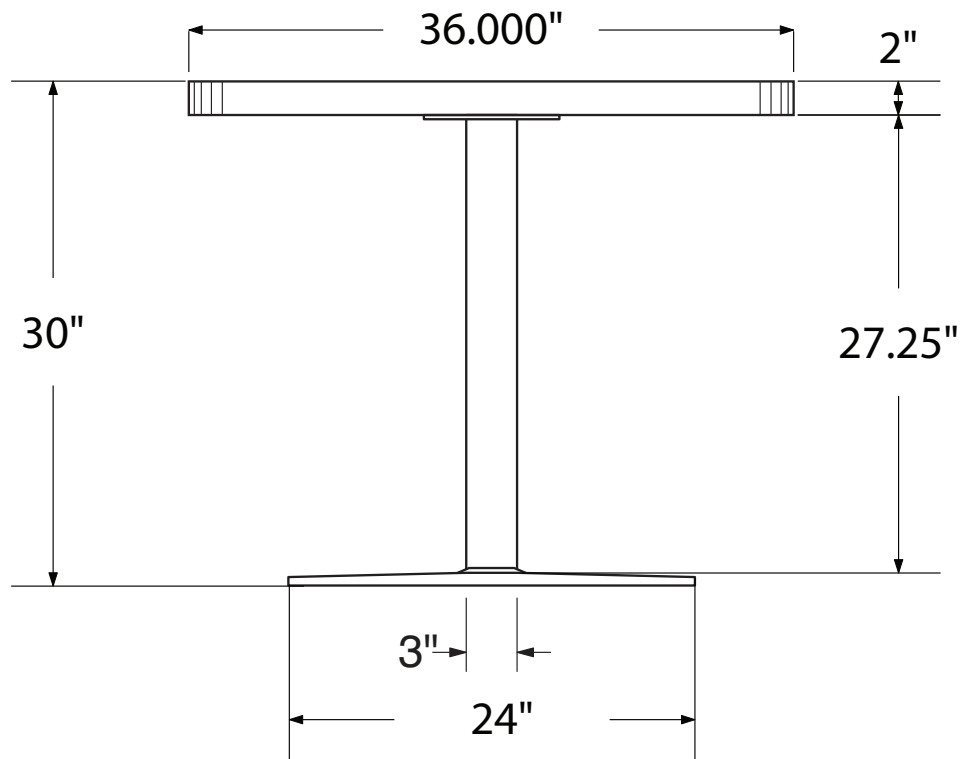


EXHIBIT F

side view



product details



Coated Surfaces:

- Thermoplastic coated
- Copolymer-based, environmentally safe
- Does not fade, crack, peel or warp
- Applied at a thickness of 25-30 mils.
- 5 Year warranty on coating

Construction:

- Table tops - 11 gauge steel
- 3" Tubular steel support
- Cast iron base
- Nuts, washers and bolts - galvanized steel



Five Guys Commercial Umbrella and Base Description

EQUIPMENT TAG:
F030
PAGE: 2 OF 3



TUUCI 6.5' Square Bay Master Parasol

Frame Construction:

- Aluminum Marine Satin Anodized Finish
- TUUCI's Patented Independent Bracket Hub System
- Manual Lift with Stainless Steel Security Pin
- Stainless Steel Hardware
- Modular Design Allows for Easy Parts Replacement

Canopy Construction:

- Sunbrella® 100% Solution Dyed Acrylic Fabric Canopy. Sunbrella 5477-Logo Red Canopy with Matching Vent and Binding
- Ballistic-Reinforced Vent and Pocket Construction
- Market Profile Canopy with **Single Vent**
- FIVE GUYS (1) Color Logo on Alternating Panels

BASE: 24" round, 75 lb galvanized steel base with stainless steel security plate and "star" handle security knob.

NOTE: All advertising on the umbrellas shall count toward the maximum allowable sign area for this tenant.



NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: (Public Agency)
City of Merced
678 West 18th St.
Merced, CA 95340

 X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title: Site Plan Review #388 (Environmental Review #15-27)

Project Applicant: Darryl Browman for Browman Development Co., Inc.

Project Location (Specific): 3572 G Street **APN:** 006-490-006

Project Location - City: Merced **Project Location - County:** Merced

Description of Nature, Purpose, and Beneficiaries of Project:

The project involves the construction of an outdoor seating area consisting of approximately 178 square feet and providing 32 seats.

Name of Public Agency Approving Project: City of Merced

Name of Person or Agency Carrying Out Project: Larry Meyers on behalf of Big Red Rooster

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State Type and Section Number: Section 15301 (a)
☐ Statutory Exemptions. State Code Number: _____.
☐ General Rule (Sec. 15061 (b)(3))

Reasons why Project is Exempt: As defined under the above referenced Section, the proposed project consists of minor interior and exterior alterations only, such as partitions, electrical, and plumbing, and landscape maintenance which are considered to be exempt under the CEQA Guidelines per Section 15301 (a)

Lead Agency: City of Merced

Contact Person: Julie Nelson, Planner

Area Code/Telephone: (209) 385-6858

Signature:  **Date:** 9-29-15 **Title:** Associate Planner

 X Signed by Lead Agency

Date Received for Filing at OPR: _____
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 16-032

Meeting Date: 2/1/2016

SUBJECT: Information Only Contracts

ATTACHMENTS

1. Information Only Contracts Table

Exhibit 1 – Table of Contracts

2/1/2016 City Council Meeting

Department/Division	Vendor	Purpose/Location	Amount
0803 – Engineering (PW)	Technicon Engineering Services, Inc.	CMAQ Sidewalk Infill on Buena Vista Drive – All new ADA ramps, etc. (Statement of Services, PO #121273)	\$ 3,905.00
0803 – Engineering	Salem Engineering Group, Inc.	Stephen Leonard Park Renovation – New Sidewalks, Skate Parks, & Splash Park (Statement of Services, PO #121274)	\$ 3,942.00
0805 – Inspection Services	OP Development, Inc.	Deferral Agreement – Colonial Acres 3 (OP Development) for 2781 Lexington Avenue.	\$19,704.83
0805 – Inspection Services	OP Development, Inc.	Deferral Agreement – Colonial Acres 3 (OP Development) for 2785 Lexington Avenue.	\$19,704.83
0805 – Inspection Services	Rosetta Creek, LLC	Deferral Agreement – Lantana Estates (OP Development) for 1357 Poppy Ridge Court.	\$21,974.39
0301 – City Attorney	Best Best & Krieger, LLP	Legal Services Agreement – Outside Counsel for Redevelopment Litigation.	\$25,000.00

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



ADMINISTRATIVE REPORT

File #: 15-385

Meeting Date: 2/1/2016

Report Prepared by: Faye S. Law, Accountant II

SUBJECT: Information Only - Community Facilities District (CFD) Annual Reports

REPORT IN BRIEF

Governmental Codes relating to special tax measures and local bond issues require Community Facilities Districts Annual Reports be prepared and filed with the Agency's governing board annually.

RECOMMENDATION

For Information only

AUTHORITY

Governmental Code Sections 50075.1, 50075.3, and 50075.5 relating to special tax measures and Sections 53410, 53411, and 53412 relating to local bond issues.

CITY COUNCIL PRIORITIES

As provided for in the 2015-16 Adopted Budget.

DISCUSSION

On January 5, 2004 Community Facilities District No. 2003-2 (Services) was formed to collect special taxes in certain improvement areas related to growth. The special taxes pay for costs including, but not limited to, public safety, landscape, storm drain, sidewalk, park, and parkway maintenance.

On July 19, 2004 the City Council formed Community Facilities District No. 2003-1 (Bellevue Ranch East) to provide public infrastructure financing. The District issued \$12,745,000 in 2005 Special Tax Bonds on August 4, 2005.

On November 21, 2005 the City Council formed Community Facilities District No. 2005-1 (Bellevue Ranch West Improvement Area 1) to provide public infrastructure financing. The District issued \$7,410,000 in 2006 Special Tax Bonds on July 27, 2006.

On July 3, 2006 the City Council formed Community Facilities District No. 2006-1 (Moraga of Merced) to provide public infrastructure financing. The District issued \$5,840,000 in 2006 Special Taxes Bonds on December 14, 2006.

The Government Code Sections listed above require annual reports be prepared and filed with an agency's governing board. Attached are reports that meet the requirement.

IMPACT ON CITY RESOURCES

No budget appropriation is required.

ATTACHMENTS

1. CFD No. 2003-2 (Services)
2. CFD No. 2003-1
3. CFD No. 2005-1
4. CFD No. 2006-1



GOODWIN CONSULTING GROUP

**City of Merced
Community Facilities District No. 2003-2
(Services)
Senate Bill 165 Reporting Requirements for
Fiscal Year 2014-15**

December 16, 2015

***Community Facilities District No. 2003-2
Senate Bill 165 Reporting Requirements
Fiscal Year 2014-15***

TABLE OF CONTENTS

<i>Section</i>	<i>Page</i>
I. Introduction	1
II. Senate Bill 165 Reporting Requirements	2

Appendix A: CFD No. 2003-2 Balance Sheet as of June 30, 2015

I. INTRODUCTION

City of Merced Community Facilities District No. 2003-2 (Services)

The City of Merced Community Facilities District No. 2003-2 (the “CFD” or “CFD No. 2003-2”) is located in the City of Merced (the “City”), in Merced County, in the State of California, approximately 132 miles south of Sacramento. On January 5, 2004, the City passed Resolution No. 2004-3, forming CFD No. 2003-2. A successful landowner election was then held, authorizing the levy of the special tax. The special tax funds general services authorized under the Mello-Roos Act which include, but are not limited to:

- 1) Public safety services, including police and fire protection.
- 2) Landscaping, sidewalk, park, and parkway maintenance (including lighting).
- 3) Flood control services.
- 4) Miscellaneous administrative fees and expenses.

CFD No. 2003-2 currently is made up of 32 distinct improvement areas throughout the City. As additional new areas within the City apply for development approval, those development areas will annex to CFD No. 2003-2.

The Mello-Roos Community Facilities Act of 1982

The California State Legislature approved the Mello-Roos Community Facilities Act of 1982 that provides for the levy of a special tax within a defined geographic area, namely a community facilities district, if such a levy is approved by two-thirds of the qualified electors in the area. Community facilities districts can generate funding for a broad range of facilities and eligible services. These services include police protection services, fire protection and suppression services, library services, recreation program services, maintenance of roads, parks, parkways and open space, and flood and storm protection services. Special taxes can be allocated to property in any reasonable manner other than on an ad valorem basis.

II. SENATE BILL 165 REPORTING REQUIREMENTS

On September 18, 2000, former Governor Gray Davis approved Senate Bill 165 which enacted the “Local Agency Special Tax and Bond Accountability Act”. In approving the bill, the Legislature declared that local agencies need to demonstrate to the voters that special taxes and bond proceeds are being spent on the facilities and services for which they were intended. To further this objective, the Legislature added Section 50075.3 to the California Government Code setting forth annual reporting requirements relative to special taxes collected by a local public agency. The amount of special taxes collected and expended for the fiscal year 2014-15 special tax levy is set forth in the table on the following page:

Fiscal Year 2014-15 Revenues

Charges for Services	\$1,806,039
Investment Earnings	\$17,075
Miscellaneous	\$0
Total Revenues Collected	\$1,823,114

Fiscal Year 2014-15 Expenditures

General Government	\$9,765
Public Safety	\$1,020,821
Public Works	\$467,338
Interest	\$0
Total Expenditures	\$1,497,924

Revenue Over (Under) Expenditures	\$325,190
--	------------------

Other Financing Sources (Uses)

Transfer In	\$138,996
Transfer Out	(\$322,696)
Total Other Financing Sources (Uses)	(\$183,700)

Beginning Fund Balance	\$556,906
Ending Fund Balance	\$698,396

Net Change in Fund Balance	\$141,490
-----------------------------------	------------------

APPENDIX A

***CFD No. 2003-2 Balance Sheet
as of June 30, 2015***

City of Merced
Balance Sheet
June 30, 2015

CFD Services

ASSETS

Cash, cash equivalents and investments	\$ 2,392,970
Receivables:	
Interest Recievable	2,989
Accounts Receivable	1,174
Due from other governments	41,299
Total assets	<u>\$ 2,438,432</u>

LIABILITIES AND FUND BALANCE

Liabilities:	
Accounts payable	\$ 7,369
Other payables	21,676
Due to other funds	-
Advances from other funds	1,710,991
Total liabilities	<u>\$ 1,740,036</u>
Fund Balance	698,396
Total liabilities and fund balance	<u>\$ 2,438,432</u>



GOODWIN CONSULTING GROUP

**City of Merced
Community Facilities District No. 2003-1
(Bellevue Ranch East)
\$12,745,000 Special Tax Bonds, Series 2005
Continuing Disclosure Annual Report for
Fiscal Year 2014-15
(per SEC Rule 15c2-12(b)(5))**

CUSIP Numbers

\$175,000	587626AA0*	\$330,000	587626AM4
\$225,000	587626AB8*	\$340,000	587626AN2
\$230,000	587626AC6*	\$360,000	587626AP7
\$235,000	587626AD4*	\$375,000	587626AQ5
\$245,000	587626AE2*	\$395,000	587626AR3
\$255,000	587626AF9*	\$410,000	587626AS1
\$260,000	587626AG7*	\$435,000	587626AT9
\$280,000	587626AH5*	\$460,000	587626AU6
\$290,000	587626AJ1*	\$480,000	587626AV4
\$295,000	587626AK8*	\$2,790,000	587626BA9
\$315,000	587626AL6	\$3,565,000	587626BF8

** Retired per the original debt service schedule.*

January 31, 2016

***Continuing Disclosure Annual Report
for
City of Merced
Community Facilities District No. 2003-1
(Bellevue Ranch East)
\$12,745,000 Special Tax Bonds, Series 2005
Fiscal Year 2014-15***

This Continuing Disclosure Annual Report (“Annual Report”) contains certain information required to be filed annually per SEC rule 15c2-12(b)(5) (the “Rule”) by the City of Merced (the “City”) Community Facilities District No. 2003-1 (Bellevue Ranch East) (the “CFD”). The Rule is applicable to the Special Tax Bonds, Series 2005 (the “Series 2005 Bonds”) issued in the aggregate principal amount of \$12,745,000 by the CFD on August 4, 2005. The Rule requires that an issuer undertake in a written agreement or contract, for the benefit of holders of the securities issued, to file with national and state repositories the following:

- i. Certain financial information as presented in the Continuing Disclosure Agreement
- ii. Audited financial statements of the City
- iii. Notice of certain enumerated significant events
- iv. Notice of any failure to provide such annual financial information as agreed

In compliance with the Rule, the City signed the Continuing Disclosure Agreement on August 4, 2005, requiring the City to provide annually, or as they occur, the aforementioned enumerated documents or events. Per the Continuing Disclosure Agreement, the City is required to file an annual report with all national and State of California repositories which includes:

- a) The City’s audited financial statements for the most recently completed fiscal year.

→ **See Appendix A.**

- b) The balance in the Reserve Fund held under the Fiscal Agent Agreement.

→ **As of October 31, 2015, the balance in the Reserve Fund was \$831,548. The Reserve Fund Requirement is \$830,290; therefore, pursuant to the Series 2005 Bonds covenants, the Reserve Fund is fully funded.**

c) The principal amount of the Series 2005 Bonds outstanding.

→ **As of the date of this report, \$9,035,000 of the Series 2005 Bonds remains outstanding. Of the \$3,710,000 in Bonds retired, \$1,945,000 matured as scheduled, \$1,450,000 were called on September 1, 2008, and \$315,000 were called on September 1, 2011.**

d) The amount of prepayments of the special tax, if any.

→ **As of the date of this report, there have been no prepayments of the special tax obligation.**

e) The total assessed value of all parcels currently subject to the special tax within the CFD, showing the total assessed valuation for all land and the total assessed valuation for all improvements within the CFD and distinguishing between the assessed value of developed property and undeveloped property.

Total Assessed Value of all Land	\$28,253,784
Total Assessed Value of all Improvements	\$91,813,024
Total Assessed Value of Other Property	\$6,590
Total Assessed Value of all Parcels	\$120,073,398
Assessed Value of Developed Property	\$109,073,261
Assessed Value of Undeveloped Property	\$11,000,137
Total Assessed Value of all Parcels	\$120,073,398

f) Identification of each parcel within the CFD for which any special tax payment is delinquent, together with the following information respecting each such parcel: (A) the amount delinquent; (B) the date of each delinquency; (C) in the event a foreclosure complaint has been filed respecting such delinquent parcel and such complaint has not yet been dismissed, the date on which the complaint was filed; and (D) in the event a foreclosure sale has occurred respecting such delinquent parcel, a summary of the results of such foreclosure sale.

→ **See Appendix B.**

- g) A land ownership summary listing property owners responsible for more than ten percent (10%) of the annual special tax levy, as shown on the Merced County Assessor's last equalized tax roll prior to the September next preceding the Annual Report date.

Property Owner	FY 2015-16 Special Tax Levy	Percentage	Number of Parcels	Total 2015 Assessed Value
CWN Development, LLC	\$127,188	18.60%	3	\$3,094,983
Merced Project Owner, LLC*	\$82,280	12.03%	194	\$1,426,676

** As of June 30, 2015, Merced Project Owner, LLC owned 194 lots and was responsible for 12.03% of the annual special tax levy. In August 2015, Merced Project Owner, LLC sold 109 lots to 104 Partners, LLC. As of August 2015, Merced Project Owner, LLC and 104Partners, LLC were responsible for 5.21% and 6.82% of the annual special tax levy, respectively.*

- **On March 26, 2015, a Continuing Disclosure Semi-Annual Report was provided by Merced Project Owner, LLC and filed with the Municipal Securities Rulemaking Board. This filing met the requirements set forth in the Continuing Disclosure Agreement for the report due March 31, 2015.**
 - **On August 19, 2015, A "Notice of Termination of Continuing Disclosure Obligation" was provided by Merced Project Owner, LLC, in connection with the sale of 109 lots to 104 Partners, LLC. Therefore, Merced Project Owner, LLC was not obligated to provide a Continuing Disclosure Semi-Annual Report on September 30, 2015.**
 - **On April 1, 2015 and October 1, 2015, "Notices of Failure to File" were filed with the Municipal Securities Rulemaking Board in connection to the Continuing Disclosure Semi-Annual Reports due on March 31, 2015 and September 30, 2015, for CWN Development, LLC.**
 - **As of the date of this report, no Continuing Disclosure Semi-Annual Report has been provided by CWN Development, LLC.**
- h) A description of the status of the facilities being constructed with proceeds of the Series 2005 Bonds.
- **All facilities authorized to be constructed with proceeds of the Series 2005 Bonds were completed as of August 27, 2009.**
- i) Changes, if any to the rate and method of apportionment.
- **No changes.**

- j) The amount of special taxes generated by the developed parcels and undeveloped parcels within the CFD.

Property Classification	Number of Parcels	FY 2015-16 Special Tax Levy	Percentage of Total Special Tax Levy
Developed	519	\$341,980	50.01%
Undeveloped	499	\$341,912	49.99%

- k) To the extent not provided pursuant to (b) through (j) above, the annual information required to be filed with the California Debt and Investment Advisory Commission.

→ **See Appendix C.**

- l) **Senate Bill 165 Reporting Requirements.** On September 18, 2000, former Governor Gray Davis signed Senate Bill 165 which enacted the Local Agency Special Tax and Bond Accountability Act. In approving the bill, the Legislature declared that local agencies need to demonstrate to voters that special taxes and bond proceeds are being spent on the facilities and services for which they were intended. To further this objective, the Legislature added Sections 50075.3 and 53411 to the California Government Code setting forth annual reporting requirements relative to special taxes collected and bonds issued by a public agency. The amount of special taxes collected and expended for the fiscal year 2014-15 special tax levy is set forth in the table on the following page.

Fiscal Year 2014-15 Revenues

Interest	\$2,452
Assessments	\$679,916
Total Revenues Collected	\$682,368

Fiscal Year 2014-15 Expenditures

Bond Interest	\$466,312
Bond Principal	\$195,000
Fiscal Agent Fees	\$2,310
Professional Services	\$6,906
Support Services	\$112
Administrative Services	\$1,050
Direct Service Charges	\$1,737
Total Expenditures	\$673,427

Beginning Fund Balance*	\$1,304,057
Ending Fund Balance*	\$1,312,998

Net Change in Fund Balance	\$8,941
-----------------------------------	----------------

* Includes Reserve Requirement.

m) **Reporting of Significant Events.** Pursuant to the provisions of the Continuing Disclosure Agreement, the CFD shall give, or cause to be given, notice of the occurrence of any of the following events, if material:

1. Principal and interest payments delinquencies.
2. Non-payment related defaults.
3. Modifications to rights of Bondholders.
4. Optional, contingent or unscheduled bond calls.
5. Defeasances
6. Rating changes.
7. Adverse tax opinions or events adversely affecting the tax-exempt status of the bonds.
8. Unscheduled draws on debt service reserves reflecting financial difficulties.
9. Unscheduled draws on credit enhancements reflecting financial difficulties.
10. Substitution of credit or liquidity providers, or their failure to perform.
11. Release, substitution, or sale of property securing repayment of the bonds.

As of November 1, 2015, no significant events have been reported by the CFD.

APPENDIX A

*Audited Financial Statements
for the Fiscal Year Ending June 30, 2015
(To Come Under Separate Cover)*

THE FOLLOWING FINANCIAL STATEMENT IS PROVIDED SOLELY TO COMPLY WITH THE SECURITIES AND EXCHANGE COMMISSION STAFF'S INTERPRETATION OF RULE 15c2-12. NO FUNDS OR ASSETS OF THE CITY OF MERCED (OTHER THAN THE SPECIAL TAXES LEVIED IN THE COMMUNITY FACILITIES DISTRICT) ARE REQUIRED TO BE USED TO PAY DEBT SERVICE ON THE BONDS AND THE CITY IS NOT OBLIGATED TO ADVANCE AVAILABLE FUNDS FROM THE CITY TREASURY TO COVER ANY DELINQUENCIES. INVESTORS SHOULD NOT RELY ON THE FINANCIAL CONDITION OF THE CITY IN EVALUATING WHETHER TO BUY, HOLD OR SELL THE BONDS.

APPENDIX B

*Special Tax Delinquencies
as of September 2, 2015*

City of Merced
Community Facilities District No. 2003-1 (Bellevue Ranch East)
Delinquencies as of September 2, 2015 /1

Assessor's Parcel Number	Amount Delinquent	Date of Earliest Delinquency	Status of Foreclosure Proceedings	Action Taken	Date Complaint Filed
224-043-013-000	\$690.00	12/10/2014	None	Reminder Letter Mailed 9/14/2015	N/A
224-060-001-000	\$314.81	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-060-006-000	\$329.23	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-060-007-000	\$313.89	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-060-029-000	\$285.67	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-110-011-000	\$385.00	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-110-029-000	\$385.00	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-120-008-000	\$243.69	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-120-013-000	\$243.69	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-120-016-000	\$251.67	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-006-000	\$298.14	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-009-000	\$321.15	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-010-000	\$314.37	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-011-000	\$279.51	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-012-000	\$279.51	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-013-000	\$279.65	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-014-000	\$287.73	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-015-000	\$350.39	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-016-000	\$569.05	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-021-000	\$295.33	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-022-000	\$254.96	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-023-000	\$261.09	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-032-000	\$233.70	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-033-000	\$233.70	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-034-000	\$287.97	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-035-000	\$225.99	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-036-000	\$225.99	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-037-000	\$244.72	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-038-000	\$301.70	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-039-000	\$269.96	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-040-000	\$277.80	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-041-000	\$235.37	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-042-000	\$238.28	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-043-000	\$291.01	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-044-000	\$254.96	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-045-000	\$274.96	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-130-046-000	\$278.55	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A
224-171-014-000	\$359.54	12/10/2014	None	Reminder Letter Mailed 9/14/2015	N/A
224-172-002-000	\$490.00	12/10/2014	None	Reminder Letter Mailed 9/14/2015	N/A
224-172-002-000	\$490.00	12/10/2013	None	Reminder Letter Mailed 9/14/2015	N/A
224-172-002-000	\$490.00	12/10/2012	None	Reminder Letter Mailed 9/14/2015	N/A
224-172-002-000	\$490.00	12/10/2011	None	Reminder Letter Mailed 9/14/2015	N/A

Number of Parcels Delinquent:

39

Total Amount Delinquent:

\$13,427.73

/1 The fiscal year 2014-15 delinquency rate for CFD No. 2003-1 (Bellevue Ranch East) is at 1.76%. However, CFD No. 2003-1 is under the County of Merced Teeter Plan; therefore, the City of Merced received 100% of the CFD Special Tax levied at fiscal year end.

Source: Merced County Tax Collector's Office; Goodwin Consulting Group, Inc.

APPENDIX C

*California Debt and Investment Advisory Commission Report
for the Fiscal Year Ending June 30, 2015*

Submitted:
Wednesday, October 28, 2015
3:54:07PM
CDIAC #: 2005-1348

**STATE OF CALIFORNIA
MELLO-ROOS COMMUNITY FACILITIES DISTRICT (CFD)
YEARLY FISCAL STATUS REPORT**

California Debt and Investment Advisory Commission
915 Capitol Mall, Room 400, Sacramento, CA 95814
P.O. Box 942809, Sacramento, CA 94209-0001
(916) 653-3269 Fax (916) 654-7440

For Office Use Only
Fiscal Year _____

I. GENERAL INFORMATION

A. Issuer	Merced CFD No 2003-1
B. Project Name	Bellevue Ranch East
C. Name/ Title/ Series of Bond Issue	2005 Special Tax Bonds
D. Date of Bond Issue	7/20/2005
E. Original Principal Amount of Bonds	\$12,745,000.00
F. Reserve Fund Minimum Balance Required	Yes <input checked="" type="checkbox"/> Amount \$830,290.00 No <input type="checkbox"/>

II. FUND BALANCE FISCAL STATUS

Balances Reported as of:	6/30/2015
A. Principal Amount of Bonds Outstanding	\$9,235,000.00
B. Bond Reserve Fund	\$830,290.00
C. Capitalized Interest Fund	\$0.00
D. Construction Fund(s)	\$0.00

III. ASSESSED VALUE OF ALL PARCELS IN CFD SUBJECT TO SPECIAL TAX

A. Assessed or Appraised Value Reported as of:	7/1/2015
<input checked="" type="checkbox"/> From Equalized Tax Roll	
<input type="checkbox"/> From Appraisal of Property	
<i>(Use only in first year or before annual tax roll billing commences)</i>	
B. Total Assessed Value of All Parcels	\$120,073,398.00

IV. TAX COLLECTION INFORMATION

A. Total Amount of Special Taxes Due <u>Annually</u>	\$679,915.50
B. Total Amount of Unpaid Special Taxes <u>Annually</u>	\$11,957.73
C. Taxes are Paid Under the County's Teeter Plan?	Y

V. DELINQUENT REPORTING INFORMATION

Delinquent Parcel Information Reported as of Equalized Tax Roll of:	9/2/2015
A. Total Number of Delinquent Parcels:	39
B. Total Amount of Taxes Due on Delinquent Parcels:	\$13,427.73
<i>(Do not include penalties, penalty interest, etc.)</i>	

VI. FORECLOSURE INFORMATION FOR FISCAL YEAR

(Aggregate totals, if foreclosure commenced on same date)

(Attach additional sheets if necessary.)

Date Foreclosure Commenced	Total Number of Foreclosure Parcels	Total Amount of Tax Due on Foreclosure Parcels
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00

Submitted:

Wednesday, October 28, 2015

3:54:07PM

CDIAC #: 2005-1348

**STATE OF CALIFORNIA
MELLO-ROOS COMMUNITY FACILITIES DISTRICT (CFD)
YEARLY FISCAL STATUS REPORT**

California Debt and Investment Advisory Commission
915 Capitol Mall, Room 400, Sacramento, CA 95814
P.O. Box 942809, Sacramento, CA 94209-0001
(916) 653-3269 Fax (916) 654-7440

For Office Use Only

Fiscal Year _____

VII. ISSUE RETIRED

This issue is retired and no longer subject to the Yearly Fiscal Status report filing requirements.

(Indicate reason for retirement)

Matured ☐ Redeemed Entirely ☐ Other ☐

If Matured, indicate final maturity date:

If Redeemed Entirely, state refunding bond title & CDIAC #:

and redemption date:

If Other:

and date:

VIII. NAME OF PARTY COMPLETING THIS FORM

Name Andrew Bavender

Title Sr Associate

Firm/ Agency Goodwin Consulting Group Inc

Address 555 UNIVERSITY AVE Suite 280

City/ State/ Zip SACRAMENTO, CA 95825

Phone Number (916) 561-0890

Date of Report 10/28/2015

E-Mail andrew@goodwinconsultinggroup.net

IX. ADDITIONAL COMMENTS:



GOODWIN CONSULTING GROUP

**Improvement Area No. 1 of the
City of Merced
Community Facilities District No. 2005-1
(Bellevue Ranch West)
\$7,410,000 Special Tax Bonds, Series 2006
Continuing Disclosure Annual Report for
Fiscal Year 2014-15
(per SEC Rule 15c2-12(b)(5))**

CUSIP Numbers

\$80,000	587606AA2*	\$170,000	587606AK0
\$120,000	587606AB0*	\$180,000	587606AL8
\$125,000	587606AC8*	\$190,000	587606AM6
\$130,000	587606AD6*	\$200,000	587606AN4
\$135,000	587606AE4*	\$210,000	587606AP9
\$140,000	587606AF1*	\$220,000	587606AQ7
\$150,000	587606AG9*	\$1,270,000	587606AR5
\$155,000	587606AH7*	\$3,775,000	587606AS3
\$160,000	587606AJ3*		

** Retired as of the date of this report*

January 31, 2016

***Continuing Disclosure Annual Report
for
Improvement Area No. 1 of the
City of Merced
Community Facilities District No. 2005-1
(Bellevue Ranch West)
\$7,410,000 Special Tax Bonds, Series 2006
Fiscal Year 2014-15***

This Continuing Disclosure Annual Report (“Annual Report”) contains certain information required to be filed annually per SEC rule 15c2-12(b)(5) (the “Rule”) by Improvement Area No. 1 (“Improvement Area No. 1”) of the City of Merced (the “City”) Community Facilities District No. 2005-1 (Bellevue Ranch West) (the “CFD”). The Rule is applicable to the Improvement Area No. 1 Special Tax Bonds, Series 2006 (the “Series 2006 Bonds”) issued in the aggregate principal amount of \$7,410,000 by the CFD on July 27, 2006. The Rule requires that an issuer undertake in a written agreement or contract, for the benefit of holders of the securities issued, to file with national and state repositories the following:

- i. Certain financial information as presented in the Continuing Disclosure Agreement
- ii. Audited financial statements of the City
- iii. Notice of certain enumerated significant events
- iv. Notice of any failure to provide such annual financial information as agreed

In compliance with the Rule, the City signed the Continuing Disclosure Agreement on July 27, 2006, requiring the City to provide annually, or as they occur, the aforementioned enumerated documents or events. Per the Continuing Disclosure Agreement, the City is required to file an annual report with all national and State of California repositories which includes:

- a) The City’s audited financial statements for the most recently completed fiscal year.

→ **See Appendix A.**

- b) The balance in the Reserve Fund held under the Fiscal Agent Agreement.

→ **As of October 31, 2015, the balance in the Reserve Fund was \$498,737, and the Reserve Fund Requirement is \$498,525; therefore, pursuant to the Series 2006 Bonds covenants, the Reserve Fund is fully funded.**

c) The principal amount of the Series 2006 Bonds outstanding.

→ **As of the date of this report, \$6,215,000 of the Series 2006 Bonds remains outstanding.**

d) The amount of prepayments of the special tax, if any.

→ **As of the date of this report, there have been no prepayments of the special tax obligation.**

e) The total assessed value of all parcels currently subject to the special tax within Improvement Area No. 1, showing the total assessed valuation for all land and the total assessed valuation for all improvements within Improvement Area No. 1 and distinguishing between the assessed value of developed property and undeveloped property.

Total Assessed Value of all Land	\$12,403,304
Total Assessed Value of all Improvements	\$39,520,344
Total Assessed Value of all Parcels	\$51,923,648
Assessed Value of Developed Property	\$46,583,721
Assessed Value of Undeveloped Property	\$5,339,927
Total Assessed Value of all Parcels	\$51,923,648

f) Identification of each parcel within Improvement Area No. 1 for which any special tax payment is delinquent, together with the following information respecting each such parcel: (A) the amount delinquent; (B) the date of each delinquency; (C) in the event a foreclosure complaint has been filed respecting such delinquent parcel and such complaint has not yet been dismissed, the date on which the complaint was filed; and (D) in the event a foreclosure sale has occurred respecting such delinquent parcel, a summary of the results of such foreclosure sale.

→ **See Appendix B.**

- g) A land ownership summary listing property owners responsible for more than ten percent (10%) of the annual special tax levy, as shown on the Merced County Assessor's last equalized tax roll prior to the September next preceding the Annual Report date.

Property Owner	FY 2015-16 Special Tax Levy	Percentage	Number of Parcels	Total 2015 Assessed Value
Merced HS Quarterback Club	\$53,627	10.48%	1	\$2,175,000
Forebay Farms, LLC	\$292,983	57.27%	507	\$3,164,927

- **On March 31, 2015 and September 30, 2015, Continuing Disclosure Semi-Annual Reports were provided by Forebay Farms, LLC, and filed with the Municipal Securities Rulemaking Board. These filings met the requirements set forth in the Continuing Disclosure Agreement for the reports due March 31, 2015 and September 30, 2015.**
 - **On April 1, 2015, a "Notice of Failure to File" was filed with the Municipal Securities Rulemaking Board in connection to the Continuing Disclosure Semi-Annual Report due on March 31, 2015, for Baxter Ranches, LLC. As of the date of this report, no Continuing Disclosure Semi-Annual Reports have been provided by Baxter Ranches, LLC.**
 - **On September 30, 2015, a "Notice of Termination of Reporting Requirements" was filed on behalf of Baxter Ranches, LLC after ownership of their property was transferred to the Merced HS Quarterback Club. Therefore, Baxter Ranches, LLC was not obligated to provide a Continuing Disclosure Semi-Annual Report on September 30, 2015.**
 - **On October 1, 2015, a "Notice of Failure to File" was filed with the Municipal Securities Rulemaking Board in connection to the Continuing Disclosure Semi-Annual Report due on September 30, 2015, for the Merced High School Quarterback Club. As of the date of this report, no Continuing Disclosure Semi-Annual Reports have been provided by the Merced High School Quarterback Club.**
- h) A description of the status of the facilities being constructed with proceeds of the Series 2006 Bonds.
- **All facilities authorized to be constructed with proceeds of the Series 2006 Bonds were completed as of August 16, 2010.**

- i) Changes, if any to the rate and method of apportionment.

→ **No changes to the rate and method of apportionment took place during this past fiscal year.**

The amount of special taxes generated by the developed parcels and undeveloped parcels within Improvement Area No. 1.

Property Classification	Number of Parcels	FY 2015-16 Special Tax Levy	Percentage of Total Special Tax Levy
Developed	204	\$164,964	32.25%
Undeveloped	508	\$346,611	67.75%

- j) To the extent not provided pursuant to (b) through (j) above, the annual information required to be filed with the California Debt and Investment Advisory Commission.

→ **See Appendix B.**

- k) **Senate Bill 165 Reporting Requirements.** On September 18, 2000, former Governor Gray Davis signed Senate Bill 165 which enacted the Local Agency Special Tax and Bond Accountability Act. In approving the bill, the Legislature declared that local agencies need to demonstrate to voters that special taxes and bond proceeds are being spent on the facilities and services for which they were intended. To further this objective, the Legislature added Sections 50075.3 and 53411 to the California Government Code setting forth annual reporting requirements relative to special taxes collected and bonds issued by a public agency. The amount of special taxes collected and expended for the fiscal year 2014-15 special tax levy is set forth in the table on the following page:

Fiscal Year 2014-15 Revenues

Interest	\$1,114
Assessments	\$512,432
Total Revenues Collected	\$513,546

Fiscal Year 2014-15 Expenditures

Bond Interest	\$337,109
Bond Principal	\$155,000
Fiscal Agent Fees	\$2,310
Professional Services	\$7,394
Support Services	\$124
Administrative Services	\$2,387
Direct Service Charges	\$2,276
Total Expenditures	\$506,600

Beginning Fund Balance*	\$860,695
Ending Fund Balance*	\$867,641

Net Change in Fund Balance	\$6,946
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* Includes Reserve Requirement.

- 1) **Reporting of Significant Events.** Pursuant to the provisions of the Continuing Disclosure Agreement, the CFD shall give, or cause to be given, notice of the occurrence of any of the following events, if material:

1. Principal and interest payments delinquencies.
2. Non-payment related defaults.
3. Modifications to rights of Bondholders.
4. Optional, contingent or unscheduled bond calls.
5. Defeasances
6. Rating changes.
7. Adverse tax opinions or events adversely affecting the tax-exempt status of the bonds.
8. Unscheduled draws on debt service reserves reflecting financial difficulties.
9. Unscheduled draws on credit enhancements reflecting financial difficulties.
10. Substitution of credit or liquidity providers, or their failure to perform.
11. Release, substitution, or sale of property securing repayment of the bonds.

From July 1, 2014 through the date of this report, no significant events have been reported by the CFD.

APPENDIX A

*Audited Financial Statements
for the Fiscal Year Ending June 30, 2015
(To Come Under Separate Cover)*

THE FOLLOWING FINANCIAL STATEMENT IS PROVIDED SOLELY TO COMPLY WITH THE SECURITIES AND EXCHANGE COMMISSION STAFF'S INTERPRETATION OF RULE 15c2-12. NO FUNDS OR ASSETS OF THE CITY OF MERCED (OTHER THAN THE SPECIAL TAXES LEVIED IN THE COMMUNITY FACILITIES DISTRICT) ARE REQUIRED TO BE USED TO PAY DEBT SERVICE ON THE BONDS AND THE CITY IS NOT OBLIGATED TO ADVANCE AVAILABLE FUNDS FROM THE CITY TREASURY TO COVER ANY DELINQUENCIES. INVESTORS SHOULD NOT RELY ON THE FINANCIAL CONDITION OF THE CITY IN EVALUATING WHETHER TO BUY, HOLD OR SELL THE BONDS.

APPENDIX B

*Special Tax Delinquencies
as of September 2, 2015*

City of Merced
Improvement Area No. 1 of
Community Facilities District No. 2005-1 (Bellevue Ranch West)
Delinquencies as of September 2, 2015 /1

Assessor's Parcel Number	Amount Delinquent	Date of Earliest Delinquency	Status of Foreclosure Proceedings	Action Taken	Date Complaint Filed
230-063-017-000	\$771.00	12/10/2014	None	Reminder Letter Mailed 9/14/2015	N/A
230-110-019-000	\$325.50	4/10/2015	None	Reminder Letter Mailed 9/14/2015	N/A

Number of Parcels Delinquent:

2

Total Amount Delinquent:

\$1,096.50

/1 The fiscal year 2014-15 delinquency rate for CFD No. 2005-1 (Bellevue Ranch West) is at 0.21%. However, CFD No. 2005-1 is under the County of Merced Teeter Plan; therefore, the City of Merced received 100% of the CFD Special Tax levied at fiscal year end.

Source: Merced County Tax Collector's Office; Goodwin Consulting Group, Inc.

APPENDIX B

*California Debt and Investment Advisory Commission Report
for the Fiscal Year Ending June 30, 2015*

Submitted:
Wednesday, October 28, 2015
4:03:51PM
CDIAC #: 2006-0358

**STATE OF CALIFORNIA
MELLO-ROOS COMMUNITY FACILITIES DISTRICT (CFD)
YEARLY FISCAL STATUS REPORT**

California Debt and Investment Advisory Commission
915 Capitol Mall, Room 400, Sacramento, CA 95814
P.O. Box 942809, Sacramento, CA 94209-0001
(916) 653-3269 Fax (916) 654-7440

For Office Use Only
Fiscal Year _____

I. GENERAL INFORMATION

A. Issuer Merced CFD No 2005-1

B. Project Name Bellevue Ranch West IA No 1

C. Name/ Title/ Series of Bond Issue 2006 Special Tax Bonds

D. Date of Bond Issue 7/12/2006

E. Original Principal Amount of Bonds \$7,410,000.00

F. Reserve Fund Minimum Balance Required Yes ☒ Amount \$498,525.00 No ☐

II. FUND BALANCE FISCAL STATUS

Balances Reported as of: 6/30/2015

A. Principal Amount of Bonds Outstanding \$6,375,000.00

B. Bond Reserve Fund \$500,695.87

C. Capitalized Interest Fund \$0.00

D. Construction Fund(s) \$0.00

III. ASSESSED VALUE OF ALL PARCELS IN CFD SUBJECT TO SPECIAL TAX

A. Assessed or Appraised Value Reported as of: 7/1/2015

☒ From Equalized Tax Roll

☐ From Appraisal of Property
(Use only in first year or before annual tax roll billing commences)

B. Total Assessed Value of All Parcels \$51,923,648.00

IV. TAX COLLECTION INFORMATION

A. Total Amount of Special Taxes Due Annually \$512,431.62

B. Total Amount of Unpaid Special Taxes Annually \$1,096.50

C. Taxes are Paid Under the County's Teeter Plan? Y

V. DELINQUENT REPORTING INFORMATION

Delinquent Parcel Information Reported as of Equalized Tax Roll of: 9/2/2015

A. Total Number of Delinquent Parcels: 2

B. Total Amount of Taxes Due on Delinquent Parcels: \$1,096.50
(Do not include penalties, penalty interest, etc.)

VI. FORECLOSURE INFORMATION FOR FISCAL YEAR

(Aggregate totals, if foreclosure commenced on same date)

(Attach additional sheets if necessary.)

Date Foreclosure Commenced	Total Number of Foreclosure Parcels	Total Amount of Tax Due on Foreclosure Parcels
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00

Submitted:

Wednesday, October 28, 2015

4:03:51PM

CDIAC #: 2006-0358

**STATE OF CALIFORNIA
MELLO-ROOS COMMUNITY FACILITIES DISTRICT (CFD)
YEARLY FISCAL STATUS REPORT**

California Debt and Investment Advisory Commission
915 Capitol Mall, Room 400, Sacramento, CA 95814
P.O. Box 942809, Sacramento, CA 94209-0001
(916) 653-3269 Fax (916) 654-7440

For Office Use Only

Fiscal Year _____

VII. ISSUE RETIRED

This issue is retired and no longer subject to the Yearly Fiscal Status report filing requirements.

(Indicate reason for retirement)

Matured ☐ Redeemed Entirely ☐ Other ☐

If Matured, indicate final maturity date:

If Redeemed Entirely, state refunding bond title & CDIAC #:

and redemption date:

If Other:

and date:

VIII. NAME OF PARTY COMPLETING THIS FORM

Name Andrew Bavender

Title Sr Associate

Firm/ Agency Goodwin Consulting Group Inc

Address 555 UNIVERSITY AVE Suite 280

City/ State/ Zip SACRAMENTO, CA 95825

Phone Number (916) 561-0890

Date of Report 10/28/2015

E-Mail andrew@goodwinconsultinggroup.net

IX. ADDITIONAL COMMENTS:



GOODWIN CONSULTING GROUP

**City of Merced
Community Facilities District No. 2006-1
(Moraga of Merced)
\$5,840,000 Special Tax Bonds, Series 2006
Continuing Disclosure Annual Report for
Fiscal Year 2014-15
(per SEC Rule 15c2-12(b)(5))**

CUSIP Numbers

\$105,000	587626BG6*	\$140,000	587626BQ4
\$105,000	587626BH4*	\$150,000	587626BR2
\$110,000	587626BJ0*	\$155,000	587626BS0
\$115,000	587626BK7*	\$160,000	587626BT8
\$120,000	587626BL5*	\$170,000	587626BU5
\$125,000	587626BM3*	\$175,000	587626BV3
\$130,000	587626BN1*	\$1,015,000	587626CA8
\$135,000	587626BP6*	\$2,930,000	587626CL4

** Retired as of the date of this report*

January 31, 2016

***Continuing Disclosure Annual Report
for
City of Merced
Community Facilities District No. 2006-1
(Moraga of Merced)
\$5,840,000 Special Tax Bonds, Series 2006
Fiscal Year 2014-15***

This Continuing Disclosure Annual Report (“Annual Report”) contains certain information required to be filed annually per SEC rule 15c2-12(b)(5) (the “Rule”) by the City of Merced (the “City”) Community Facilities District No. 2006-1 (Moraga of Merced) (the “CFD”). The Rule is applicable to the Special Tax Bonds, Series 2006 (the “Series 2006 Bonds”) issued in the aggregate principal amount of \$5,840,000 by the CFD on December 14, 2006. The Rule requires that an issuer undertake in a written agreement or contract, for the benefit of holders of the securities issued, to file with national and state repositories the following:

- i. Certain financial information as presented in the Continuing Disclosure Agreement
- ii. Audited financial statements of the City
- iii. Notice of certain enumerated significant events
- iv. Notice of any failure to provide such annual financial information as agreed

In compliance with the Rule, the City signed the Continuing Disclosure Agreement on December 14, 2006, requiring the City to provide annually, or as they occur, the aforementioned enumerated documents or events. Per the Continuing Disclosure Agreement, the City is required to file an annual report with all national and State of California repositories which includes:

- a) The City’s audited financial statements for the most recently completed fiscal year.

→ **See Appendix A.**

- b) The balance in the Reserve Fund held under the Fiscal Agent Agreement.

→ **As of October 31, 2015, the balance in the Reserve Fund was \$363,111 and the Reserve Fund Requirement is \$362,790; therefore, pursuant to the Series 2006 Bonds covenants, the Reserve Fund is fully funded.**

- c) The principal amount of the Series 2006 Bonds outstanding.

→ **As of the date of this report, \$4,510,000 of the Series 2006 Bonds remains outstanding. Of the \$1,330,000 in bonds no longer outstanding, \$945,000 matured as scheduled and \$385,000 was tendered by the City.**

d) The amount of prepayments of the special tax, if any.

→ **As of the date of this report, there have been no prepayments of the special tax obligation.**

e) The total assessed value of all parcels currently subject to the special tax within the CFD, showing the total assessed valuation for all land and the total assessed valuation for all improvements within the CFD and distinguishing between the assessed value of developed property and undeveloped property.

Total Assessed Value of all Land	\$2,947,457
Total Assessed Value of all Improvements	\$8,646,832
Total Assessed Value of all Parcels	\$11,594,289
Assessed Value of Developed Property	\$9,588,052
Assessed Value of Undeveloped Property	\$2,006,237
Total Assessed Value of all Parcels	\$11,594,289

f) Identification of each parcel within the CFD for which any special tax payment is delinquent, together with the following information respecting each such parcel: (A) the amount delinquent; (B) the date of each delinquency; (C) in the event a foreclosure complaint has been filed respecting such delinquent parcel and such complaint has not yet been dismissed, the date on which the complaint was filed; and (D) in the event a foreclosure sale has occurred respecting such delinquent parcel, a summary of the results of such foreclosure sale.

→ **See Appendix B.**

- g) A land ownership summary listing property owners responsible for more than ten percent (10%) of the annual special tax levy, as shown on the Merced County Assessor's last equalized tax roll prior to the September next preceding the Annual Report date.

Property Owner	FY 2015-16 Special Tax Levy	Percentage	Number of Parcels	Total 2015 Assessed Value
CBCP Assets, LLC	\$183,004	49.06%	1	\$679,316
Moraga LP	\$157,468	42.22%	250	\$1,499,611

- **On April 1, 2015 and October 1, 2015, "Notices of Failure to File" were filed with the Municipal Securities Rulemaking Board in connection to the Continuing Disclosure Semi-Annual Reports due on March 31, 2015 and September 30, 2015, for Moraga LP. As of the date of this report, no Continuing Disclosure Semi-Annual Reports have been provided by Moraga LP.**
- **On March 31, 2015, and September 30, 2015, CBCP Assets, LLC provided Continuing Disclosure Semi-Annual Reports for the periods ending March 31, 2015 and September 30, 2015, respectively.**
- h) A description of the status of the facilities being constructed with proceeds of the Series 2006 Bonds.
- **All facilities authorized to be constructed with proceeds of the Series 2006 Bonds were completed as of October 26, 2007.**
- i) Changes, if any to the rate and method of apportionment.
- **No changes.**
- j) The amount of special taxes generated by the developed parcels and undeveloped parcels within the CFD.

Property Classification	Number of Parcels	FY 2015-16 Special Tax Levy	Percentage of Total Special Tax Levy
Developed	38	\$33,686	9.03%
Undeveloped	250	\$339,324	90.97%

- k) To the extent not provided pursuant to (b) through (j) above, the annual information required to be filed with the California Debt and Investment Advisory Commission.

→ **See Appendix C.**

- l) **Senate Bill 165 Reporting Requirements.** On September 18, 2000, former Governor Gray Davis signed Senate Bill 165 which enacted the Local Agency Special Tax and Bond Accountability Act. In approving the bill, the Legislature declared that local agencies need to demonstrate to voters that special taxes and bond proceeds are being spent on the facilities and services for which they were intended. To further this objective, the Legislature added Sections 50075.3 and 53411 to the California Government Code setting forth annual reporting requirements relative to special taxes collected and bonds issued by a public agency. The amount of special taxes collected and expended for the fiscal year 2014-15 special tax levy is set forth in the table below:

Fiscal Year 2014-15 Revenues

Interest	\$505
Assessments	\$375,917
Other Revenue	\$0
Total Revenues Collected	\$376,422

Fiscal Year 2014-15 Expenditures

Bond Interest	\$227,485
Bond Principal	\$130,000
Fiscal Agent Fees	\$4,537
Professional Services	\$6,651
Support Services	\$95
Administrative Services	\$565
Direct Service Charges	\$707
Total Expenditures	\$370,040

Beginning Fund Balance*	\$650,019
Ending Fund Balance*	\$656,401

Net Change in Fund Balance	\$6,382
-----------------------------------	----------------

* Includes Reserve Requirement.

m) **Reporting of Significant Events.** Pursuant to the provisions of the Continuing Disclosure Agreement, the CFD shall give, or cause to be given, notice of the occurrence of any of the following events, if material:

1. Principal and interest payments delinquencies.
2. Non-payment related defaults.
3. Modifications to rights of Bondholders.
4. Optional, contingent or unscheduled bond calls.
5. Defeasances
6. Rating changes.
7. Adverse tax opinions or events adversely affecting the tax-exempt status of the bonds.
8. Unscheduled draws on debt service reserves reflecting financial difficulties.
9. Unscheduled draws on credit enhancements reflecting financial difficulties.
10. Substitution of credit or liquidity providers, or their failure to perform.
11. Release, substitution, or sale of property securing repayment of the bonds.

From July 1, 2014 through the date of this report, no significant events have been reported by the CFD.

APPENDIX A

*Audited Financial Statements
for the Fiscal Year Ending June 30, 2015
(To Come Under Separate Cover)*

THE FOLLOWING FINANCIAL STATEMENT IS PROVIDED SOLELY TO COMPLY WITH THE SECURITIES AND EXCHANGE COMMISSION STAFF'S INTERPRETATION OF RULE 15c2-12. NO FUNDS OR ASSETS OF THE CITY OF MERCED (OTHER THAN THE SPECIAL TAXES LEVIED IN THE COMMUNITY FACILITIES DISTRICT) ARE REQUIRED TO BE USED TO PAY DEBT SERVICE ON THE BONDS AND THE CITY IS NOT OBLIGATED TO ADVANCE AVAILABLE FUNDS FROM THE CITY TREASURY TO COVER ANY DELINQUENCIES. INVESTORS SHOULD NOT RELY ON THE FINANCIAL CONDITION OF THE CITY IN EVALUATING WHETHER TO BUY, HOLD OR SELL THE BONDS.

APPENDIX B

*Special Tax Delinquencies
as of September 2, 2015*

City of Merced
Community Facilities District No. 2006-1 (Moraga of Merced)
Delinquencies as of September 2, 2015

Assessor's Parcel Number	Amount Delinquent	Date of Earliest Delinquency	Status of Foreclosure Proceedings	Action Taken	Date Complaint Filed
008-421-011-000	\$880.00	12/10/2012	None	Reminder Letter Mailed 9/14/2015	N/A

Number of Parcels Delinquent:	1
Total Amount Delinquent:	\$880.00

Source: Merced County Tax Collector's Office; Goodwin Consulting Group, Inc.

APPENDIX C

*California Debt and Investment Advisory Commission Report
for the Fiscal Year Ending June 30, 2015*

Submitted:

Wednesday, October 28, 2015

4:09:51PM

CDIAC #: 2006-1344

**STATE OF CALIFORNIA
MELLO-ROOS COMMUNITY FACILITIES DISTRICT (CFD)
YEARLY FISCAL STATUS REPORT**

California Debt and Investment Advisory Commission
915 Capitol Mall, Room 400, Sacramento, CA 95814
P.O. Box 942809, Sacramento, CA 94209-0001
(916) 653-3269 Fax (916) 654-7440

For Office Use Only

Fiscal Year _____

I. GENERAL INFORMATION

A. Issuer Merced CFD No 2006-1

B. Project Name Moraga Development

C. Name/ Title/ Series of Bond Issue 2006 Special Tax Bonds

D. Date of Bond Issue 12/14/2006

E. Original Principal Amount of Bonds \$5,840,000.00

F. Reserve Fund Minimum Balance Required Yes ☒ Amount \$362,790.00 No ☐

II. FUND BALANCE FISCAL STATUS

Balances Reported as of: 6/30/2015

A. Principal Amount of Bonds Outstanding \$4,645,000.00

B. Bond Reserve Fund \$363,047.78

C. Capitalized Interest Fund \$0.00

D. Construction Fund(s) \$0.00

III. ASSESSED VALUE OF ALL PARCELS IN CFD SUBJECT TO SPECIAL TAX

A. Assessed or Appraised Value Reported as of: 7/1/2015

☒ From Equalized Tax Roll

☐ From Appraisal of Property
(Use only in first year or before annual tax roll billing commences)

B. Total Assessed Value of All Parcels \$11,594,289.00

IV. TAX COLLECTION INFORMATION

A. Total Amount of Special Taxes Due Annually \$375,829.28

B. Total Amount of Unpaid Special Taxes Annually \$0.00

C. Taxes are Paid Under the County's Teeter Plan? N

V. DELINQUENT REPORTING INFORMATION

Delinquent Parcel Information Reported as of Equalized Tax Roll of: 9/2/2015

A. Total Number of Delinquent Parcels: 1

B. Total Amount of Taxes Due on Delinquent Parcels: \$880.00
(Do not include penalties, penalty interest, etc.)

VI. FORECLOSURE INFORMATION FOR FISCAL YEAR

(Aggregate totals, if foreclosure commenced on same date)

(Attach additional sheets if necessary.)

Date Foreclosure Commenced	Total Number of Foreclosure Parcels	Total Amount of Tax Due on Foreclosure Parcels
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00

Submitted:

Wednesday, October 28, 2015

4:09:51PM

CDIAC #: 2006-1344

**STATE OF CALIFORNIA
MELLO-ROOS COMMUNITY FACILITIES DISTRICT (CFD)
YEARLY FISCAL STATUS REPORT**

California Debt and Investment Advisory Commission
915 Capitol Mall, Room 400, Sacramento, CA 95814
P.O. Box 942809, Sacramento, CA 94209-0001
(916) 653-3269 Fax (916) 654-7440

For Office Use Only

Fiscal Year _____

VII. ISSUE RETIRED

This issue is retired and no longer subject to the Yearly Fiscal Status report filing requirements.

(Indicate reason for retirement)

Matured ☐ Redeemed Entirely ☐ Other ☐

If Matured, indicate final maturity date:

If Redeemed Entirely, state refunding bond title & CDIAC #:

and redemption date:

If Other:

and date:

VIII. NAME OF PARTY COMPLETING THIS FORM

Name Andrew Bavender

Title Sr Associate

Firm/ Agency Goodwin Consulting Group Inc

Address 555 UNIVERSITY AVE Suite 280

City/ State/ Zip SACRAMENTO, CA 95825

Phone Number (916) 561-0890

Date of Report 10/28/2015

E-Mail andrew@goodwinconsultinggroup.net

IX. ADDITIONAL COMMENTS:

Completion and submittal of this form to the California Debt and Investment Advisory Commission will assure your compliance with California State law. Section 53359.5 of the California Government Code requires that all agencies issuing Mello-Roos Community Facilities bonds after January 1, 1993 to report specific information to the Commission by October 30th of each year.



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 16-031

Meeting Date: 2/1/2016

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

File #: 16-021

Meeting Date: 2/1/2016

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

SUBJECT: Administering Agency State Program Supplement for Accepting an Active Transportation Program (ATP) Cycle 1 Grant for the Environmental Phase of the Highway 59 Multi-Use Pathway Crossing Project 115047

REPORT IN BRIEF

Considers a Resolution approving a California Department of Transportation Program Supplement and accepting ATP Grant funding for the environmental phase of the pedestrian crossing project.

RECOMMENDATION

City Council - Adopt a Motion:

- A. Adopting **Resolution 2016-06**, a Resolution of the City Council of the City of Merced, California, Approving Federal-Aid Projects Program Supplement Agreement No. 028-N; and,
- B. Accepting and appropriating \$5,000 in grant funds from ATP for the environmental phase associated with the pedestrian crossing; and,
- C. Authorizing the City Manager or his designee to execute all 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, Section 200 et seq.

Caltrans Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STIP) are used to comply with the changes to the programming and funding statutes brought about by Chapter 622 of the Statutes of 1997 (SB 45, Kopp). The procedures have been modified to remain consistent with and complimentary to the various guidelines and policies adopted

by the California Transportation Commission (CTC), including the current 2010 STIP Guidelines (adopted on October 14, 2009).

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

The City of Merced applied for an Active Transportation Program (ATP) Grant and was awarded funds for the design and construction of a pedestrian crossing on Highway 59 over the BNSF Railroad Crossing. The awarded grant was for \$945,000, of which \$834,000 was for construction, \$106,000 was for design, and \$5,000 was for environmental and Right-of-Way.

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

In addition to the master agreement, we must execute a specific supplemental agreement for each individual project. Caltrans has sent us Program Supplement No. N028 covering use of \$5,000 in Federal funds for the environmental phase of the Highway 59 Multi-Use Pathway Crossing Project. There is no local match for this phase of the project and no General Funds will be used.

Reimbursements can be claimed through the Caltrans accounting office only after execution of the Supplemental Agreement. We, therefore, request Council approval of the Program Supplement, accepting the Federal funding for ATPL-5085(045).

The City Attorney has reviewed and approved the agreement and has prepared a resolution for adoption.

IMPACT ON CITY RESOURCES

Staff recommends accepting grant revenue from the State of California adopted Active Transportation Program (ATP) Cycle 1, increasing revenue account 450-1104-321.32-00 in the amount of \$5,000, and appropriating the same to account 450-1104-637.65-00-115047 for the environmental phase associated with the pedestrian crossing project.

ATTACHMENTS

1. Program Supplement
2. Resolution
3. E-76
4. Location Map

PROGRAM SUPPLEMENT NO. N028
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 10-5085R

Adv Project ID Date: December 15, 2015
1015000175 Location: 10-MER-59-MER
Project Number: ATPL-5085(045)
E.A. Number:
Locode: 5085

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

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

PROJECT LOCATION:

SR 59 at BNSF RR between Cooper Avenue and Olive Avenue

TYPE OF WORK: Construct Multi-Use Path Crossing of BNSF RR

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	M300		LOCAL	OTHER
\$5,000.00		\$5,000.00	\$0.00	\$0.00

CITY OF MERCED

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
Department of Transportation

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

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

Accounting Officer

Roxane Jane Chyn

Date

12/15/2015

\$5,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

APPROVED AS TO FORM:

Kenneth Rozell
KENNETH ROZELL
Senior Deputy City Attorney

Program Supplement 10-5085R-N028- ISTE A

Page 1 of 5

Page _1_ of _1_

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 or TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

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

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

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

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

E. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal

SPECIAL COVENANTS OR REMARKS

obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

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

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

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

H. This PROJECT is programmed to receive Federal funding from the Active Transportation Program (ATP). Funding may be provided under one or more components. A component(s) specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the component(s) identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per component(s).

This PROGRAM SUPPLEMENT has been prepared to allow reimbursement of eligible PROJECT expenditures for the component(s) allocated. The start of reimbursable expenditures is restricted to the later of either 1) the effective date of the component specific allocation or the effective date of the federal obligation of funds.

SPECIAL COVENANTS OR REMARKS

I. STATE and ADMINISTERING AGENCY agree that any additional funds made available for new phase(s) of work by future Federal obligations will be encumbered on this PROJECT by use of a Federal Highway Administration-approved "Authorization to Proceed" notification and State Finance Letter. ADMINISTERING AGENCY also agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration and that STATE funds available for reimbursement will be limited to the amounts allocated by the California Transportation Commission and/or STATE.

J. Upon ADMINISTERING AGENCY request, the CTC and/or STATE may approve supplementary allocations, time extensions, and fund transfers between components. Funds transferred between allocated project components retain their original timely use of funds deadlines, but an approved time extension will revise the timely use of funds criteria for the component(s) and allocation(s) requested. Approved supplementary allocations, time extensions, and fund transfers between components made after the execution of this PROGRAM SUPPLEMENT will be documented and considered subject to the terms and conditions thereof. Documentation will consist of a Federal Highway Administration-approved "Authorization to Proceed" notification, a STATE approved Allocation Letter, Fund Transfer Letter, Time Extension Letter, and Finance Letter, as appropriate.

K. This PROJECT will be administered in accordance with the applicable CTC STIP guidelines and the Active Transportation Program guidelines as adopted or amended, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

L. The submittal of invoices for PROJECT costs shall be in accordance with the above-referenced publications and the following. The ADMINISTERING AGENCY shall invoice STATE for environmental & permits, plans specifications & estimate, and right-of-way costs no later than 180 days after the end of last eligible fiscal year of expenditure. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance, whichever occurs first, to make the final payment to the contractor and prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.

M. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these Federal funds.

N. This PROJECT is subject to the timely use of funds provisions enacted by the ATP Guidelines, as adopted or amended, and by approved CTC and State procedures as outlined below.

Funds allocated for the environmental & permits (E&P), plan specifications & estimate (PS&E), and right-of-way components are available for expenditure until the end of the second fiscal year following the year in which the funds were allocated.

SPECIAL COVENANTS OR REMARKS

Funds allocated for the construction component are subject to an award deadline and contract completion deadline. ADMINISTERING AGENCY agrees to award the contract within 6 months of the construction fund allocation and to complete and accept the construction within 36 months of award.

O. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to comply with all reporting requirements in accordance with the Active Transportation Program Guidelines, as adopted or amended.

2. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.

RESOLUTION NO. 2016-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING FEDERAL-AID PROJECTS
PROGRAM SUPPLEMENT AGREEMENT
NO. 028-N**

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

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

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

SECTION 1. Program Supplement Agreement No. 028-N, attached hereto and made a part hereof, is hereby approved.

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

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PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2016, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
CITY CLERK

BY: _____
Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Ken Ryed 1/8/16
City Attorney Date

PROGRAM SUPPLEMENT NO. N028
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 10-5085R

Adv Project ID 1015000175 **Date:** December 15, 2015
Location: 10-MER-59-MER
Project Number: ATPL-5085(045)
E.A. Number:
Locode: 5085

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

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

PROJECT LOCATION:

SR 59 at BNSF RR between Cooper Avenue and Olive Avenue

TYPE OF WORK: Construct Multi-Use Path Crossing of BNSF RR

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	M300	\$5,000.00	LOCAL	OTHER
\$5,000.00			\$0.00	\$0.00

CITY OF MERCED

STATE OF CALIFORNIA
Department of Transportation

By _____
Title _____
Date _____
Attest _____

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

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

Accounting Officer Ronjane Jane Chyn

Date 12/15/2015 \$5,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION
PROGRAM SUPPLEMENT AND CERTIFICATION FORM
PSCF (REV. 01/2010)

Page 1 of 1

TO: STATE CONTROLLER'S OFFICE Claims Audits 3301 "C" Street, Rm 404 Sacramento, CA 95816	DATE PREPARED: 12/15/2015	PROJECT NUMBER: 1015000175
	REQUISITION NUMBER / CONTRACT NUMBER: RQS-2660-101600000231-1	

FROM:

Department of Transportation

SUBJECT:

Encumbrance Document

VENDOR / LOCAL AGENCY:

CITY OF MERCED

\$5,000.00

PROCUREMENT TYPE:

Local Assistance

[illegible]

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 or TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

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

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

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

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

E. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal

SPECIAL COVENANTS OR REMARKS

obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

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

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

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

H. This PROJECT is programmed to receive Federal funding from the Active Transportation Program (ATP). Funding may be provided under one or more components. A component(s) specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the component(s) identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per component(s).

This PROGRAM SUPPLEMENT has been prepared to allow reimbursement of eligible PROJECT expenditures for the component(s) allocated. The start of reimbursable expenditures is restricted to the later of either 1) the effective date of the component specific allocation or the effective date of the federal obligation of funds.

SPECIAL COVENANTS OR REMARKS

- I. STATE and ADMINISTERING AGENCY agree that any additional funds made available for new phase(s) of work by future Federal obligations will be encumbered on this PROJECT by use of a Federal Highway Administration-approved "Authorization to Proceed" notification and State Finance Letter. ADMINISTERING AGENCY also agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration and that STATE funds available for reimbursement will be limited to the amounts allocated by the California Transportation Commission and/or STATE.
- J. Upon ADMINISTERING AGENCY request, the CTC and/or STATE may approve supplementary allocations, time extensions, and fund transfers between components. Funds transferred between allocated project components retain their original timely use of funds deadlines, but an approved time extension will revise the timely use of funds criteria for the component(s) and allocation(s) requested. Approved supplementary allocations, time extensions, and fund transfers between components made after the execution of this PROGRAM SUPPLEMENT will be documented and considered subject to the terms and conditions thereof. Documentation will consist of a Federal Highway Administration-approved "Authorization to Proceed" notification, a STATE approved Allocation Letter, Fund Transfer Letter, Time Extension Letter, and Finance Letter, as appropriate.
- K. This PROJECT will be administered in accordance with the applicable CTC STIP guidelines and the Active Transportation Program guidelines as adopted or amended, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.
- L. The submittal of invoices for PROJECT costs shall be in accordance with the above-referenced publications and the following. The ADMINISTERING AGENCY shall invoice STATE for environmental & permits, plans specifications & estimate, and right-of-way costs no later than 180 days after the end of last eligible fiscal year of expenditure. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance, whichever occurs first, to make the final payment to the contractor and prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.
- M. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these Federal funds.
- N. This PROJECT is subject to the timely use of funds provisions enacted by the ATP Guidelines, as adopted or amended, and by approved CTC and State procedures as outlined below.
- Funds allocated for the environmental & permits (E&P), plan specifications & estimate (PS&E), and right-of-way components are available for expenditure until the end of the second fiscal year following the year in which the funds were allocated.

SPECIAL COVENANTS OR REMARKS

Funds allocated for the construction component are subject to an award deadline and contract completion deadline. ADMINISTERING AGENCY agrees to award the contract within 6 months of the construction fund allocation and to complete and accept the construction within 36 months of award.

O. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to comply with all reporting requirements in accordance with the Active Transportation Program Guidelines, as adopted or amended.

2. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.

AUTHORIZATION / AGREEMENT SUMMARY - (E-76)

CALIFORNIA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROGRAM

DLA LOCATOR: 10-MER-59-MER
 PREFIX: ATPL
 PROJECT NO: 5085(045)
 SEQ NO: 1
 STATE PROJ NO: 1015000175L-N
 AGENCY: MERCED
 ROUTE: 59
 TIP DATA
 MPO: MCAG
 FSTIP YR: 15/16
 STIP REF: ATP14-02
 DISASTER NO:
 BRIDGE NO:

PROJECT LOCATION:
 IN MERCED ON STATE ROUTE 59 BETWEEN COOPER AVENUE AND OLIVE AVENUE
 TYPE OF WORK:
 CONSTRUCT MULTI-USE PATH CROSSING AT BNSF RR (TC)
 FED RR NO'S:
 PUC CODES:
 PROJ OVERSIGHT: ASSUMED/LOCAL ADMIN
 ENV STATUS / DT:
 RW STATUS / DT:
 INV RTE:
 BEG MP:
 END MP:

PREV AUTH / AGREE DATES:
 PE:
 R/W:
 CON:
 SPR:
 MCS:
 OTH:

PROG CODE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID
M300	10	15				

FUNDING SUMMARY

PHASE	PROJECT COST	FEDERAL COST	AC COST
PE	PREV. OBLIGATION \$0.00	\$0.00	\$0.00
	THIS REQUEST \$5,000.00	\$5,000.00	\$0.00
	SUBTOTAL \$5,000.00	\$5,000.00	\$0.00
R/W	PREV. OBLIGATION \$0.00	\$0.00	\$0.00
	THIS REQUEST \$0.00	\$0.00	\$0.00
	SUBTOTAL \$0.00	\$0.00	\$0.00
CON	PREV. OBLIGATION \$0.00	\$0.00	\$0.00
	THIS REQUEST \$0.00	\$0.00	\$0.00
	SUBTOTAL \$0.00	\$0.00	\$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:		\$5,000.00	\$5,000.00
			\$0.00

STATE REMARKS

10/20/2015 The CTC voted \$5,000 federal funds for Environmental Studies & Permits (PA&ED) for this ATP project at the August 2015 CTC meeting. Toll credit used in-lieu of local match.

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: PRE
 FOR: PE (PA&ED)
 DOCUMENT TYPE: AAGR

PREPARED IN FADS BY: FUKANO, JOHN
 REVIEWED IN FADS BY: SAFAIE, FRANK
 SUBMITTED IN FADS BY: KE, RICHARD
 PROCESSED IN FADS BY: HUEY, SHUN
 APPROVED IN FMIS BY: MARY CUNNINGHAM

ON 2015-10-20 948-3755
 ON 2015-10-27 653-5345
 ON 2015-11-25 FOR CALTRANS
 ON 2015-11-30 FOR FHWA
 ON 2015-12-01 15:48:23.0

SIGNATURE HISTORY FOR PROJECT NUMBER 5085(045) AS OF 12/07/2015

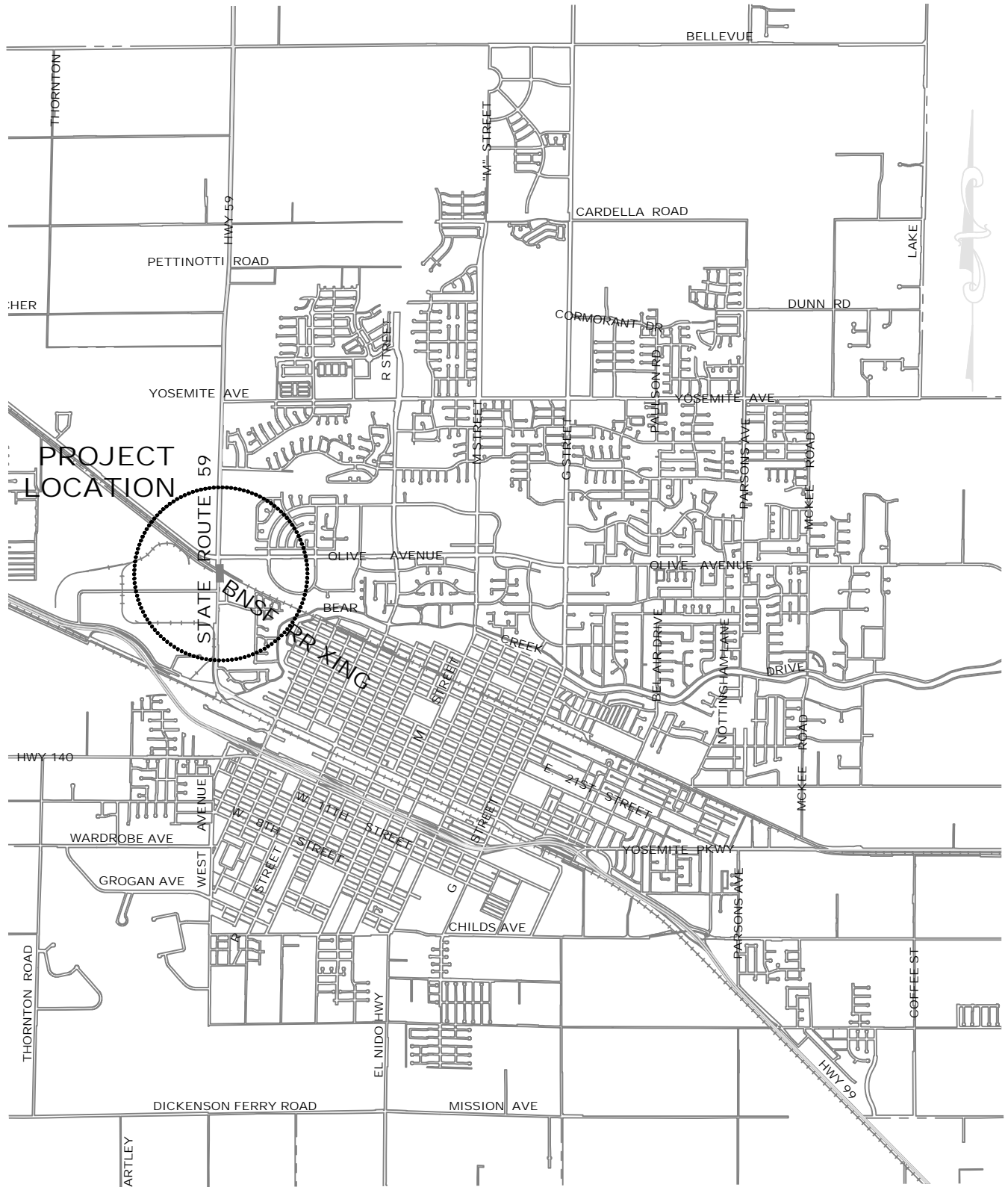
FHWA FMIS 4.0 SIGNATURE HISTORY

MOD #	SIGNED BY	SIGNED ON
0	SHUN HUEY	11/30/2015
	CESAR PEREZ	11/30/2015
	MARY CUNNINGHAM	12/01/2015

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY

DOCUMENT TYPE	SIGNED BY	SIGNED ON
AUTH/AGREE	KE, RICHARD	11/25/2015



LOCATION MAP

SCALE: NTS



City of Merced
"Gateway to Yosemite"

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

ATP PROJECT
SR 59 AT THE BNSF
RAILROAD CROSSING.

DR. BY: JDS
DATE: 3/31/2014
CH. BY:
DATE:
FILE NO.
SCALE: AS SHOWN



CITY OF MERCED

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

ADMINISTRATIVE REPORT

File #: 15-210

Meeting Date: 2/1/2016

Report Prepared by: Tom Trinidad, Captain, Police Department

SUBJECT: Fiscal Year 2015 State Homeland Security Grant Program (SHSGP)

REPORT IN BRIEF

Consider accepting Fiscal (FY) 2015 State Homeland Security Grant Program (SHSGP) funds to purchase a Bomb Suit and Bomb Helmet (EOD) for the Merced Police Department Bomb Unit to protect bomb tech when down range investigating suspicious packages.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting FY 2015 SHSGP grant funds in the amount of \$25,355.00 as revenue in account 001-1001-324-02-00;
- B. Appropriating \$25,355.00 to Machinery/Equipment expense account 001-1001-523-43-00;
- C. Approving the use of pooled cash until reimbursement from the grant is received: and
- D. Authorizing the City Manager to execute the necessary documents.

ALTERNATIVES

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

AUTHORITY

Charter of the City of Merced, Section 200 - Powers.
Charter of the City of Merced, Section 405 - Powers Vested in the City Council.
Charter of the City of Merced, Section 1105 - Budget Appropriations.

CITY COUNCIL PRIORITIES

As it relates to Council priority for Public Safety.

DISCUSSION

The Merced County Office of Emergency Services (OES) has awarded funds through the FY2015 State Homeland Security Grant Program (SHSGP). The scope of the grant includes funding for emergency management equipment, Incident Command System training, law enforcement equipment, fire department equipment, and health department equipment. Within the parameters and requirements of the grant program, monies have been awarded by the Merced Big 5 Committee to the individual agencies and jurisdictions within the County.

On December 9, 2015, the City of Merced Police Department was awarded \$25,355.00 of the FY 2015 SHSGP funds to purchase an Explosive Bomb Suit and Helmet.

The Merced Police Department has a Bomb Unit that services not only the City of Merced but Merced and Mariposa Counties as well. A Bomb Squad is defined as: a bomb response organization consisting of at least one bomb team that meets Type I or Type II standards as defined in Section 7.1 of the National Guidelines for Bomb Technicians, published by the U.S. Department of Justice Federal Bureau of Investigation.

The duties of the team are to: render safe and/or remove suspected Improvised Explosive Devices (IEDs), incendiary devices, military ordinance, explosives, explosive chemicals, pyrotechnics and military ammunition of .50 caliber and above. In addition, the Bomb Unit provides support to the department's Special Weapons and Tactics

Team at a minimum in the following areas:

- Crisis negotiations
- Breaching
- Render-safe procedures (RSP)
- Identification and elimination of booby traps

The grant funds will allow the Bomb Unit to have the necessary equipment for protection of bomb techniques while investigating suspicious packages. The funds will be used to purchase a Bomb Suit and Helmet, allowing Unit members to respond to active scenes with explosive devices and be able to afford protection to bomb tech while "down Range".

IMPACT ON CITY RESOURCES

The City of Merced would have to transfer money to make the initial purchase of the equipment. However, the grant will reimburse the City of Merced the amount of \$25,355.00. Adopt a motion accepting FY 2015 SHSGP grant funds in the amount \$25,355.00 as revenue in account 001-1001-324-02-00 and appropriating the same to the Machinery/Equipment expense account 001-1001-523-43-00.

ATTACHMENTS

No attachments available.



ADMINISTRATIVE REPORT

File #: 15-292

Meeting Date: 2/1/2016

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

SUBJECT: Award Bid to Evoqua Water Technologies for Furnishing Granular Activated Carbon for the PCE Wellhead Treatment System at Well 3C, Project No. 115048

REPORT IN BRIEF

Consider awarding a contract in the amount of \$200,000 to Evoqua Water Technologies to furnish granular activated carbon for the PCE Wellhead Treatment System at Well 3C.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding the bid for the Granular Activated Carbon For Water Treatment Project No. 115048, to Evoqua Water Technologies, in the amount of \$200,000; and,
- B. Authorizing contract change orders as necessary to replenish the carbon at the costs/terms specified in this three-year option contract; and,
- C. Authorizing the City Manager to execute the necessary documents.

ALTERNATIVES

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

AUTHORITY

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

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, park, 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

PCE in Groundwater:

Tetrachloroethylene, also known as Perchloroethylene (PCE), is a chlorinated solvent that persists when discharged to the environment. Historical sources of PCE discharges may include dry cleaners, auto repair shops, and other industries/facilities that use or store cleaning solvents.

Former City Wells 3A and 3B were installed on a parcel in the central portion of the City in the 1950s. These wells were impacted by PCE releases to the groundwater aquifer beneath Merced, and were removed from service. Well 3C was installed on the same parcel in 1987 to replace the shallower Wells 3A and 3B. In the past decade, Well 3C has intermittently contained detectable concentrations of PCE ranging from 0.5 to 2.2 ug/l (micrograms per liter or parts-per-billion).

Staff explored various options to address the Well 3C situation. The options included replacing it with a deeper well at the same location. This was the previous method utilized as Well 3C replaced Wells 3A and 3B. However, the PCE ultimately impacted the replacement Well 3C. The option of treating the groundwater in place near the well is impractical due to the greater than 500 foot depth of the PCE. Destroying the well and replacing it with a new well in a different area of the City is another option. This option was dismissed as it negates the value of the water resource itself in the vicinity of Well 3C. This option would also require building new infrastructure, including a pump station with associated plumbing, and does not offer the sustainability benefits of utilizing the existing infrastructure at Well 3C.

It is in the best interests of the City to provide wellhead treatment for the PCE at Well 3C given the options available. Many San Joaquin Valley cities have installed wellhead treatment systems to address their groundwater contaminant problems.

Wellhead treatment is also an anticipated treatment method in the City's settlement in the dry cleaners case. A claim has been filed on the insurance policy resulting from the dry cleaners settlement to cover eligible costs for wellhead treatment. This will assist in reducing the total costs for this project as this contract is expected to be 100% reimbursable to the City.

System Design:

AECOM Technical Services, Inc. (AECOM) developed the plans and specifications for a PCE treatment system consisting of four (4) above ground carbon vessels with each containing twenty-thousand pounds (20,000 lbs.) of granular activated carbon (GAC). Water will be routed from Well 3C through the carbon vessels and into the City's water supply system to provide quality drinking water to Merced residents.

Treatment System Bidding:

The procurement of the system has been separated into three phases: 1) carbon vessel fabrication and delivery; 2) chemical building demolition and relocation, plumbing, electrical, and communications equipment construction; and 3) carbon delivery, loading and replenishment.

By separating the carbon vessel and carbon procurements the City will avoid paying the typical contractor 15% mark up for these items. The City can also control quality and achieve cost savings by dealing directly with the carbon suppliers, rather than through the contractor. The contract under consideration is for the phase 3 granular activated carbon delivery, loading, and replenishment.

The Carbon Contract:

When carbon is used as a water filtering media for PCE it eventually becomes saturated and the carbon needs to be replenished. The vendor will then mobilize trucks to the site to off-load the spent carbon, and refill the vessels with new carbon. The spent carbon can be managed in two ways- 1) destruction or 2) reactivation for re-use at the Well 3C site. The advantages of using reactivated carbon are: lower costs, quality control in that contaminants from other sites will not be mingled with City carbon, and sustainability of natural resources (recycling).

The bid package was developed in consideration of the above process to include costs for 1) the initial carbon fill, 2) the initial replenishment, and 3) ongoing replenishment returning the City's reactivated carbon to the site. Vendors were required to provide three quotes on a price per pound (\$/lbs.) basis for each of these scenarios.

The project was advertised for bidding and the bids were opened on November 19, 2015, with the following results:

1. Evoqua Water Technologies (Alpharetta, GA) \$ 268,000.00
2. Prominent System, Inc. (City of Industry, CA) \$ 163,200.00
(Non-responsive: the contractor did not submit an amount for Bid Item No. 2- Remove, Reactivate/Destroy Spent GAC, and then Furnish and Install Reactivated GAC)

Note to above: Prominent System, Inc. filed a protest regarding the bidding. The City responded to Prominent System, Inc. by rejecting their protest. A copy of the protest and the City's response are attached.

The engineer's estimate for the carbon was \$332,000.

The listed contract amount of \$200,000 is for the initial carbon loading of the four vessels (total 80,000 lbs. @ \$1.20/lb. = \$96,000), and the first change out (total 80,000 lbs. @ \$1.30/lb. = \$104,000). The rate at which the carbon will be depleted is dependent on groundwater chemistry, pumping rates and other factors. AECOM estimates that the first change out will be required within one year of system startup. Subsequent carbon change outs will be funded through the annual budget process and contract change orders at the costs/terms specified in this three-year option contract.

Note: staff is specifically requesting authorization to exceed the 10% contract change order limitation due to the cost of the future carbon replenishments (80,000 lbs. @ \$0.85 = \$68,000).

Past Actions:

On April 15, 2013, the City Council awarded a professional services agreement with AECOM

Technical Services, Inc., for wellhead treatment engineering design services at Well 3C.

On July 6, 2015, the City Council awarded a contract to Carbon Activated Corporation of Compton, California, for the phase 1 fabrication and delivery of four (4) above ground carbon vessels with each having a capacity of twenty-thousand pounds (20,000 lbs.) of granular carbon absorbent.

On November 2, 2015, the City Council awarded a contract to Carbon Activated Corporation of Compton, California, for the phase 2 on-site construction: chemical building demolition and relocation, plumbing, electrical, and communications equipment construction.

IMPACT ON CITY RESOURCES

This project was established as a Capital Improvement Project and Water System Enterprise Fund account 557-1106-637-65.00-115048 contains sufficient funding to complete the project.

ATTACHMENTS

1. Bid Results
2. Contract
3. Location Map
4. Bid Protest Letter
5. Bid Protest Response

**CITY OF MERCED
PROJECT NO. 115048
GRANULAR ACTIVATED CARBON FOR WATER TREATMENT**

Bid Opening 12/1/2015

				Evoqua Water Technologies (Alpharetta, GA)		Prominent Systems, Inc. (City of Industry, CA)	
NO.	ITEM	UNIT OF MEASURE	ESTIMATED QUANTITY	UNIT PRICE	ITEM TOTAL	UNIT	ITEM TOTAL
1	Remove, Reactivate/Destroy Spent GAC, and then Furnish and Install Virgin GAC	Lbs.	80,000	\$ 1.30	\$ 104,000.00	\$ 1.00	\$ 80,000.00
2	Remove, Reactivate/Destroy Spent GAC, and then Furnish and Install Reactivated GAC	Lbs.	80,000	\$ 0.85	\$ 68,000.00		
3	Furnish and Install Virgin GAC	Lbs.	80,000	\$ 1.20	\$ 96,000.00	\$ 1.04	\$ 83,200.00
					\$ 268,000.00		\$ 163,200.00

****Non-Responsive****

GENERAL CONTRACT

THIS CONTRACT made on _____, by and between the CITY OF MERCED, a municipal corporation of the State of California, hereinafter called the Owner, and EVOQUA WATER TECHNOLOGIES, LLC, hereinafter called the Contractor:

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

1. CONTRACT DOCUMENTS. The complete contract consists of the following documents, to wit:

- (1) This General Contract;
- (2) Special Provisions for **PROJECT NO. 115048**;
- (3) Proposal;
- (4) Instructions to Bidders;
- (5) Notice Inviting Bids;
- (6) Bidder's Bond.

Any and all obligations of the Owner and the Contractor are fully set forth and described therein.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said documents. The documents comprising the complete contract are sometimes hereinafter referred to as the Contract Documents. In case of conflict between any of the documents, the order of documents first listed above shall be the order of precedence, with the first item listed having the highest precedence.

2. THE WORK. Said Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete in a good and workmanlike manner all work of improvement in accordance with Contract Documents in the manner designated in, and in strict conformity with, the Plans and Specifications for **PROJECT NO. 115048**, which said Plans and Specifications are entitled, "**GRANULAR ACTIVATED CARBON FOR WATER TREATMENT**," for construction in Merced County in Merced, and which were included in the award of bid made by the City Council of the City of Merced on _____, 2015.

It is understood and agreed that said tools, equipment, apparatus, facilities, labor, transportation and material, except materials to be supplied by the City as designated in the Contract Documents, shall be furnished and said work performed and completed as required in said Plans and Specifications under the sole direction and control of the Contractor, and subject to inspection and approval of the Owner or its representative. The Owner hereby designates the City Engineer as its representative for the purpose of this Contract.

3. **CONTRACT PRICE.** The Owner agrees to pay, and the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and doing all work contemplated and embraced in this agreement to wit:

ITEM NO.	ITEM	UNIT OF MEASURE	ESTIMATED QUANTITY	UNIT PRICE (IN FIGURES)	ITEM TOTAL (IN FIGURES)
1	Remove, Reactivate/Destroy Spent GAC, and then Furnish and Install Virgin GAC	Lbs.	80,000	\$ <u>1.30</u>	\$ <u>104,000.00</u>
2	Remove, Reactivate/Destroy Spent GAC, and then Furnish and Install Reactivated GAC	Lbs.	-not used-	\$ <u>0.85</u>	-not used-
3	Furnish and Install Virgin GAC	Lbs.	80,000	\$ <u>1.20</u>	\$ <u>96,000.00</u>

TOTAL BID ITEMS 1 THROUGH 3 \$ 200,000.00

4. **TERMINATION.** If the Contractor should be adjudged as bankrupt or if he should make a general assignment for the benefit of his creditors, or if a receiver should be appointed on account of his insolvency, or if he or any of his subcontractors should violate any of the provisions of the Contract Documents, the Owner may serve written notice upon him and his surety of its intention to terminate the Contract; such notice to contain the reasons for such intention to terminate the Contract, and, unless within ten (10) days after serving of such notice such violation shall cease and satisfactory arrangements for correction thereof be made, the Contract shall, upon the expiration of said ten (10) days, cease and terminate.

In the event of any such termination, the Owner shall immediately serve written notice thereof upon the surety and the Contractor, and the surety shall have the right to take over and perform the Contract; provided however, that if the surety within fifteen (15) days after the serving upon it of notice of termination does not give the Owner written notice of its intention to take over and perform the Contract or does not commence performance thereof within thirty (30) days from the date of the serving of such notice, the Owner may take over the work and prosecute the same to completion by contract or by any other method it may deem advisable, for the account and at the expense of the Contractor, and the Contractor and his surety shall be liable to the Owner for any excess cost occasioned the Owner thereby, and in such event the Owner may, without liability for so doing, take possession of and utilize in completing the work such materials, appliances, plant, and other property belonging to the Contractor as may be on the site of the work and necessary therefor.

5. **NOTICE AND SERVICE THEREOF.** Any notice from one party to the other under the Contract shall be in writing and shall be dated and signed by the party giving such notice, or by a duly authorized representative of such party. Any such notice shall not be effective for any purpose whatsoever unless served in the following manner; namely, (a) if the notice is given to the Owner, per personal delivery thereof to the City Engineer of said Owner, or by depositing the same in the United States mails enclosed in a sealed envelope, addressed to the Owner, postage prepaid and registered; (b) if the notice is given to the Contractor, by personal delivery thereof to said Contractor or to his duly authorized representative at the site of the project, or by depositing the same in the United States mails enclosed in a sealed envelope, addressed to said Contractor at 6617 SAN LEANDRO STREET, OAKLAND, CA 94621 postage prepaid and registered; and (c) if the notice is given to the surety or any other person, by personal delivery to such

surety or other person, or by depositing the same in the United States mails enclosed in a sealed envelope, addressed to such surety or person, as the case may be, at the address of such surety or person last communicated by him to the party giving the notice, postage prepaid and registered.

6. ASSIGNMENT OF CONTRACT. Neither the Contract nor any part thereof, nor moneys due, or to become due thereunder, may be assigned by the Contractor without the prior written approval of the Owner.

7. INSURANCE. The Contractor shall not commence work under this Contract until he has obtained all insurance, and such insurance has been approved by the City Attorney of Owner, nor shall the Contractor allow any subcontractor to commence work on his subcontract until all similar insurance required of the subcontractor has been so obtained and approved. Contractor shall furnish the Owner with satisfactory proof of the carriage of insurance required, and there shall be a specific contractual liability endorsement extending the Contractor's coverage to include the contractual liability assumed by the Contractor pursuant to this Contract, and particularly paragraph 9 hereof. Said insurance obtained by the Contractor shall be primary and noncontributory as to any insurance maintained by owner. ***Endorsement for additional insured shall be submitted on Standard form CG 20101185. Endorsement forms CG 20101001 and CG 20371001, when used together, are acceptable in lieu of CG 20101185 for Public Works projects.*** Any policy of insurance required of the Contractor under this Contract shall also contain an endorsement providing that thirty (30) days' notice must be given in writing to the Owner of any pending change in the limits of liability or of any cancellation or modification of the policy. All insurance required by this section shall be from a California admitted insurance company.

9. HOLD HARMLESS. The Contractor will indemnify, defend with counsel selected by the Owner, save, keep, and hold harmless, the Owner and all officers, employees, and agents thereof from all damages, costs, or expenses, in law or in equity, that may at any time arise or be set up because of personal injury or damage to property sustained by any person or persons by reason of, or in the course of the performance of said work, or by reason of any infringement or alleged infringement of the patent rights of any person or persons, firm or corporation, in consequence of the use in, on, or about said work, of any article or material supplied or installed under this Contract. It is understood that the duty of Contractor to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Notwithstanding the above, the Contractor shall, wherever it is necessary, keep and maintain at his sole cost and expense during the course of his operations under this Contract such warnings, signs, and barriers as may be required to protect the public. The provisions of the preceding sentence shall not impose any liability upon the Owner and are for the express benefit of the general public.

Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Contractor 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. By execution of this Agreement, Contractor acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

It is expressly understood that Contractor is an independent contractor and that its employees shall not be employees of or have any contractual relationship with the City. Contractor shall be responsible for the payment of all taxes, workers' compensation insurance and unemployment insurance. Should Contractor desire any insurance protection, the Contractor is to acquire such protection at its expense.

In the event that Contractor or any employee, agent, or subcontractor of Contractor 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, Contractor

shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Contractor 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.

9. ACCIDENT PREVENTION. Precaution shall be exercised at all times for protection of persons (including employees) and property. The safety provisions of applicable laws, building and construction codes shall be observed. Machinery, equipment, and other hazards shall be guarded or eliminated in accordance with the safety provisions of the Construction Safety Orders issued by the Industrial Accident Commission of the State of California.

10. PAYMENT. The Owner will make partial and final payment to the Contractor in accordance with Section 9-3.2 of the Standard Specifications, as amended, except that the Owner will retain the five percent (5%) of the final payment amount until the expiration of thirty-five (35) days from the date of recording by Owner of notice of acceptance of completion of all work covered by this Contract, if such notice be recorded within ten (10) days after the acceptance of completion of such Contract; or, if such notice be not so recorded within ten (10) days, until the expiration of ninety-five (95) days after the acceptance of completion of such work of improvement, at which time and not before, Owner shall pay to Contractor the whole of the remaining five percent (5%) of said contract price so held back as provided.

The payment of progress payments by the Owner shall not be construed as an absolute acceptance of the work done up to the time of such payments, but the entire work is to be subjected to the inspection and approval of the Owner and subject to whatever inspection and approval may be required by law.

11. CALIFORNIA LABOR CODE. The Contractor is aware of, and hereby agrees to comply with Section 1776 of the California Labor Code.

12. CLAIMS. This clause applies to all Contractor claims of three hundred seventy-five thousand dollars (\$375,000), or less, which arise out of this Contract.

- (a) "Claim" means a separate demand by the Contractor for (1) a time extension, (2) payment of money or damages arising from work done by, or on behalf of, the Contractor pursuant to this contract, and payment of which is not otherwise expressly provided for or the Contractor not otherwise entitled to, or (3) an amount the payment of which is disputed by the City.
- (b) The claim shall be in writing and include the documents necessary to substantiate the claim. Claims must be filed on or before the date of final payment. Nothing herein shall extend the time limit or supersede notice requirements otherwise provided by Contract for the filing of claims.
- (c) For claims of less than fifty thousand dollars (\$50,000), the City shall respond in writing to any written claim within forty-five (45) days of receipt of the claim or may request, in writing within thirty (30) days of receipt of the claim, any additional documentation supporting the claim or relating to defenses or claims the City may have against the Contractor.

(1) If additional information is thereafter required, it shall be requested and provided upon mutual agreement of the City and the Contractor.

(2) The City's written response to the claim as further documented shall be submitted to the Contractor within fifteen (15) days after receipt of the further documentation, or within a period

of time no greater than that taken by the Contractor in producing the additional information, whichever is greater.

- (d) For claims of over fifty thousand dollars (\$50,000) and less than, or equal to, three hundred seventy-five thousand dollars (\$375,000), the City shall respond in writing to all written claims within sixty (60) days of receipt of the claim or may request, in writing within thirty (30) days of receipt of the claim, any additional documentation supporting the claim, or relating to defenses or claims the City may have against the Contractor.

- (1) If additional information is thereafter required, it shall be requested and provided upon mutual agreement of the City and the Contractor.

- (2) The City's written response to the claim as further documented shall be submitted to the Contractor within thirty (30) days after receipt of the further documentation, or within a period of time no greater than that taken by the Contractor in producing the additional information or requested documentation, whichever is greater

- (e) If the Contractor disputes the City's written response, or the City fails to respond within the time prescribed, the Contractor may so notify the City, in writing, either within fifteen (15) days of receipt of the City's response, or within fifteen (15) days of the City's failure to respond within the time prescribed, respectively, and demand an informal conference to meet and confer for settlement of the issues in dispute. Upon a demand, the City shall schedule to meet and confer conference within thirty (30) days for settlement of the dispute.

- (f) If, following the meet and confer conference, the claim or any portion remains in dispute, the Contractor may file a claim pursuant to Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title I of the Government Code. For purposes of those provisions, the running of the period of time within which a claim must be filed shall be tolled from the time the Contractor submits its written claim pursuant to Subdivision (b) until the time the claim is denied, including any period of time utilized by the meet and confer conference.

- (g) The following procedures shall be followed for all civil actions filed to resolve claims subject to this clause:

- (1) Within sixty (60) days, but no earlier than thirty (30) days following the filing or responsive pleadings, the court shall submit the matter to non-binding mediation unless waived by mutual stipulation of both parties. The mediation process shall provide for the selection within fifteen (15) days by both parties of a disinterested third person as mediator, shall be commenced within thirty (30) days of the submittal, and shall be concluded within fifteen (15) days from the commencement of the mediation unless a time requirement is extended upon a good cause showing to the court.

- (2) If the matter remains in dispute, the case shall be submitted to judicial arbitration pursuant to Chapter 2.5 (commencing with Section 1141.10) of Title 3 of Part 3 of the Code of Civil Procedure, notwithstanding Section 1141.11 of that code. The Civil Discovery Act of 1986 (Article 3 commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall apply to any proceeding brought under this subdivision consistent with the rules pertaining to judicial arbitration.

(3) In addition to Chapter 2.5 (commencing with Section 1141.10) of Title 3 of Part 3 of the Code of Civil Procedure, (A) arbitrators shall, when possible, be experienced in construction law, and (B) any party appealing an arbitration award who does not obtain a more favorable judgment shall, in addition to payment of costs and fees under that chapter, also pay the attorney's fees on appeal of the other party.

- (h) The City shall not fail to pay money as to any portion of a claim that is undisputed, except as otherwise provided in this contract.
- (i) In any suit filed under Section 20104.4, the City shall pay interest at the legal rate on any arbitration award or judgment. The interest shall begin to accrue on the date the suit is filed in a court of law.

IN WITNESS WHEREOF, three (3) identical counterparts of this Contract, each of which shall for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the day and year first herein written.

ATTEST:

CITY OF MERCED, a Municipal Corporation
(Herein called Owner)


By: _____
Deputy City Clerk

By: _____
City Manager

APPROVED AS TO FORM:

EVOQUA WATER TECHNOLOGIES, LLC
(Herein called Contractor)

By: _____
City Attorney

By:  _____
Contractor

ACCOUNT DATA:

TAXPAYER I.D. NO: 80-0909020

PROJECT NO. 115048

VENDOR NUMBER: _____

Project Account Number:

ADDRESS: 6617 SAN LEANDRO ST.
OAKLAND, CA 94621

557-1106-637.65-00-115048

PHONE: (510) 639-7274

Amount: \$ 200,000.00

FAX: (510) 639-7762

EMAIL: JEREMY.COOK@EVOQUA.COM

By: _____
Finance Officer Verification

(SEAL)

CITY OF MERCED BID SPECIFICATIONS

PRODUCT REQUIREMENTS CONTRACT FOR GRANULAR ACTIVATED CARBON FOR WATER TREATMENT

PROJECT NO. 115048

SPECIAL CONDITIONS

TERM OF CONTRACT

This Contract shall be in effect for 1 year(s) from the date of the Notice to Proceed ("Initial Term"). The Contract may be extended, with the mutual consent of both parties, for 2 (Two) 1-year increments with price increases/decreases in accordance with the provisions set forth herein, all other terms and conditions specified herein remaining the same. If either the City or Contractor elects not to extend the Contract, or upon expiration of the final one-year extension term, the Contractor shall aid the City in continuing, uninterrupted, the requirements of the Contract, by continuing to perform on a temporary basis, when specifically requested to do so in writing by the Purchasing Manager, for a specified term not to exceed twelve months. Such continuance shall be subject to price increases/decreases in accordance with the provisions set forth herein, and all other terms and conditions remaining the same as if the Contract had been extended for such a temporary period by an amendment hereto.

PRICING CONDITIONS

For the first 12-month period of the Contract, pricing will be fixed at the Bid Proposal price. Sixty days prior to the 1-year anniversary date of the Contract, the Contractor may submit proposed pricing revisions for the following 12-month period to the Purchasing Manager of the City of Merced. The Contractor must provide adequate documentation to substantiate any request for price increase. Any increase in unit price for any item included in this Contract shall not exceed, unless otherwise approved by the Purchasing Manager, the percent change for the following Producer's Price Index, as published by the Bureau of Labor Statistics: Bituminous Coal and Lignite Surface Mining (**Product Code 212111**). In the event that the index drops, the Contractor shall pass on to the City an equivalent reduction in pricing. The basis of the index shall be established as the last available month at the date of the Notice to Proceed.

If, during the course of this Contract, the Contractor's selling price of any of the item(s) bid, is below the Contract Bid Proposal price, the City will receive the lowest pricing.

AUTHORIZATION TO PLACE ORDERS

Names of individuals authorized to place orders will be provided in writing by the City upon or following the issuance by the City of the Notice to Proceed. City may modify such writing from time to time by notice to the Contractor.

CONTRACTOR'S AUTHORIZED REPRESENTATIVE

The name, mailing address, telephone number, any e-mail address and any facsimile number of Contractor's authorized representative shall be provided in writing by Contractor no later than 5 calendar days following the issuance by the City of the Notice to Proceed.

DELIVERY

No minimum value will be guaranteed for will call orders. Cancellation of backorders is not acceptable. Except as otherwise expressly provided herein, delivery(ies) shall be made within 30 (Thirty) calendar days from the respective City notification of release of goods against this Contract. The Contractor must fill orders in their entirety within 30 (Thirty) calendar days or must receive written approval from the City for an extension of the delivery date. **Any goods deemed by the City to be defective, or any wrong parts shipped in error, must be replaced within 30 (Thirty) calendar days of notification. The City must be notified 24 (Twenty Four) hours in advance of delivery or shipment may be refused.**

Delivery of items is to be F.O.B. DESTINATION, FREIGHT PREPAID AND ALLOWED, to:

City of Merced Well 3C
511 West 12th Street
Merced, CA 95340

Delivery is to be made between the hours of 7:30 A.M. and 3:30 P.M. and during regular City of Merced working days.

NON-DELIVERY

If the Contractor fails to meet delivery requirements, the City may, but is not obligated to, procure the goods from another source and recover any loss occasioned thereby (including, without limitation, any increase in cost and liquidated damages for Contractor's delay up to date of delivery and acceptance by City of goods from another source), from any unpaid balance due the Contractor or through reduction of future invoices. Otherwise, Contractor will reimburse City within 30 days of receipt of invoice from the City. The price paid by the City shall be considered the prevailing market price at the time purchase is made. City will notify Contractor of any decision to procure the goods from another source. Such notification may be by telephone, electronic mail, or facsimile to Contractor or Contractor's authorized representative.

PAYMENT

The Contractor shall be eligible for progress payments upon delivery and acceptance of any number of items.

The Contractor must invoice the correct division in the City of Merced [Water Division] in order to initiate the payment process. Invoices shall be supplied in duplicate and conspicuously displayed with the City of Merced Purchase Order Number and shall be sent to:

City of Merced
Public Works Department – Water Division
678 W. 18th Street
Merced, CA 95340



SCALE: 1"=.5mi.



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

Figure 1

CITY OF MERCED LOCATION MAP

DR. BY: JA
DATE: 4/16/15
CH. BY: JA
DATE: 4/16/15
File No.
SCALE: AS SHOWN



PROMINENT SYSTEMS INC

City of Merced
Pam Whala - Purchasing Agent
2525 "O" Street
Merced, CA 95340

Ms. Whala,

Prominent Systems, Inc. protests the characterization of our bid on Project No. 115048 as non-responsive and protests the award of the bid to Evoqua Water Technologies.

According to a telephone conversation with Mr. Joe Angeulo, Prominent Systems, Inc.'s bid was deemed non-responsive because we did not bid to supply reactivated carbon. The bid instructions do not specially require that the bidder must bid all three line items.

Prominent Systems, Inc. did not bid on line item # 2 to "Remove, Reactivate/Destroy Spent GAC and then Furnish and Install Reactivated GAC" because we do not have the ability to provide custom reactivated carbon that meets NSF 61-2012 standards for potable water. However, even without supplying reactivated carbon our bid was lower than Evoqua Water Technologies bid by \$24,800.00 when using virgin GAC in lieu of reactivated GAC for line item # 2.

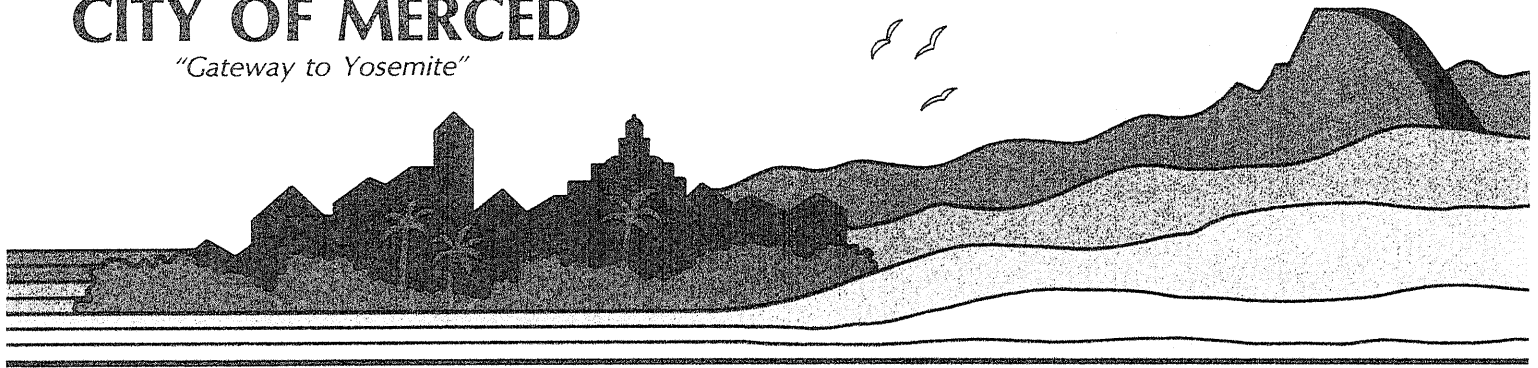
By disallowing Prominent Systems, Inc.'s bid the City is incurring increased cost and lower efficiency in water treatment plant operations. Prominent Systems, Inc. requests that the City reconsider our bid and that we be awarded the bid as the lowest bidder.

Regards,


James Harvey
Account Manager.

CITY OF MERCED

"Gateway to Yosemite"



January 7, 2016

Mr. James Harvey
Prominent Systems, Inc.
13095 E. Temple Avenue
City of Industry, CA 91746

Subject: City of Merced - Granular Activated Carbon (GAC) for Water Treatment,
Project No. 115048
Prominent Systems, Inc.'s January 4, 2016, "Formal Letter of Protest"

Dear Mr. Harvey:

The City of Merced (City) has received via email on January 4, 2016, your letter (attached) protesting a bid award for the above referenced project. Your letter acknowledges:

- That the City deemed the bid submitted by Prominent Systems, Inc. as non-responsive because Prominent Systems, Inc. did not bid to supply reactivated carbon;
- That Prominent Systems, Inc. did not bid on line item #2 to "Remove, Reactivate/Destroy Spent GAC and Furnish and Install Reactivated GAC" because Prominent Systems, Inc. does not have the ability to provide custom reactivated carbon that meets NSF 61-2012 standards for potable water.

The City notes that:

- The NSF Inc. (National Sanitation Foundation) and other agencies establish protocols for drinking water systems, including the use of granular activated carbon, to protect public health;
- The Notice Inviting Bids for the project, as advertised and included as Section 00010 in the Specifications, included "*All bidders must include a copy of their NSF/ANSI 61-2012 certification with their bid*";
- The bid proposal form incorporated in the City's Specifications included spaces (to be filled out) for the bidders NSF/ANSI 61-2012 certification number and expiration date;
- The Specifications Section 00100 – INSTRUCTIONS TO BIDDERS, B. Proposal Forms, included "*All proposals shall give the prices proposed, in figures, in the*

*respective spaces provided, and shall be signed by the bidder **who shall fill out all blanks** in the proposal form as therein requested” (boldface added for emphasis);*

- The Specifications Section 012200 – BID ITEM DESCRIPTIONS, included “*Bid Item 2 – Remove and Reactivate Spent GAC, and then Furnish and Install Reactivated GAC.*”

In recognition of the above points the City hereby rejects the Prominent Systems, Inc. January 4, 2016, bid protest. The City appreciates your participation in bidding on our projects and you are welcome to do so in the future.

Please address any comments regarding this decision in writing to:

City of Merced
City Attorney – Project 115048 Bid Protest
678 West 18th Street
Merced, CA 95340

Sincerely,



Ken F. Elwin, P.E.
City Engineer
Interim Public Works Director

Attachment: Prominent Systems, Inc.’s letter correspondence received January 4, 2016

cc: Ken Rozell, Senior Deputy City Attorney
File



ADMINISTRATIVE REPORT

File #: 16-012

Meeting Date: 2/1/2016

Report Prepared by: *Bradley R Grant - Finance Officer*

SUBJECT: Conduit Financing for Golden Valley Health Centers Project

REPORT IN BRIEF

Consider conducting a public hearing under the Tax and Equity Fiscal Responsibility Act (TEFRA) in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority (CMFA) in an amount not to exceed \$9,500,000, for the purpose of financing and refinancing the acquisition, construction, improvement and equipping of health facilities for Golden Valley Health Centers located at 847 West Childs Avenue, in the City of Merced, California.

RECOMMENDATION

City Council - Adopt **Resolution 2016-07**, a Resolution of the City Council of the City of Merced, California, approving the issuance of Revenue Bonds by the California Municipal Finance Authority for the purpose of financing and refinancing the acquisition, construction, improvement and equipping of health facilities for Golden Valley Health Centers, and certain other matters relating thereto.

ALTERNATIVES

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

AUTHORITY

Article II, Section 200 of the Merced Municipal Charter, Tax Equity and Fiscal Responsibility Act and internal Revenue Code of 1986, as amended (the "Code") and the California Government Code Section 6500 (and following).

CITY COUNCIL PRIORITIES

Quality of life

DISCUSSION

Golden Valley Health Centers (GVHC) requested that CMFA serve as the municipal issuer of tax-exempt bonds in an aggregate principal amount not to exceed \$9,500,000.

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 200 municipalities have become members of CMFA.

The proceeds of the Bonds will be used to:

(a) Refund the outstanding ABAG Finance Authority for Nonprofit Corporations Certificates of Participation.

(b) Finance the renovation of approximately 4,100 square feet to provide facilities for dental services.

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Merced must conduct a public hearing (the "TEFRA Hearing") providing for the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project.

IMPACT ON CITY RESOURCES

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California, but are to be paid for solely from funds provided by the Borrower.

Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities. With respect to the City of Merced, it is expected that a portion of the issuance fee will be granted to the City and is estimated to be about \$6,000.

ATTACHMENTS

1. Resolution

RESOLUTION NO. 2016-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
APPROVING THE ISSUANCE OF REVENUE
BONDS BY THE CALIFORNIA MUNICIPAL
FINANCE AUTHORITY FOR THE PURPOSE OF
FINANCING AND REFINANCING THE
ACQUISITION, CONSTRUCTION,
IMPROVEMENT AND EQUIPPING OF HEALTH
FACILITIES FOR GOLDEN VALLEY HEALTH
CENTERS, AND CERTAIN OTHER MATTERS
RELATING THERETO**

WHEREAS, Golden Valley Health Centers, a California nonprofit, public benefit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (“GVHC”) has requested that the California Municipal Finance Authority (the “Authority”) participate in the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$9,500,000 (the “Bonds”), in part to:

- (a) Refund the outstanding ABAG Finance Authority for Nonprofit Corporations (Insured Nonprofit Financing 4) Certificates of Participation, evidencing direct, undivided fractional interests in purchase payments made by the ABAG Finance Authority for Nonprofit Corporation as the purchase price for certain property pursuant to a first installment sale agreement with GVHC, previously known as Merced Family Health Centers, Inc. (the “1994 Certificates”) delivered to finance the construction of a primary health care center on property owned by GVHC at 847 West Childs Avenue, Merced, California, (the “Project”); and
- (b) Finance the renovation of approximately 4,100 square feet at the Project to provide facilities for new dental services; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the City of Merced (“City”) because the Project is located within the territorial limits of the City; and

WHEREAS, The City Council is the elected legislative body of the City and is one of the “applicable elected representatives” required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, The Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies, including the City; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bond by the Authority.

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this Resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

SECTION 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

SECTION 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the

Authority; or (iv) take any further action with respect to the Authority or its membership therein.

SECTION 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing transaction approved hereby.

SECTION 6. The City Clerk shall forward a certified copy of this Resolution to:

Brian D. Quint, Esq.
Quint & Thimmig LLP
900 Larkspur Landing Circle, Suite 270
Larkspur, CA 94939-1726

and to

Ronald E. Lee, Esq.
Jones Hall, APLC
475 Sansome Street, Suite 1700
San Francisco, CA 94111

SECTION 7. This Resolution shall take effect immediately upon its adoption.

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PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2016, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:



City Attorney Date



ADMINISTRATIVE REPORT

File #: 16-033

Meeting Date: 2/1/2016

Report Prepared by: *Tonya Mora, Management Analyst, Police Department*

SUBJECT: Adoption of a Resolution for an Exemption to CalPERS 180-day Wait Period Pursuant to Government Code Sections 7522.56 and 21224

REPORT IN BRIEF

Adoption of a resolution approving the hiring of Roberta Medina as an extra-help retired annuitant to perform the duties of a Temporary Community Services Officer under Government Code sections 7522.56 and 21224, effective February 8, 2016.

RECOMMENDATION

City Council - Adopt **Resolution 2016-08**, a Resolution of the City Council of the City of Merced, approving an exception to the CALPERS 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

ALTERNATIVES

1. Approve as recommended; or
2. Deny; or
3. Take no action.

AUTHORITY

Section 200 of the City of Merced Charter.
California Government Code sections 7522.56 and 21224.

CITY COUNCIL PRIORITIES

As provided for in the 2015-16 Adopted Budget.

DISCUSSION

California Government Code section 7522.56, subdivision (f)(1) provides that a CalPERS retiree is not eligible to work for a CalPERS employer for a period of 180 days following the date of their retirement unless an exception applies. One such exception allows the 180-day waiting period to be waived if the retired employee is needed to fill a critically-necessary position and the employee has the specialized skills and knowledge for the position. Under this circumstance, the retired employee can be hired before the expiration of the 180-day waiting period if the governing body of the CalPERS agency certifies through the adoption of a resolution that the appointment is necessary to fill a critical need. Additional requirements for the post-retirement employment include:

- The retired employee can only work for a limited duration and must be hired into a retired annuitant or part-time temporary/extra-help position (not a permanent part-time position);
- The retired employee can only work 960 hours in a fiscal year (July 1 to June 30);
- The retired employee can only be paid an hourly compensation without benefits or any additional or special compensation;
- The compensation paid to the retired employee must be an hourly rate that is not greater than nor less than the hourly rate on the salary schedule for the equivalent position; and,
- The appointment of the employee must be made by the governing body at a public meeting and the appointment cannot be placed on a consent calendar.

Roberta Medina retired from the City on December 31, 2015, as a Community Services Officer. Ms. Medina worked for the City as a Community Services Officer, or the equivalent position as a Code Enforcement Officer, for 17 years. She has invaluable institutional knowledge of the City's Code Enforcement procedures and practices. Following the retirement of Ms. Medina, the City hired two (2) new Community Services Officers who now need to be properly trained to perform their job duties. Ms. Medina has the necessary experience, skills, and temperament to train these new-hires so that they can independently perform the essential functions of their jobs. The City does not have another experienced Community Services Officer who can train the new-hires.

The attached resolution authorizes the City Council to make the required findings to allow Ms. Medina to be hired as a Temporary Community Services Officer on February 8, 2016, which is before the expiration of her 180-day post-retirement wait period. As set forth in further detail in the attached resolution, Ms. Medina will be paid on an hourly basis within the same hourly range as other employees performing the same duties. Moreover, her hours will not exceed 960 hours in a fiscal year and no other benefits will be paid or provided.

Approval of the attached resolution is therefore requested to waive the 180-day waiting period to allow the City to hire Ms. Medina on February 8, 2016, to coincide with the start date of the new Community Services Officers.

IMPACT ON CITY RESOURCES

Funds are available in the 2015/2016 Police Budget to cover this temporary cost; no additional funding is needed.

ATTACHMENTS

1. Resolution No. 2016-08

RESOLUTION NO. 2016-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA, FOR
EXEMPTION TO THE 180-DAY WAIT PERIOD
GOVERNMENT CODE SECTIONS 7522.56 &
21224**

WHEREAS, in compliance with Government Code section 7522.56 the City Council of the City of Merced must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Roberta Medina retired from the City of Merced in the position of Community Services Officer, effective December 31, 2015; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 28, 2016, without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council, the City of Merced and Roberta Medina certify that Roberta Medina has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Roberta Medina as an extra help retired annuitant to perform the duties of a Temporary Community Services Officer for the City of Merced under Government Code section 21224, effective February 8, 2016; and

WHEREAS, the entire employment agreement, contract or appointment document between Roberta Medina and the City of Merced has been reviewed by this body and is attached herein; and

WHEREAS, the matters, issues, terms or conditions related to this employment and appointment have not and will not be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year;
and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$4,669.55 and the hourly equivalent is \$26.93, and the minimum base salary for this position is \$3,841.50 and the hourly equivalent is \$22.16; and

WHEREAS, the hourly rate paid to Roberta Medina will be \$26.93; and

WHEREAS, Roberta Medina has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

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

SECTION 1. The City Council of the City of Merced hereby certifies the nature of the appointment of Roberta Medina as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of Temporary Community Services Officer for the City of Merced effective February 8, 2016. Specifically, the City has a critical need for an experienced Community Service Officer to work with and provide necessary training for the City's two newly hired Community Service Officers, who will start on February 1, 2016. The City currently has one Community Service Officer who has only been employed by the City for approximately one year. This employee has not been a Community Service Officer long enough to be able to train the newly hired Community Service Officers. Accordingly, this work cannot be performed by any other current City employee. Ms. Medina was employed by the City as a Community Service Officer and the equivalent position of Code Enforcement officer for 17 years. She possesses skills and experience that are unique to her and the position of Community Service Officer. This temporary appointment will provide the Police Department with the necessary resources to train the new hires who will in turn be able to provide the community with a high level of community policing services.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 1st day of February 2016, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Kelly Fincher 1/26/16
City Attorney Date

**CITY OF MERCED
PERSONNEL ACTION FORM**

ACTION: ☐ New Hire ☒ Rehire ☐ Separation ☐ Status Change ☐ Other (Remarks required)

EMPLOYEE LEGAL NAME MEDINA, ROBERTA EE # _____

EMPLOYEE TYPE ☐ Regular ☒ Temporary UNIT TP

DEPT/DIVISION NAME POLICE / CODE ENFORCEMENT FUND DEPT# 001/1005

EFFECTIVE DATE OF ACTION February 8, 2016 PAY PERIOD 4

Separation Date _____ Last Day Worked _____ Last Day Paid _____

Leave of Absence: _____ Leave Begins Date: _____ Leave End Date: _____

FROM: Class Code 9028 Title TEMP COMMUNITY SERVICES OFFICER Range/Pay Step 593/5

TO: Class Code _____ Title _____ Range/Pay Step _____

PROBATION ENDS: _____ hrs. PAY RATE: Monthly: 4669.55 Biweekly: 2155.18

NEXT ACTION DATE: _____ Hourly: 26.93

Remarks: Employee retired from City employment effective 12/31/15 as a Community Services Officer and is being rehired as a part-time Temporary Community Services Officer for a limited term to provide training to newly hired Community Service Officers. Employee cannot work more than 960 hours between February 8, 2016 to June 30, 2016. Employee will be paid on an hourly basis only and is not eligible for any benefits, incentives, or special or additional compensation. Employee is being hired as an At-Will employee, who serves at the pleasure of the City Manager. Employee's employment is contingent on the City receiving approval from CalPERS to waive the 180-day waiting period for temporary re-employment.

PREPARED BY: TONYA MORA DATE: 1/26/16

DEPARTMENT DIRECTOR:  DATE: 1/26/16

DIRECTOR OF SUPPORT SERVICES: _____ DATE: _____

Remarks:

CITY MANAGER: _____ DATE: _____

Remarks:

☐ Personnel File ☐ Payroll ☐ Employee ☐ Department

1/15/16

PRX48

MONTHLY, BIWEEKLY, AND HOURLY RATES

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JOB CLASS/RANGE/B.U./TITLE	1	2	3	4	5
	2300.02	2415.03	2535.78	2662.57	2795.71
09025 247 TP	1061.55	1114.63	1170.36	1228.88	1290.33
TEMP CLERK TYPIST I	13.2694	13.9329	14.6295	15.3610	16.1291
	3803.23	3993.38	4193.06	4402.71	4622.84
09026 366 TP	1755.34	1843.10	1935.26	2032.02	2133.62
TEMP CODE ENFORCEMENT OFFICER	21.9417	23.0388	24.1907	25.4003	26.6703
	3841.65	4033.74	4235.42	4447.19	4669.55
09028 593 TP	1773.07	1861.73	1954.81	2052.55	2155.18
TEMP COMMUNITY SERVICES OFC	22.1634	23.2716	24.4351	25.6569	26.9397
	2606.41	2736.73	2873.58	3017.25	3168.12
09040 104 TP	1202.96	1263.11	1326.27	1392.58	1462.21
TEMP CUSTODIAN	15.0370	15.7889	16.5784	17.4072	18.2776
	.00	.00	.00	.00	.00
09045 1 TP	.00	.00	.00	.00	.00
TEMP DEPARTMENT AIDE	.0000	.0000	.0000	.0000	.0000
	.00	.00	.00	.00	.00
09166 762 TP	.00	.00	.00	.00	.00
TEMP DEVELOPMENT ASSOCIATE	.0000	.0000	.0000	.0000	.0000
	5392.55	5662.19	5945.29	6242.57	6554.70
09046 802 TP	2488.87	2613.32	2743.98	2881.19	3025.25
TEMP DEVELOPMENT COORDINATOR	31.1109	32.6665	34.2998	36.0149	37.8156
	2775.95	2914.73	3060.50	3213.51	3374.19
09047 324 TP	1281.21	1345.26	1412.54	1483.16	1557.32
TEMP DEVELOPMENT SERVICES TECH	16.0151	16.8158	17.6567	18.5395	19.4665
	8509.86	8935.37	9382.12	9851.22	10343.79
09048 870 TP	3927.63	4124.02	4330.21	4546.72	4774.06
TEMP DIRECTOR SUPPORT SERVICES	49.0954	51.5502	54.1276	56.8340	59.6757
	3165.30	3323.55	3489.76	3664.22	3847.43
09050 571 TP	1460.91	1533.95	1610.66	1691.18	1775.74
TEMP DISPATCHER I	18.2614	19.1744	20.1332	21.1398	22.1967
	3489.22	3663.66	3846.85	4039.20	4241.16
09055 592 PN	1610.41	1690.92	1775.47	1864.25	1957.46
TEMP DISPATCHER II	20.1301	21.1365	22.1934	23.3031	24.4683
	3962.89	4161.04	4369.08	4587.57	4816.93
09049 382 TP	1829.03	1920.48	2016.50	2117.34	2223.20
TEMP ENGINEERING TECH III	22.8629	24.0060	25.2063	26.4667	27.7900
09057 402					
TEMP ENGINEERING TECHNICIAN IV					
	3717.45	3903.33	4098.51	4303.43	4518.60
09051 171 TP	1715.75	1801.54	1891.62	1986.20	2085.51
TEMP ENV CONTROL OFFICER I	21.4469	22.5193	23.6452	24.8275	26.0689