

# CITY OF MERCED

"Gateway to Yosemite"



**Ellie Wooten, Mayor – Joseph Cortez, Mayor Pro Tempore**

**Michele Gabriault-Acosta, Rick Osorio, Carl Pollard**

**James Sanders, William Spriggs**

## **WELCOME TO YOUR CITY COUNCIL/REDEVELOPMENT AGENCY**

### **AGENDA**

**Monday, May 21, 2007**

**JAMES G. MARSHALL, CITY MANAGER**

**GREGORY DIAZ, CITY ATTORNEY**

Adjourned Study Session 5:00 p.m., Council Chambers

Regular Session 7:00 p.m., Council Chambers

### **COUNCIL CHAMBERS**

678 West 18<sup>TH</sup> Street

MERCED, CALIFORNIA

([www.cityofmerced.org](http://www.cityofmerced.org))

COPIES OF THE STAFF REPORTS OR OTHER WRITTEN DOCUMENTATION RELATING TO EACH ITEM OF BUSINESS REFERRED TO ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK. ANY PERSON WHO HAS QUESTIONS CONCERNING ANY AGENDA ITEM MAY CALL THE CITY CLERK TO MAKE INQUIRY REGARDING THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA. **PRIOR TO EACH REGULAR CITY COUNCIL MEETING, A COMPLETE AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE FOYER OUTSIDE THE COUNCIL CHAMBERS.**

Assisted Hearing Devices Available for Hearing Impaired

THE PUBLIC HAS THE OPPORTUNITY TO ASK QUESTIONS OR COMMENT AT THE TIME SPECIFIC AGENDA ITEMS ARE CONSIDERED. NORMALLY, EACH AGENDA ITEM WILL HAVE A STAFF PRESENTATION, FOLLOWED BY COMMENTS OR QUESTIONS BY COUNCIL/AGENCY MEMBERS. **IF REQUESTED BY AN AUDIENCE MEMBER**, THE MAYOR/CHAIRPERSON WILL THEN ALLOW THE PUBLIC TO MAKE COMMENTS OR ASK QUESTIONS. AFTER ANY PUBLIC INPUT, THE COUNCIL/AGENCY MAY HAVE FURTHER DISCUSSION BEFORE TAKING ACTION OR MOVING TO THE NEXT AGENDA ITEM.

**A. JOINT STUDY SESSION – GENERAL PLAN UPDATE AND SPHERE OF INFLUENCE OPTIONS (5:00 p.m., City Council Chambers, 2<sup>nd</sup> Floor, Civic Center)**

*RECOMMENDATION:* Adopt a motion providing staff and the consultants direction regarding the Sphere of Influence Options.

**B. CALL TO ORDER (7:00 P.M.)**

1. INVOCATION – DR. JUSTIN BRINK  
CHURCH OF JESUS CHRIST OF LATTER  
DAY SAINTS
2. PLEDGE OF ALLEGIANCE TO THE FLAG

**C. ROLL CALL**

**AT THEIR REQUEST, MEMBERS OF THE AUDIENCE MAY ADDRESS THE CITY COUNCIL OR THE REDEVELOPMENT AGENCY ON ANY ITEM ON THE AGENDA DURING CONSIDERATION OF THAT ITEM BY THE COUNCIL/AGENCY MEMBERS.**

**D. COUNCIL OR AGENCY ADDITIONS/DELETIONS TO THE AGENDA**

**E. CEREMONIAL MATTERS**

1. INTRODUCTION OF YOUTH ADVISORY COMMISSION MEMBERS MAXIMILLION ANDERSON, MICHAEL CARVAJAL, COLTON HERNANDES, HYUN KIM, TAMAR MOULTRIE, LAMONT REED, AND JEFFREY SPINARDI

**F. WRITTEN PETITIONS AND COMMUNICATIONS**

**G. ORAL COMMUNICATIONS**

AT THIS TIME, ANY MEMBER OF THE AUDIENCE MAY COMMENT ON ANY MATTER NOT LISTED ON THE AGENDA. PLEASE COME TO THE PODIUM TO YOUR RIGHT, USE THE MICROPHONE, STATE YOUR NAME AND ADDRESS, PRINT YOUR NAME AND ADDRESS ON THE PUBLIC SPEAKING LOG AND IF YOU INTEND ON USING TECHNOLOGY FOR YOUR PRESENTATION PLEASE LEAVE A COPY FOR THE RECORD. COUNCIL WILL NOT TAKE ACTION ON THE ITEM THAT IS BROUGHT TO THEIR ATTENTION THIS EVENING. IF IT REQUIRES ACTION, IT WILL BE REFERRED TO STAFF AND/OR LISTED ON THE NEXT COUNCIL AGENDA. **PLEASE BE BRIEF AND TO THE POINT. AVOID REPEATING WHAT PREVIOUS SPEAKERS HAVE SAID. IF TWO OR MORE INDIVIDUALS ARE HERE AS A GROUP AND WISH TO SPEAK ON ONE SIDE OF AN ISSUE, PLEASE SELECT A SINGLE SPOKESPERSON TO PRESENT YOUR VIEWS.**

1. **PRESENTATION BY MERCED COUNTY ASSOCIATION OF GOVERNMENTS – CANDACE STEELMAN – ONE VOICE LOBBYING UPDATE**

All matters listed under the Consent Calendar are considered routine by the Redevelopment Agency and will be adopted by one action of the Agency unless any citizen or Agency member has any question or wishes to make a statement or discuss an item. In that event, the Chairperson will remove that item from the Consent Calendar and place it for separate consideration.

1. **ITEMS LISTED FOR INFORMATION ONLY:**

- A. ASBESTOS ABATEMENT SERVICES WITH PARC ENVIRONMENTAL CONTRACTORS – 512 WEST 11<sup>TH</sup> STREET AND 927 WEST 8<sup>TH</sup> STREET (*Removal of asbestos in two residential units purchased by the Redevelopment Agency in March 2007.*)

2. **REDEVELOPMENT AGENCY MINUTES OF MAY 7, 2007**

RECOMMENDATION: Approve and file.

3. **AWARD CONTRACT TO SIGN GUYS FOR SUPPLY OF WAY FINDING SIGNS – PROJECT NOS. 107049 AND 107053** (*Following formal bid process, staff is recommending award of bid for way finding directional signs.*)

RECOMMENDATION: Adopt a motion:

- A. Awarding the bid for supply of way finding signs, Project Nos. 107049 and 107053, to Sign Guys in the amount of \$44,175.35;
- B. Authorizing the Executive Director to approve change orders not to exceed the total appropriations; and
- C. Authorizing the Executive Director to execute necessary documents.

**All matters listed under the Consent Calendar are considered routine by the City Council and will be adopted by one action of the Council unless any citizen or Council member has any question or wishes to make a statement or discuss an item. In that event, the Mayor will remove that item from the Consent Calendar and place it for separate consideration.**

**1. ITEMS LISTED FOR INFORMATION ONLY:**

- A. PLANNING COMMISSION MINUTES OF APRIL 18, 2007
- B. PERSONNEL BOARD MINUTES OF APRIL 9, 2007
- C. MERCED COMMUNITY ACTION NETWORK MONTHLY REPORT – APRIL 2007 (*Monthly update on graffiti abatement, Neighborhood Watch, and video production.*)
- D. BOYS AND GIRLS CLUBS OF MERCED COUNTY INCORPORATED UPDATE PROJECT REFOCUS – GANG PREVENTION PROGRAM (*Monthly update on the gang prevention outreach program specifically targeting areas of South Merced.*)
- E. GRAND JURY COMPLAINT AND FINDINGS – POLICE DEPARTMENT (*Grand Jury performed a formal investigation due to a complaint filed alleging excessive force by a police officer during an arrest-allegation unfounded.*)

**2. CITY COUNCIL MINUTES OF MAY 7, 2007**

RECOMMENDATION: Approve and file.

3. **ORDINANCE DESCRIBING THE REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY THROUGH EMINENT DOMAIN** (*Senate Bill 53 requires each Redevelopment Agency to adopt a program by ordinance that specifies the use and limits of its eminent domain authority.*)

RECOMMENDATION: Adopt a motion introducing an Ordinance of the City Council of the City of Merced, California containing a description of the Redevelopment Agency of the City of Merced's program to acquire real property by eminent domain in Project Area No. 2 and the Gateways Redevelopment Project Area.

4. **AUTHORIZATION FOR PERSONNEL REPLACEMENT – FIRE BATTALION CHIEF, WITH SUBSEQUENT VACANCIES FOR FIRE CAPTAIN, FIRE ENGINEER, AND FIRE FIGHTER** (*Authorizes staff to fill vacant City positions.*)

RECOMMENDATION: Adopt a motion authorizing the filling of one Fire Battalion Chief position, one Fire Captain position, one Fire Engineer position, and one Fire Fighter position.

5. **NOTICE OF VACANCY – MERCED COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES-CITY REPRESENTATIVE** (*Authorizes staff to seek applicants for the vacancy.*)

RECOMMENDATION: Adopt a motion directing staff to notice a vacancy on the Merced County Mosquito Abatement District Board of Trustees-City Representative due to the resignation of Lucille Barnes, and to seek applicants for the position.

- 6. REVIEW APPEAL OF WATER METER INSTALLATION AT 1880 AND 1880A GLEN AVENUE** (*Affirms the existing Municipal Code, denies the property owner's appeal, and authorizes installation of a water meter consistent with Municipal Code.*)

RECOMMENDATION: Adopt a motion denying the property owner's appeal, and authorizing water meter installation at 1880 and 1880A Glen Avenue.

- 7. THIRD AMENDMENT TO CONTRACT WITH LUHDORFF AND SCALMANINI FOR WATER WELLS 15 AND 16- PROJECT NO. 102021** (*Consulting assistance was provided to obtain the Department of Health Services operating permits.*)

RECOMMENDATION: Adopt a motion approving the third amendment to the professional services agreement with Luhdorff and Scalmanini Consulting Engineers to provide additional engineering services for Wells 15 and 16 not to exceed the amount of \$3,454.40; and authorizing the City Manager to sign the necessary documents.

- 8. PURCHASE OF ELECTRONIC TICKET BOOKS AND SOFTWARE** (*Rescinds previous action and authorizes the purchase of Electronic Citation Books, which will eliminate the use of paper when issuing citations.*)

RECOMMENDATION: Adopt a motion waiving the competitive bid requirements, as stated in Section 3.04.210 of the Merced Municipal Code, and authorizing the City Buyer to issue a purchase order to Crossroads Software not to exceed \$34,332.81, for five-Symbol MC70 Handheld Electronic Citation books, five-Magnetic Stripe readers, five-Zebra RW420 Bluetooth printers, all software, and hardware needed to interface with Merced Police records, and twenty-four months of technical support.

- 9. CO-SPONSORSHIP OF BLACK MERCED HOMECOMING CELEBRATION** (*Approves co-sponsorship which includes the use of McNamara Park, special event equipment, and Parks and Community Services Department staff support for activities during the two-day event.*)

RECOMMENDATION: Adopt a motion approving the recommendation by the Recreation and Parks Commission for use of McNamara Park, Parks and Community Services special event equipment, and staff support at the annual Black Merced Homecoming youth and community event on Saturday, May 26, 2007, and Sunday, May 27, 2007.

- 10. COMMUNITY FACILITIES DISTRICT NO. 2003-2 [SERVICES] ANNEXATION NO. 5** (*Sets a public hearing for Monday, July 2, 2007, to discuss the proposed annexation of The Meadows into Community Facilities District No. 2003-2 [Services].*)

RECOMMENDATION:

- A. Adopt **Resolution No. 2007-40** - a Resolution of intention of the City Council of the City of Merced, California, acting as the legislative body of the City of Merced Community Facilities District No. 2003-2 (Services), declaring its intention to annex area to said district, authorize the levy of a special tax within said annexations, and approving certain agreements related thereto;
- B. Adopt a motion approving deposit and reimbursement agreement submitted and appropriate the funds from the deposits to Fund 150 to reimburse the City for Community Facilities District formation and related expenditures; and
- C. Adopt a motion setting the public hearing for Monday, July 2, 2007.



- 11. FIRST AMENDMENT AND CHANGE ORDER NO. 2 TO CONTRACT WITH GRANITE ROCK COMPANY, DBA PAVEX CONSTRUCTION DIVISION FOR WELL SITE 1 PAVING PROJECT-PROJECT NO. 105072** *(Provides a lime treatment to the soil at a depth of 18-inches and drain rock along the side of the new storage buildings at Well Site 1.)*

**RECOMMENDATION:** Adopt a motion:

- A. Approving first amendment to the general construction contract with Granite Rock Company, dba Pavex Construction Division for Well Site 1-Paving Project-Project No. 105072;
- B. Approving change order No. 2 for an amount of \$112,859; and
- C. Authorizing the City Manager to sign the necessary documents.

- 12. AWARD CONTRACT TO SCOTT TROTTER CONSTRUCTION FOR THE SENIOR CENTER ROOM DIVIDER REPLACEMENT PROJECT-PROJECT NO. 107047** *(Following formal bid process, staff is recommending award of bid to replace the room divider at the Senior Center.)*

**RECOMMENDATION:** Adopt a motion awarding the bid to Scott Trotter Construction for the Senior Center Room Divider Replacement Project-Project No. 107047 in the amount of \$79,550, and authorizing the City Manager to execute necessary documents and to approve change orders not to exceed the total appropriations.

- 13. AGREEMENT WITH MERCED IRRIGATION DISTRICT FOR ELECTRICAL SERVICE TO TRAFFIC SIGNALS**  
*(Authorizes Merced Irrigation District to provide electrical service to the traffic signals at the Yosemite Avenue and San Augustine Avenue intersection.)*

RECOMMENDATION: Adopt a motion approving an agreement for permanent electrical power from Merced Irrigation District to serve a traffic signal at Yosemite Avenue and San Augustine Avenue, and authorizing the City Manager to execute any necessary documents.

- 14. NEW WORLD SYSTEMS SOFTWARE** *(Provides twenty 8-hour hands-on training sessions on New World Systems software.)*

RECOMMENDATION: Adopt a motion approving the New World Systems agreements for training on the Police AS400 computer system at a cost of \$41,660, and authorizing the City Manager to execute all necessary documents.

- 15. NINTH AMENDMENT TO CONTRACT WITH GOODWIN CONSULTING GROUP, INCORPORATED** *(Provides project-specific analysis and the determination of project-specific tax rates for maintenance in one new development, The Meadows.)*

RECOMMENDATION: Adopt a motion approving ninth amendment to professional services agreement with Goodwin Consulting Group, Incorporated to provide special tax consulting services, and authorizing the City Manager to execute the amendments.

16. **2007 STEWARDSHIP COUNCIL INFRASTRUCTURE FUND GRANT APPLICATION FOR SOUTH MERCED PARK SITE MEDIATION, MASTER PLAN, AND CONSTRUCTION DOCUMENTS** (*Authorizes grant application to complete a site master plan and construction documents, and an in-kind contribution by the City for the community park located at Mission Avenue and Tyler Road.*)

RECOMMENDATION:

- A. Adopt **Resolution No. 2007-41** - a Resolution of the City Council of the City of Merced, California, authorizing the submittal of an application to the Pacific Forest and Watershed Lands Stewardship Council for funding under the Infrastructure/Building Parks and Playgrounds Program; and
- B. Adopt a motion approving a match of \$253,490 in-kind contribution from the City of Merced Park Reserves for acquisition and phase I environmental study and construction documents for the South Merced community park located at Mission Avenue and Tyler Road.

17. **AWARD CONTRACT TO MID-CAL PIPELINE, INCORPORATED FOR FORIST LANE FIRE HYDRANT PROJECT-PROJECT NO. 107081** (*Following formal bid process, staff is recommending award of bid for the installation of three fire hydrants on Forist Lane.*)

RECOMMENDATION: Adopt a motion:

- A. Awarding the bid to Mid-Cal Pipeline, Incorporated for the Forist Lane Fire Hydrant Project-Project No. 107081 in the amount of \$19,000; and
- B. Authorizing the City Manager to execute necessary documents and to approve change orders not to exceed the total appropriations.
- C. Appropriating \$25,000 to the project, which will be paid by the County of Merced.

**J. CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARINGS**

Persons who wish to speak on matters set for public hearing will be heard when the Mayor/Chairperson calls for comments from those persons who are in support of or in opposition thereto. **PLEASE COME TO THE PODIUM TO YOUR RIGHT, USE THE MICROPHONE, STATE YOUR NAME AND ADDRESS, PRINT YOUR NAME AND ADDRESS ON THE PUBLIC SPEAKING LOG, AND IF YOU INTEND ON USING TECHNOLOGY FOR YOUR PRESENTATION PLEASE LEAVE A COPY FOR THE RECORD.** After persons have spoken, the hearing is closed and the Council/Agency will consider the matter.

- 1. PUBLIC HEARING – NAMING BOB HART SQUARE FOUNTAIN SUSIE ROSSI MEMORIAL FOUNTAIN**  
*(Considers naming the fountain in Bob Hart Square in memory of Susie Rossi.)*

*RECOMMENDATION:* Adopt a motion naming the fountain in Bob Hart Square, the Susie Rossi Memorial Fountain.

**K. CITY COUNCIL AND AGENCY REPORTS**

None.

**L. ORDINANCES (SECOND READING/ADOPTION)**

None.

1. **COMMITTEE/CONFERENCE REPORTS FROM COUNCIL AND AGENCY**

- A. **Public report of any meeting, conference, training, or other event attended by Members of the City Council and reimbursed by the City or Agency.**

At this time, it is appropriate for any City Council Member who has attended a meeting, conference, training, or other event that was reimbursed by the City or the Redevelopment Agency to make a public report of the substance of the training pursuant to the City Council's reimbursement policy, Resolution No. 2006-14.

2. **LEGISLATIVE CONTACTS** *(An opportunity for individual Council Members to advise the City Council as a whole of contacts and discussions with Legislators.)*
3. **INFORMATION ONLY – LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS** *(April 27, 2007 Issue No. 16 and May 4, 2007 Issue No. 17)*

N. **CONTINUATION OF ORAL COMMUNICATIONS** *(If necessary)*

- O. **ADJOURNMENT TO BE ESTABLISHED** - Consider adjournment to a Study Session for the Fiscal Year 2007/2008 Budget;

In memory of Pat Quigley, City Council Member from 1971 to 1975 and Mayor from 1975 to 1979; and

To Monday, June 4, 2007, at 5:30 p.m. in the City Council Chambers, 678 West 18<sup>th</sup> Street, Merced, California to conduct Planning Commission Candidate Interviews, followed by the regularly scheduled City Council/Redevelopment Agency meeting.

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**CALENDAR OF MEETINGS AND EVENTS**

- May** 23 PLANNING COMMISSION, 7:00 P.M.  
25 LOCAL AGENCY FORMATION COMMISSION, 10:00 A.M.  
28 HOLIDAY (CITY OFFICES CLOSED)  
29 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE, 7:00  
A.M.  
29 RECREATION AND PARKS COMMISSION, 5:30 P.M.  
30 DESIGN REVIEW BOARD/HISTORIC PRESERVATION  
COMMISSION, 4:00 P.M.
- June** 4 CITY COUNCIL/REDEVELOPMENT AGENCY, 7:00 P.M.  
6 PLANNING COMMISSION, 7:00 P.M.  
11 PERSONNEL BOARD, 5:00 P.M.  
12 TRAFFIC COMMITTEE, 2:00 P.M.  
13 DESIGN REVIEW BOARD/HISTORIC PRESERVATION  
COMMISSION, 4:00 P.M.  
18 CITY COUNCIL/REDEVELOPMENT AGENCY, 7:00 P.M.  
19 REDEVELOPMENT ADVISORY COMMITTEE, 12:00 P.M.  
19 MUNICIPAL AIRPORT AUTHORITY, 7:00 P.M.  
20 PLANNING COMMISSION, 7:00 P.M.  
21 MERCED COUNTY ASSOCIATION OF GOVERNMENTS,  
3:00 P.M.  
22 LOCAL AGENCY FORMATION COMMISSION, 10:00 A.M.  
25 RECREATION AND PARKS COMMISSION, 5:30 P.M.  
26 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE, 7:00  
A.M.  
27 DESIGN REVIEW BOARD/HISTORIC PRESERVATION  
COMMISSION, 4:00 P.M.

**INFORMATION FOR INDIVIDUALS WITH DISABILITIES: -  
Accommodation for individuals with disabilities may be arranged by  
contacting the City Clerk's Office at 209-385-6866.**