



WELCOME TO YOUR TRAFFIC COMMITTEE
Regular Session at 2:00 p.m.

AGENDA
TUESDAY, September 8, 2020
Civic Center, 2nd Floor City
Council Chambers, 678 West 18th Street, Merced CA 95340

(www.cityofmerced.org)

COPIES OF THE BACKUP MATERIAL 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 ENGINEERING DEPARTMENT AT 209-385-6846. PRIOR TO EACH REGULAR COMMITTEE MEETING, A COMPLETE AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE CIVIC CENTER, 3RD FLOOR CONFERENCE ROOM, 678 WEST 18TH STREET, MERCED CA 95340 AND ON THE CITY'S WEBSITE AT WWW.CITYOFMERCED.ORG. ANY DOCUMENTS PROVIDED TO A MAJORITY OF THE COMMITTEE MEMBERS AFTER THIS AGENDA IS POSTED WILL BE AVAILABLE FOR PUBLIC INSPECTION IN THE CITY CLERK'S OFFICE DURING NORMAL BUSINESS HOURS.

FOR CITIZEN PARTICIPATION INSTRUCTIONS, PLEASE REFER TO THE CITY'S WEBSITE AT WWW.CITYOFMERCED.ORG. A HANDOUT IS ALSO AVAILABLE AT THE MEETING ADJACENT TO THE AGENDA. INDIVIDUAL AGENDA ITEMS MAY BE HEARD IN AN ORDER THAT IS DIFFERENT THAN THEY APPEAR ON THE AGENDA TO ACCOMMODATE MEETING PARTICIPANTS.

INFORMATION FOR INDIVIDUALS WITH DISABILITIES:

Accommodation for individuals with disabilities may be arranged by contacting the Engineering Department at 209-385-6846.

- A. CALL TO ORDER
- B. ROLL CALL
- C. ORAL COMMUNICATIONS

AT THIS TIME, AUDIENCE MEMBERS WHO WISH TO SPEAK ON ANY MATTER NOT LISTED ON THE AGENDA, PLEASE IDENTIFY YOURSELF AND CITY OF RESIDENCE, AND IF YOU INTEND ON USING TECHNOLOGY FOR YOUR PRESENTATION PLEASE LEAVE A COPY FOR THE RECORD. COMMITTEE WILL NOT TAKE ACTION ON AN ITEM THAT IS BROUGHT TO THEIR ATTENTION AT THIS MEETING. IF IT REQUIRES ACTION, IT WILL BE REFERRED TO STAFF AND/OR LISTED ON THE NEXT COMMITTEE AGENDA. PLEASE BE BRIEF AND TO THE POINT. AVOID REPEATING WHAT PREVIOUS SPEAKERS HAVE SAID. IF TWO OR MORE INDIVIDUALS ARE PRESENT AS A GROUP AND WISH TO SPEAK ON ONE SIDE OF AN ISSUE, PLEASE SELECT A SINGLE SPOKESPERSON TO PRESENT YOUR VIEWS.

D. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Traffic Committee and will be adopted by one action of the Traffic Committee unless a member of the audience or Traffic Committee Member has a question, statement or wishes to discuss an item. In that event, the Clerk will remove that item from the Consent Calendar and place it for separate consideration.

- 1. Traffic Committee Minutes of July 14, 2020

RECOMMENDATION:
Approve and file.

E. REPORTS

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

2. The Brown Act Training (Legal Admin. Assist. City Attorney's Office, Lynda Kovalcheck)
(For information only.)

F. BUSINESS

1. Request #20-014 – Request for a Handicap Parking Space in Front of 260 W. 22nd St. (Margaret Biddison)
(Citizen states neighbors park their cars in front of her home, doesn't have a place to park with ease of access to her home.)
2. Request #20-015 – Request for No Parking Zones to be Put In Along the North and South Sides of Eagle Street (Mark Purdom)
(Citizen states parking in these areas restricts ingress and egress for the delivery trucks serving the facilities.)

G. ADJOURNMENT

Agenda Item: D-1
Meeting Date: 09/08/20



ADMINISTRATIVE REPORT

DATE: September 8, 2020

SUBJECT: Traffic Committee Minutes of July 14, 2020

RECOMMENDATION:

Approve and File.

ATTACHMENTS:

1. Minutes of July 14, 2020

TRAFFIC COMMITTEE

MINUTES

July 14, 2020

A. CALL TO ORDER

The meeting was called to order at 2:00 p.m.

B. ROLL CALL

Present: Chairperson: Beltran, Michael – City Engineer

Committee Members: Hren, Michael - Planning Manager Designee
Dabney, Dan, - Police Chief Designee
Olmos, Juan - Public Works Designee

Absent: Alcorn, Billy - Fire Chief

C. ORAL COMMUNICATIONS

None.

D. CONSENT CALENDAR

1. Traffic Committee Minutes of March 10, 2020

RECOMMENDATION:

Approve and file.

Michael Hren Moved, Dan Dabney Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

Clerk's Note: Staff recommendation approved.

E. REPORTS

1. Committee Member Reports

Planning Commission Resolution #2817

F. BUSINESS

1. Request #20-004 – Request for More Designated Parking Areas or More No Parking Signs in the Area of Vaca Way and Pizarro (Annabella Grande Agostinho)
(Citizen states the area does not provide or communicate the proper parking protocol. Residents have received tickets for parking on Pizarro Way, but there are no signs posted to not park there. Citizen would like more signage and/or more parking spaces.)

Committee Member Hren Reads from Planning Commission Resolution #2817, section 21 and 22.

Committee Member Olmos states proper signage and markings are not posted.

Chairperson Beltran states HOA needs to be contacted regarding the enforcement of parking and fire lanes.

MOTION: Chairperson Beltran to reach out to HOA and developer to let them know what their responsibilities are as it relates to fire lanes, parking enforcement and signage, and then to report back to the Traffic Committee when completed.

COUNCIL ACTION REQUIRED: None at this time.

Michael Hren Moved, Dan Dabney Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

2. Request #20-006 – Request for Speed Control in the Areas of Los Verdes Estates, Paseo Redondo Drive and Paseo Verde Drive. (James Darnell, Kimberly Mattos, Florence Lambert, Karen Marino)
(Citizen states there is a steady traffic exceeding safe driving practices in the area and requests some form of speed control implementation in these areas.)

Committee Member Hren states some more control at the intersection of Paseo

Redondo Drive and Paseo Verde Drive may help with speed.
Chairperson Beltran recommends putting speed limit signs up.

Committee Member Dabney inquires about putting up yield signs.

Committee Member Olmos states yield signs cannot be used in this area due to the distance of the intersections.

MOTION: Install two 25mph speed limit signs close to both intersections.

COUNCIL ACTION REQUIRED: None at this time

Dan Dabney Moved, Michael Hren Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

3. Request #20-007 – Request for Speed Control in the Areas of Barclay Way between M Street and G Street. (Preet Bali)
(Citizen state there are many drivers that do not stop all the way and drive too fast in the area. Citizen requests speed bumps at Barclay Way crossroad with M Street, and Barclay Way all the way to G Street.)

MOTION: Continue enforcement of the area by the Police Department.

COUNCIL ACTION REQUIRED: None at this time

Dan Dabney Moved, Michael Hren Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

4. Request #20-008 – Request for Speed Control on 23rd Street from R Street to V Street.
(Bill Pratt)
(Citizen states there is frequent speeding on 23rd. Street.)

MOTION: Recommend more Police enforcement in the area.

COUNCIL ACTION REQUIRED: None at this time

Michael Hren Moved, Dan Dabney Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

5. Request #20-009 – Request for Speed Control in the Areas of E. Donna Dr. & Cordova Ave. (Blaine Barrick)
(Citizen states there are many speeding vehicles on these streets, and they fail to stop at the posted intersection. Citizen requests speed tables to be installed.)

MOTION: Advise Police enforcement to enforce traffic control in the area with a note of 10:00am to 1:00pm as the time frame.

COUNCIL ACTION REQUIRED: None at this time.

Michael Hren Moved, Dan Dabney Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

6. Request #20-010 – Request for Cormorant Drive, at the Dead-End, be a Walking/Biking Street Only. (Julie Franey)
(Citizen states there is a lot of inappropriate behaviors taking place in the area, making it unsafe for the residents. Citizen requests this portion of the street to be converted into a walking/biking street only.)

MOTION: Recommend more Police enforcement in the area.

COUNCIL ACTION REQUIRED: None at this time.

Juan Olmos Moved, Dan Dabney Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

7. Request #20-011 – Request for Removal of Ordinance Provisions, Painting of Curbs, and Removal of Curbs. (Doug Williams & Tania Masseroni of Merced City School District)
(Merced City School District states the provisions aren't needed with the new parking and student/passenger loading zones incorporated into the school and modernization that was completed in 2019.)

MOTION: Approve all requested items.

COUNCIL ACTION REQUIRED: Yes

Juan Olmos Moved, Dan Dabney Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

8. Request #20-012 – Request for Speed Control in the Area of Northwood Drive Between M street and R Street. (Sue Moreno)
(Citizen states there are many speeding vehicles with a blind curve as you approach M Street. Citizen requests a speed bump be installed in the area.)

MOTION: Recommend more Police enforcement in the area.

COUNCIL ACTION REQUIRED: None at this time.

Dan Dabney Moved, Michael Hren Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

9. Request #20-013 – Request for Two “Police Vehicles Only” Designated Parking Locations in Front of Police Department. (Sgt. Dan Dabney)
(Police Department states parking slots will be parallel with the curb facing East bound)

MOTION: Request is approved.

COUNCIL ACTION REQUIRED: Yes

Juan Olmos Moved, Michael Hren Seconded

Vote: 4-0

Voting Aye: Michael Beltran, Juan Olmos, Dan Dabney, Michael Hren

Absent: Billy Alcorn

G. ADJOURNMENT

The meeting was adjourned at 3:30 p.m.

By:

Approved:

Nicole Tabares
Administrative Assistant/
Recording Secretary

Michael Beltran
City Engineer/ Chairperson

Agenda Item: E-1
Meeting Date: 09/08/20



ADMINISTRATIVE REPORT

DATE: September 8, 2020

SUBJECT: Committee Member Reports

RECOMMENDATION:

Approve and File.

Agenda Item: E-2
Meeting Date: 09/08/20



ADMINISTRATIVE REPORT

DATE: September 8, 2020

SUBJECT: The Brown Act Training (Legal Admin. Assist. City Attorney's Office, Lynda Kovalcheck)

RECOMMENDATION:

Approve and File.

ATTACHMENTS:

1. PowerPoint Slides on The Brown Act

THE BROWN ACT

California's Open Meeting Law

City of Merced
TRAFFIC COMMITTEE
September 8, 2020

THE BROWN ACT

- ▶ The Brown Act was enacted in 1953.
- ▶ Is codified in the California Government Code, section 54950, *et seq.*
- ▶ Requires the deliberations and actions of California's public agency governing boards, commissions and councils be taken openly and in public.

KEY PROVISIONS

- ▶ A meeting shall be open and public except when the Brown Act authorizes otherwise.
- ▶ The public has a right to attend and participate in the meeting.
- ▶ A meaningful agenda must be posted in advance of the meeting.
- ▶ Discussion and action is limited to the matters listed on the agenda for the meeting.
- ▶ Discussions (a) outside of noticed meetings (b) by a majority of committee members (c) about an item of business within the subject matter jurisdiction of the committee (d) are prohibited.

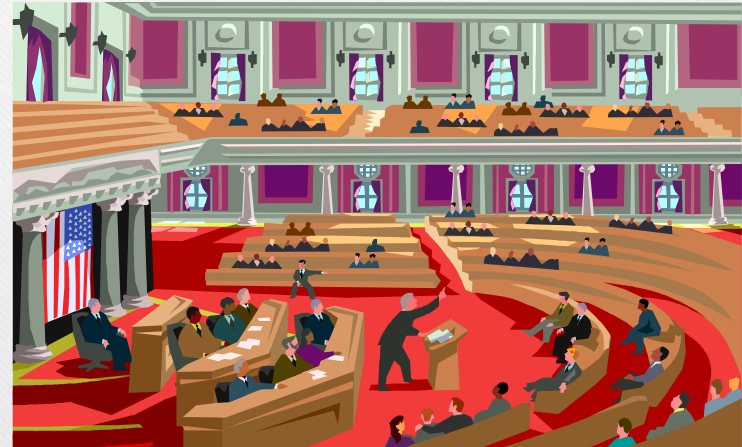
COMMON QUESTIONS AND ISSUES

- Who is covered by the Brown Act?
- What constitutes a meeting?
- What are the notice and agenda requirements?
- What are the public's rights under the Brown Act?
- What are the consequences for violating the Brown Act?

WHO IS GOVERNED BY THE BROWN ACT?

- ▶ Any “legislative body”
- ▶ Governing body of any local agency, i.e., the city council
- ▶ Local agency commissions, appointed either permanently or temporary, who have decision making or advisory powers.
- ▶ Traffic Committee is an advisory body and covered by the Brown Act

(Government Code §54952)



WHAT IS A MEETING?

- ▶ A meeting is:
 - ▶ (1) a majority of the members of a the Traffic Committee (2) at the same time and locations including teleconference locations (3) to discuss, deliberate, or decide on any item that is within subject matter jurisdiction of the Traffic Committee.

SERIAL MEETINGS

Hub and Spoke/Daisy Chain



- (1) A chain or series of communications
- (2) Each of which involves less than a quorum of the Traffic Committee
- (3) But when taken together involve a majority of the body's members (or)
- (4) A concerted plan to engage in collective deliberation on public business through a series of letters, telephone calls, e-mails, that pass from one member of the governing body to the next and excluding the public.

WHAT CONSTITUTES A SERIES OF COMMUNICATIONS?

- A “series of communications” includes conference calls, emails, text messages shared among the majority of committee members, or conversations among members in which the position of other members are shared to the majority.
- Technological devices may create a “virtual serial meeting” so be careful when using social media, e-mails, “IM”, texts, chat rooms, blogs, etc.

E-MAIL

- ▶ Remember e-mails never go away.
- ▶ E-mail can create a “virtual serial meeting”
- ▶ Don’t hit “reply all” in response to email from staff to all members of the committee.
- ▶ Refrain from emailing or forwarding an email to a majority of committee members.

ISSUE/CHALLENGE

When can an issue or discussion become an issue for Brown Act purposes?

WHEN THE ISSUE IS:

- Within subject matter jurisdiction of the Committee; and,
 - A majority of Committee members participate; and,
 - “Meeting is held”; and,
 - Brown Act is not followed.
- ▶ *This deprives the public of an opportunity for meaningful observation of and participation in the decision-making.*

EXAMPLE: E-MAIL

What starts out as “legal” under the Brown Act:

- I think we should do “x” at our next meeting

Becomes “illegal” when it is replied to by a majority or by “Reply to All”:

- “I agree” [Reply to All]
- “Good idea!!!” [Reply to All]
- “Concur . . .” [Reply to All]

EXCEPTIONS TO MEETING:

- **Individual Contacts**: Individual contacts or conversations between a member of a legislative body and any other person.
- **Conferences**: Public or educational conferences on matters of general interest.
- **Community Meetings**: Publicized and public meetings to discuss a topic of local community concern organized by someone other than the city.

EXCEPTIONS (cont'd):

- **Other Legislative Bodies**: Open and noticed meeting of another body of the public agency.
- **Standing Committees**: Open and noticed meeting of a standing committee within own agency, provided not a member of standing committee.
- **Social or Ceremonial Events**: Purely social or ceremonial events as long as no discussion of business w/in subject matter of jurisdiction of local agency.

AGENDAS AND NOTICE

- Every meeting of the Traffic Committee must be preceded by a posted agenda.
- The agenda must be posted at least 72 hours before the regular meeting.
- The agenda must advise the public of the meeting and the matters to be transacted or discussed.
- The agenda must state the meeting time and place.
- Each item of business to be transacted must be briefly described.

ACTION ON NON-AGENDIZED ITEMS

- The committee members or staff may “briefly” respond to statements or questions posed by the public at a public meeting.
- A committee member may ask “a question for clarification, make a brief announcement, or make a brief report on his or her own activities.”
- Otherwise, no action can be taken on issues or items that were not agendized.

PUBLIC PARTICIPATION

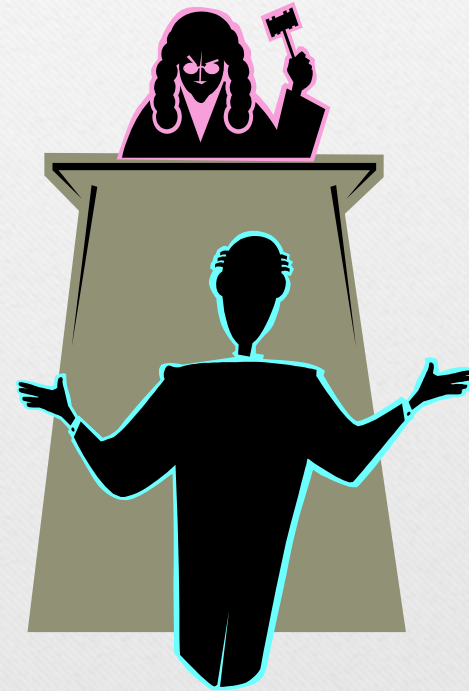
- The public has a right to attend, observe and participate in meetings.
- Members of the public cannot be required to register their names or provide information.
- All actions taken by the Committee must be in open session, unless a closed session is authorized and the vote of each member must be disclosed to the public at the time the action is taken.

CRIMINAL ENFORCEMENT ACTIONS

- Why do we take this so seriously?
- A violation of the Brown Act can be charged as a misdemeanor.

CIVIL ENFORCEMENT ACTIONS:

- Enforcement actions can be brought by the district attorney or any interested person to get a court order to stop a violation of the Brown Act.
- A court action may also void actions that were taken in violation of the Brown Act.
- Before bringing suit, the plaintiff must demand the committee cure or correct the offending action.



CONCLUSION

Discussion, Questions, & Answers

Agenda Item: F-1
Meeting Date: 09/08/20



ADMINISTRATIVE REPORT

DATE: September 8, 2020

SUBJECT: Request #20-014 – Request for a Handicap Parking space in Front of
260 W. 22nd St. (Margaret Biddison)

REPORT IN BRIEF

Citizen states neighbors park their cars in front of her home, doesn't have a place to park with ease of access to her home.

ATTACHMENTS:

1. Request #20-014
2. Location Map

City of Merced

RQ#: 20-014

Citizen Action Request Form: Traffic Committee

Contact Person: MARGARET BIDDISON (AKA PEGGY) Day Phone: [REDACTED]

Email Address: Peggy.biddison@gmail.com

Address: [REDACTED] Today's Date: 7/15/20

Location of Concern: FRONT of our home. Requesting a handicap parking space in front of my house

Describe Concerns At This Location: I am handicapped and would like to install a handicap sign & paint the curb blue where we park on W 22nd St. Parking has become problematic. Most of the homes on 22nd have single car garages on the alleys behind their homes. No one parks in those garages, they park on the street. Our neighbor across the street has 5 cars, most neighbors have 2 cars parked on 22nd. Often directly in front of my home. I need a dedicated space.

For Official Use Only:

Project #: _____ Date Received: _____ Date Field Inspected: _____

Field Inspection Results: _____

Date Response To Contact Person: _____ Resolution of Concern: _____

Date Completed: _____

Traffic Engineer's Signature or Designee

Date

DIAGRAMS

General Diagram



Location of Concern



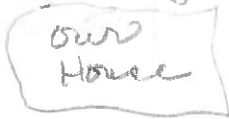
W. 22nd ST

☐ = parked cars

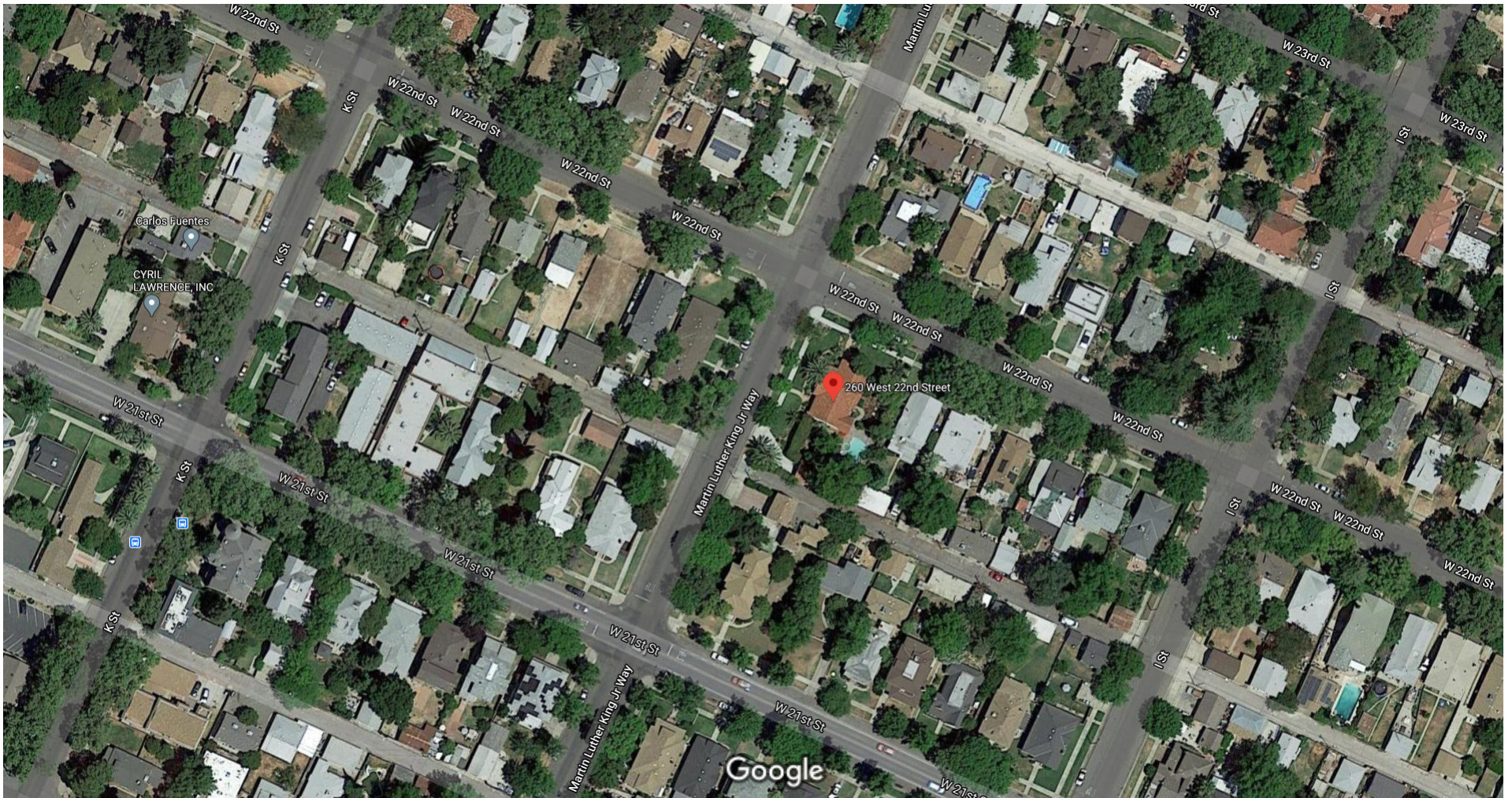
WHERE I NEED TO PARK



MLK



CAR #2
LOWR DIR VENGAS



Agenda Item: F-2
Meeting Date: 09/08/20



ADMINISTRATIVE REPORT

DATE: September 8, 2020

SUBJECT: Request #20-015 – Request for No Parking Zones to be Put In Along the North and South Sides of Eagle Street (Mark Purdom)

REPORT IN BRIEF

Citizen states parking in these areas restricts ingress and egress for the delivery trucks serving the facilities.

ATTACHMENTS:

1. Request #20-015
2. Location Map

City of Merced

RQ#: 20-015

Citizen Action Request Form: Traffic Committee

Contact Person: Mark Purdom - AIM Property Management Day Phone: [REDACTED]

Email Address: [REDACTED]

Address: [REDACTED] Today's Date: 08/27/20

Location of Concern: See attached.

Describe Concerns At This Location: See attached.

For Official Use Only:

Project #: _____ Date Received: _____ Date Field Inspected: _____

Field Inspection Results: _____

Date Response To Contact Person: _____ Resolution of Concern: _____

Date Completed: _____

Traffic Engineer's Signature or Designee

Date

Location of Concern: Eagle Street parking on the south entrance and exit of the Olam and Werner/North Coast Distribution Facilities.

Describe Concerns at this location: There are an excessive amount of vehicles parking on the north and south sides of Eagle Street at the south entrance and exits of the Olam and North Coast/Werner Distribution Facilities. Both of these facilities have a high volume of 65 foot truck and trailers coming and going at all times. In our opinion, this presents safety issues for all parties. The parking of these vehicles in certain areas on Eagle Street also restricts reasonable ingress and egress for the delivery trucks servicing both distribution facilities. The City of Merced entered into a parking lot lease on the north portion of the North Coast/Werner building fronting on Grogan Avenue with the property owner, Lyons Investments. Most all of the vehicles parking on the street appear to be City of Merced employees. The parking area under lease seems ample to accommodate the majority of these vehicles parking on Eagle Street. We have attached an aerial and have highlighted in red the requested "No Parking" areas and the additional parking lot leased area.

Untitled Map

Return lot lease

Legend

Google Earth

400 ft

