



CITY OF MERCED

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

Minutes

City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

Tuesday, September 5, 2023

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 5 - Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 2 - Mayor Matthew Serratto, and Mayor Pro Tempore Bertha Perez

B. CLOSED SESSION

Council Member ORNELAS called the Closed Session to order at 5:02 PM.

Clerk's Note: Council Member BOYLE arrived to Closed Session at 5:05 PM

B.1.

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Stephanie Dietz; Employee Organizations: Merced Police Officers' Association (MPOA). AUTHORITY: Government Code Section 54957.6

B.2.

SUBJECT: PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - Title: City Manager; AUTHORITY: Government Code 54957

Clerk's Note: Council adjourned from Closed Session at 5:25 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:00 PM.

C.1. Invocation - Caesar Johnson, Christian Life Center Merced

The Invocation was delivered by Pastor Ceasar JOHNSON of the Christian Life Center Merced.

C.2. Pledge of Allegiance to the Flag

Pastor Ceasar JOHNSON led the Pledge of Allegiance to the Flag.

D. ROLL CALL

- Present:** 6 - Mayor Matthew Serratto, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong
- Absent:** 1 - Mayor Pro Tempore Bertha Perez

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

- F.1.** **SUBJECT:** Recognition of Xavein C. Cole for Being the Number One Long Jumper Champion in the USA at the Age of 11

REPORT IN BRIEF

Accepted by Xavein C. Cole.

Mayor SERRATTO and Council Member ORNELAS presented a Certificate of Recognition to Xavein COLE.

- F.2.** **SUBJECT:** Proclamation - Rail Safety Month

REPORT IN BRIEF

Received by Dave Stewart from California Operation Lifesaver.

Mayor SERRATTO presented the Rail Safety Month Proclamation to Dave STEWART from California Operation Lifesaver.

- F.3.** **SUBJECT:** Proclamation - National Recovery Month

REPORT IN BRIEF

Received by Julianne Sims, Assistant Director of Clinical Services from Merced County Behavioral Health and Recovery Services (BHRS).

Mayor SERRATTO presented the National Recovery Month Proclamation

to Julianne SIMMS from Merced County Behavioral Health and Recovery Services (BHRS).

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: Emails were received for the following agenda item and forwarded to Council prior to the meeting.

Oral Communications: Jennifer B and Jerry PEREZCHICA.

H. ORAL COMMUNICATIONS

Clerk's Note: The following comment was received via voicemail.

Graciela SALAS, Merced - expressed concerns for the house being built for homeless on R street.

Clerk's Note: The following speaker appeared in person.

Christan SANTOS, Representative for Congressman John DUARTE, Merced - thanked the Fire Department for hosting Congressman John DUARTE at the firehouse, spoke on Veteran needs, and thanked those who attended the Town Hall.

I. CONSENT CALENDAR

Agenda items I.4. Award of Bid and Authorization to Purchase Public Safety Equipment in an Amount not to Exceed \$56,017.16 with US Night Vision Corporation and I.13. Introduction of an Ordinance Amending Section 10.28.230 "No Parking Zones;" and 10.28.370, "Two-Way Stop Intersections;" of the Merced Municipal Code; were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Council Member Boyle, seconded by Council Member Ornelas, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

I.1. SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

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

RECOMMENDATION

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

This Consent Item was approved.

- I.2.** **SUBJECT:** Information Only Contracts for the Month of August 2023

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$37,000 and of Public Works contracts under \$84,338.

This Consent Item was approved.

- I.3.** **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of January 17, 2023, January 25, 2023, January 31, 2023, February 9, 2023, February 11, 2023 and August 7, 2023

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic

Development/Parking Authority - Adopt a motion approving the meeting minutes of January 17, 2023, January 25, 2023, January 31, 2023, February 9, 2023, February 11, 2023 and August 7, 2023.

This Consent Item was approved.

- I.5.** **SUBJECT:** Approval to Accept and Appropriate Grant Funds from the Department of Homeland Security, Federal Emergency Management Agency (FEMA) Fiscal Year 2022 Assistance to Firefighters Grant (AFG) Program in the Amount of \$842,859 and Approving a Supplemental Appropriation from the Unencumbered, Unreserved General Fund Balance in the Amount of \$84,286 for the

Match Requirement, for a Total Project Cost of \$927,145 for Self-Contained Breathing Apparatus (SCBA), Rescue Air Cart, SCBA Supplies, and SCBA Adapters; and Approval to Use Pooled Cash to Cover the Appropriation Until Grant Funds are Reimbursed

REPORT IN BRIEF

Considers approving to accept and appropriate grant funds from the Department of Homeland Security, Federal Emergency Management Agency (FEMA) Fiscal Year 2022 Assistance to Firefighters Grant (AFG) Program in the amount of \$842,859 and approving a supplemental appropriation from the unencumbered, unreserved general fund balance in the amount of \$84,286 for the match requirement, for a total project cost of \$927,145 for Self-Contained Breathing Apparatus (SCBA), Rescue Air Cart, SCBA supplies, and SCBA adapters; and approval to use pooled cash to cover the appropriation until grant funds are reimbursed.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the FY 2022 AFG in the amount of \$842,859 in grant funds and appropriating the same to Fund 1000-General Fund-Fire, Project GR240014; and,
- B. Approving a supplemental appropriation in the amount of \$84,286 from the unreserved, unencumbered fund balance of Fund 1000-General Fund and appropriating to General Fund-Fire, Project GR240014 for City of Merced's local cash match of 10%, as identified in the grant application; and,
- C. Approving the increase in revenue in General Fund-Fire, Project GR240014 up to the amount of \$25,269 for reimbursement of City of Atwater's share of 10% local match dependent on actual costs; and,
- D. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,
- E. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- F. Authorizing the City Manager or Deputy City Manager to execute all documents, including any amendments.

This Consent Item was approved.

I.6.

SUBJECT: Approval of the 2024 Cafeteria Plan Renewal Regarding Employees' and Retirees' Health and Welfare Benefits Including Medical, Dental, Vision, Disability, Life and Flexible Spending

REPORT IN BRIEF

Considers approving the renewal of the 2024 Cafeteria Plan regarding employees' and retirees' health and welfare benefits.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the employees' health and welfare benefits cafeteria plan renewal for calendar year 2024; and,

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

This Consent Item was approved.

I.7.

SUBJECT: Approval of a Water Transfer Agreement Between the Merced Irrigation District and the City of Merced for an Annual One-to-One Exchange at No Cost for up to 10,000 Acre Feet for a 50-Year Term

REPORT IN BRIEF

Considers approving the Water Transfer Agreement between the Merced Irrigation District and the City of Merced for an annual one-to-one exchange at no cost up to 10,000 acre-feet for a 50-year term.

RECOMMENDATION

City Council - Adopt a motion approving the Water Transfer Agreement between Merced Irrigation District and the City of Merced for an annual one-to-one exchange at no cost for up to 10,000 acre-feet over a 50-year term.

This Consent Item was approved.

I.8.

SUBJECT: Approval of a Memorandum of Understanding Between

the County of Merced and the City of Merced for the Black Rascal Creek Flood Control Project and Approval of a Supplemental Appropriation, in the Amount of \$1,061,510, from the Unreserved, Unencumbered Fund Balance of Fund 6000 - Wastewater System Operation (Storm Drain Division) to Support the Overall Project

REPORT IN BRIEF

Considers approving a Memorandum of Understanding Between the County of Merced and the City of Merced for the Black Rascal Creek Flood Control Project and approve a supplemental appropriation in the Amount of \$1,061,510 from the unreserved, unencumbered fund balance of Fund 6000 - Wastewater System Operation (Storm Drain Division) to support the overall project.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Memorandum of Understanding Between the County of Merced and the City of Merced for the Black Rascal Creek Flood Control Project; and,

B. Approving a supplemental appropriation, in the amount of \$1,061,510, from the unreserved, unencumbered fund balance of Fund 6000 - Wastewater System Operation (Storm Drain Division) to support the overall project; and,

C. Authorizing the Finance Officer to make the necessary budget adjustments; and,

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

This Consent Item was approved.

I.9.

SUBJECT: Resolution Approving and Authorizing the Annual Local Transportation Fund (LTF) Claim to be Filed with Merced County Association of Governments (MCAG) for Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021 Swap for Fiscal Year 2022/23

REPORT IN BRIEF

Considers approving and adopting Resolution 2023-74 and authorizing filing the annual Local Transportation Funds (LTF) Claim for the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021 Swap in the amount of \$334,037 for Fiscal Year 2022-23 to be filed with the Merced County Association of Governments (MCAG) for the South Childs Avenue and Canal Street Project.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2023-74**, a Resolution of the City Council of the City of Merced, California, approving and authorizing the local transportation fund (LTF) claim to be filed with the Merced County Association of Governments (MCAG) for the Coronavirus response and relief supplemental appropriations acts of 2021 (CRRSAA) swap; and,

B. Authorizing filing of the annual LTF claim for the CRRSAA Swap of 2021 for in the amount of \$334,037 for Fiscal Year 2022-23 to be filed with the Merced County Association of Governments (MCAG); and,

C. Authorizing the City of Merced City Manager and the City Finance Officer to sign the LTF claim form for the CRRSAA Swap and submit said claim to MCAG for processing; and,

D. Authorizing the Finance Officer to make any necessary budget adjustments.

This Consent Item was approved.

I.10.

SUBJECT: Approval of Contract Change Order No. 1 with T&S Intermodal Maintenance, Inc. DBA T&S West in the Amount of \$377,731.00 to Add Bid Alternative 1 - Applegate Restroom Project No. CP 240043 Associated with Project No. CP220013- Regional Park Restrooms

REPORT IN BRIEF

Considers approving Change Order No. 1 with T&S Intermodal Maintenance, Inc. DBA T&S West in the amount of \$377,731.00 to demo and install a new restroom at Applegate Park Project No. CP240043 associated with Project No.-Regional Park Restrooms.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving Change Order No. 1 with T&S Intermodal Maintenance, Inc. DBA T&S West, in the amount of \$377,731.00 for Project No. CP240043 associated with Project No. CP220013-Regional Park Restrooms; and,

B. Authorizing the City Manager or Deputy City Manager to sign the necessary documents.

This Consent Item was approved.

I.11.

SUBJECT: Approval of Additional Work Which is Reflected in Contract Change Order No. 1 for Project Number CP220061 - Community Park 42 (CP-42) in the Amount of \$1,365,524.40

REPORT IN BRIEF

Considers approving Contract Change Order No. 1 to add a portion of Bid Schedule 'B' - Add Alternate # 1 Bid, Bid Schedule 'C' - Add Alternate # 2 Bid, a portion of Bid Schedule 'D' - Add Alternate # 3 Bid, and Bid Schedule 'F' - Add Alternate # 5 Bid to the contract with American Paving Company.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving Contract Change Order No. 1 with American Paving Company in the amount of \$1,365,524.40 for additional work; and,

B. Authorizing the City Manager or Deputy City Manager to sign the necessary documents.

This Consent Item was approved.

I.12.

SUBJECT: Introduction of an Ordinance Amending Section 10.28.230 No Parking Zones and 10.32.056, "Passenger Loading Zones - Permanent", of the Merced Municipal Code

REPORT IN BRIEF

Introducing Ordinance 2553 and considers approving recommendations from the Traffic Committee approving the following:

“Addition of no parking on the West side of “N” Street 1.) beginning at the southerly curb of the SW Corner of W. Childs Avenue and N Street, to the northly edge of Reyes Elementary’s North driveway, 2.) at the North Edge of the southerly driveway at Reyes Elementary thence northerly, 3.) additional red curbing starting at the South edge of the southerly Reyes Elementary driveway thence south, and 20 feet north of the Cartmell Drive crosswalk, throughout the crosswalk, and 20 feet South of the crosswalk,” “Addition of no parking on the South Side of 21st Street along the frontage of 1402 E. 21st Street, including street parking and blocking of driveways,” and “Additional passenger loading on the West Side of N Street beginning at the South edge of the Reyes Elementary “N” Street Northerly driveway.”

RECOMMENDATION

City Council - Adopt a motion:

A. Introducing **Ordinance 2553**, an Ordinance of the City Council of the City of Merced, California, amending section 10.28.230 “No Parking Zones;” and 10.32.056, “Passenger Loading Zones - Permanent”, of the Merced Municipal Code; and,

B. Approving recommendations from the Traffic Committee listed above.

This Consent Item was approved.

I.14.

SUBJECT: Second Reading and Final Adoption of an Ordinance Approving Site Utilization Plan Revision #3 to Planned Development (P-D) #12 Changing the Land Use Designation from “Commercial Office” to “Self-Storage” for an Approximately 6-Acre Parcel Generally Located on the North Side of Olive Avenue, Approximately 725 feet East of Highway 59

REPORT IN BRIEF

Second Reading and Final Adoption of an Ordinance to Approving Site Utilization Plan Revision #3 to Planned Development (P-D) #12 Changing the Land Use Designation from “Commercial Office” to “Self-Storage” for an Approximately 6-Acre Parcel Generally Located on the North Side of Olive Avenue, approximately 725 feet East of Highway 59.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2552**, An Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #3 to Planned Development (P-D) #12 changing the land use designation from "Commercial Office" to "Self-Storage" for an approximately 6-acre parcel generally located on the north side of Olive Avenue, approximately 725 feet east of Highway 59.

This Consent Item was approved.

I.4.

SUBJECT: Award of Bid and Authorization to Purchase Public Safety Equipment in an Amount not to Exceed \$56,017.16 with US Night Vision Corporation

REPORT IN BRIEF

Considers awarding the bid and authorizing for the purchase of ten (10) PVS-14A Gen 3 Night Vision Monoculars, eleven (11) USNV ballistic helmets, and eleven (11) USNV VCSEL IR-V pointers not to exceed \$56,017.16 with US Night Vision Corporation.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the supply of the requested Public Safety equipment to US Night Vision Corporation; and,

B. Approving purchases of Public Safety equipment in an amount not to exceed \$56,017.16 from US Night Vision Corporation; and,

C. Authorizing the City Manager or designee to execute any necessary documents and issue purchase orders within the approved amounts.

Mayor SERRATTO pulled this item at the request of Council Member XIONG.

Council Member XIONG requested to vote for separate consideration.

Robert DYLINA, Merced - spoke on public safety being pulled from the budget and the community outreach regarding public safety.

A motion was made by Council Member Smith, seconded by Council Member Boyle, that this agenda item be approved. The motion carried by the

following vote:

Aye: 4 - Mayor Serratto, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 2 - Council Member Ornelas, and Council Member Xiong

Absent: 1 - Mayor Pro Tempore Perez

I.13.

SUBJECT: Introduction of an Ordinance Amending Section 10.28.230 "No Parking Zones;" and 10.28.370, "Two-Way Stop Intersections;" of the Merced Municipal Code

REPORT IN BRIEF

Introducing Ordinance 2554 and considers approving recommendations from the Traffic Committee approving the following: "Addition of no parking on the South side of 312 W. Main Street on the West portion of the parking entrance, 17 feet from the last marked parking space," and "Additional two-way stop when on M Street at any entrance thereof with 11th Street."

RECOMMENDATION

City Council - Adopt a motion:

A. Introducing **Ordinance 2554**, an Ordinance of the City Council of the City of Merced, California, amending section 10.28.230 "No Parking Zones;" and 10.28.370, "Two-Way Stop Intersections;" of the Merced Municipal Code; and,

B. Approving recommendations from the Traffic Committee listed above.

Mayor SERRATTO pulled this item at the request of Council Member ORNELAS.

Interim City Engineer Mike WEGLEY explained the intersection and the concerns for traffic safety.

Clerk's Note: There was no Council discussion.

A motion was made by Council Member Ornelas, seconded by Council Member Smith, that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

Mayor SERRATTO thanked City Manager Stephanie DIETZ and City staff for their hard work on Agenda Items I.7. and I.8. and briefly described both projects.

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing - Adoption of a General Rule Exemption; and, Introduction of an Ordinance Amending Chapters 20.08, 20.42, and 20.90 of the Merced Municipal Code to Revise Regulations Regarding Accessory Dwelling Units, Junior Accessory Dwelling Units and Tiny Homes on Wheels; and Introduction of an Ordinance Amending Chapter 20.56 of the Merced Municipal Code (Density Bonus) to Bring the Codes into Compliance with Current State Law and to Clarify Ambiguities in the Chapter

REPORT IN BRIEF

Considers the adoption of a General Rule Exemption and introduction of an ordinance that would modify the City's requirements for Accessory Dwelling Units to meet state laws, Junior Accessory Dwelling Units, and Tiny Homes on Wheels; and introduction of an ordinance amending the Density Bonus chapter to bring that code into compliance with current state law and to clarify ambiguities in the chapter.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting a General Rule Exemption regarding Environmental Review #23-24; and,

B. Introducing **Ordinance 2555**, An Ordinance of the City Council of the City of Merced, California, amending Chapters 20.08, 20.42, and 20.90 of the Merced Municipal Code to revise regulations regarding accessory dwelling units, junior accessory dwelling units and tiny homes on wheels; and,

C. Introducing **Ordinance 2556**, an Ordinance of the City Council of the City of Merced, California, amending Chapter 20.56, "Density Bonus," of the Merced Municipal.

Management Analyst Leah BROWN gave a slideshow presentation on the adoption of a General Rule Exemption and the proposed Zoning Ordinance Amendments.

Council and Mrs. BROWN discussed details of the State's law regarding Accessory Dwelling Units (ADUs) and occupancy for transients.

Mayor SERRATTO opened the Public Hearing at 6:41 PM and subsequently closed the Public Hearing at 6:41 PM due to lack of public comments.

Council, Mrs. BROWN, Interim City Attorney Brian DOYLE, City Manager Stephanie DIETZ discussed rental property prices, rental restrictions, market rate for tiny homes and ADUs, different methods to improve housing density, increasing home supply, aligning with state law, including sections to Ordinance 2556 from state law, and possibly continuing or revising Ordinance 2556.

A motion was made by Council Member Boyle, seconded by Council Member Smith, that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

Mr. DOYLE stated the corrections to Ordinance 2556 that will be included in the motion.

A motion was made by Council Member Xiong, seconded by Council Member Boyle, to adopt Ordinance 2556 with the following corrections to Section 20.56.020, Subsection A.2. changing 30 years to 55 years and Subsection B, adding B.5. at least 10% restricted for transition foster youth, disabled veterans, homeless, and restricted to very low income; and adding B.6. at least 20% restricted for low-income college students dedicated for full-time students at accredited colleges. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

J.2.

SUBJECT: Public Hearing (Continued) - Vacation #23-01 and #23-02 - Initiated by Rhino Holdings, LLC, to Vacate a Portion of Right-of-Way on the South Side of Main Street Between R Street and T Street and Reserving an Easement for Public Improvements

REPORT IN BRIEF

Considers adopting a Resolution to order the vacation of a portion of right-of-way on the south side of Main Street between R Street and T Street and reserving an easement for public improvements.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-68**, a Resolution of the City Council of the City of Merced, California, Ordering the Vacation of a Portion of Right-of-Way on the South Side of Main Street Between R Street and T Street and Reserving an Easement for Public Improvements (Vacation #23-01 and #23-02).

Acting Planning Manager Julie NELSON gave a slideshow presentation on the Vacation #23-01 and #23-02 for a portion of right-of-way on the south side of Main Street between R Street and T Street.

Mayor SERRATTO opened the Public Hearing at 6:56 PM and subsequently closed the Public Hearing at 6:56 PM due to lack of public comments.

Council and Mrs. NELSON discussed the plans for the parking lot and the maintenance plan.

A motion was made by Council Member Boyle, seconded by Council Member Smith, that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

K. REPORTS

K.1. **SUBJECT:** Review and Discuss a Potential Ordinance Amendment to Chapter 8.30 Regulations of Shopping Carts

REPORT IN BRIEF

Review and discuss potential ordinance amendment to Chapter 8.30 of the City of Merced Municipal Code - Regulations of Shopping Carts.

RECOMMENDATION

Information only and possible Staff direction on revisions and/or next steps.

Development Services Director Scott MCBRIDE gave a slideshow presentation on potentially amending the shopping cart ordinance.

Council, Mr. MCBRIDE, and City Manager Stephanie DIETZ discussed details of the Containment Program and Retrieval Program, the responsible department, outreach to business owners, mandating the different programs, the previous Retrieval Program, enforcement, and educating the community to prevent theft.

Council agreed on an ordinance with a plan to enact a Voluntary Retrieval Program, feedback from retailers, and to return to Council once City Staff receives feedback.

L. BUSINESS

L.1. **SUBJECT:** Council to Consider Approval of the Arts and Culture Advisory Commission's Proposal for an Arts District in the City of Merced

REPORT IN BRIEF

Considers approving the Arts and Culture Advisory Commission's proposal for an Arts District in the City of Merced.

RECOMMENDATION

City Council - Adopt a motion approving the Arts and Culture Advisory Commission's (ACAC) recommended Arts District in the City of Merced.

Public Information Officer Jennifer FLACHMAN, Arts and Culture Advisory Commissioners Tommy TRAN, and Colton DENNIS gave a presentation on the Arts and Culture Advisory Commission's proposal for Art's Districts in Merced.

Council, Mr. TRAN, City Manager Stephanie DIETZ, and Mr. DENNIS discussed government factors of an Arts District, the funds allocated for art, developing an Arts Districts in South Merced, Downtown community outreach, South Merced community outreach, the requirements needed to turn Black Rascal Creek into an Arts District, details of different locations in Merced to bring art, protecting the history of art, and different policy directions.

Council agreed to start establishing an Arts District in Downtown Merced and South Merced and to explore all trails in Merced to create a trail Arts District.

L.2.

SUBJECT: Council Member Ornelas' Request to Reconsider
Re-Opening the Commercial Truck Parking Lot in the Airport Industrial
Park at S. West Avenue and Stuart Drive

REPORT IN BRIEF

Council Member Ornelas' request to reconsider re-opening and allowing commercial trucks to park in the Commercial Truck Parking Lot located off S. West Avenue.

RECOMMENDATION

Provide direction to staff on next steps.

City Manager Stephanie DIETZ clarified that the Council is not taking action on the truck parking lot itself and explained that Council is potentially taking action to re-consider its previous decision.

Council Member ORNELAS gave a brief introduction to the request to reconsider re-opening the commercial truck parking lot.

Clerk's Note: The following comments were received via voicemail.

Teresa FRANCO, Merced - spoke in opposition of reopening the truck parking lot due to contamination of propane tanks and the health risks for kids.

Beatriz SOTELO, Merced - spoke in opposition of reopening the truck parking lot due to health risks and asked Council to vote no.

Ana Maria FABIAN, Merced - spoke in opposition of reopening the truck

parking lot and asked Council to fix the sidewalks, drainage, and water in South Merced.

Gerardo SOTELO, Merced - asked Council to consider not allowing truckers to park in South Merced due to issues arising.

Oscar SOTELO, Merced - spoke in opposition of reopening the truck parking lot due to crime, congestion, and the Riggs Ambulance barriers they face.

Lizette, Merced - expressed her concerns for reopening the truck parking lot due to littering, possible drug use, lack of community outreach, and increasing security in their home.

Micaela MENDOZA, Merced - spoke in opposition of reopening the truck parking lot due to safety concerns of children and the elderly.

Ariella SOTELO, Merced - urged Council to vote no on reopening the truck parking lot due to barriers for the ambulance and fire station, safety of children, and flammable products on trucks.

Janet MENDOZA, Merced - expressed her opposition of reopening the truck parking lot due to the health and safety concerns for children and the elderly.

Madeline HARRIS, Merced - encouraged Council to look for alternative parking due to air pollution in the area.

Brenda MCAFEE, Merced - spoke on her concerns on the commercial truck parking lot due to the safety of children.

Clerk's Note: The following speakers appeared in person.

Micaela MENDOZA, Merced - spoke in opposition of reopening the truck parking lot due to safety concerns of children and the elderly, speeding, air pollution, loud noises, and strangers.

Rachel Fuentes, Merced - asked Council to reconsider reopening the truck parking lot due to strangers soliciting, safety concerns for the youth and elderly, lack of sidewalks, and the barriers for Riggs and the fire station.

Monica SOTELO, Merced - spoke against reopening the truck parking lot

due to health and safety concerns, out of state truckers with bad behaviors, and adding fencing for extra security measures to homes, asked to find another location for truckers, and asked Council to reconsider reopening the truck parking lot.

Melissa MCAFEE, Merced - asked Council to reconsider reopening the truck parking lot due to safety concerns for children, pollution harming the elderly, the propane plant nearby, and asked to find a better parking lot for truckers.

Sonia SOTELO, Merced - spoke on the struggles Riggs Ambulance and the Fire Department go through due to the truck drivers in the area.

Robert DYLINE, Merced - spoke on the previous issue that caused Council to consider reopening the commercial truck parking lot, the issue of truck drivers parking in residential areas, and the air pollution that Highway 99 causes.

Steven GRAHAM, Merced - asked if there was a traffic study or environmental studies.

Council discussed alternative locations for truck parking lots, the community engagement, safety and lighting concerns, lack of community outreach, the commercial truck parking lot history and previous issues, and the increase of truck parking lot enforcement.

Council agreed to return on the October 2nd Council meeting to discuss alternatives, direction for fee policy changes, and potential action.

A motion was made by Council Member Ornelas, seconded by Council Member Boyle, that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez

L.3.

SUBJECT: City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of

the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Council Member DEANDA reported on attending the Mayor's Ball event and the CALTRANS Railroad presentation.

Council Member ORNELAS reported on attending the Mayor's Ball event and asked City Manager Stephanie DIETZ about the Graffiti Abatement Program.

Mrs. DIETZ stated the Graffiti Abatement is out for Request for Proposal (RFP) and the City has temporary services.

Council Member SMITH congratulated all teachers and parents for children back at school.

Council Member BOYLE reported on attending the Mayor's Ball event and the swear-in for Fresno's new Fire Chief, Billy ALCORN.

Mayor SERRATTO congratulated Chief ALCORN and the Fresno Fire Department, thanked everyone for attending the Mayor's Ball event and the CALTRANS Railroad presentation.

L.4.

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

Clerk's Note: No future items were added.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:31 PM.

A motion was made by Council Member Boyle, seconded by Council Member Ornelas, that the Regular Meeting be adjourned in honor of Mayor Pro Tempore Perez's Birthday. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Mayor Pro Tempore Perez