



CITY OF MERCED

Meeting Agenda

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

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

Tuesday, September 5, 2023

6:00 PM

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

Closed Session at 5:00 PM / Regular Meeting at 6:00 PM

NOTICE TO PUBLIC/AVISO AL PÚBLICO/CEEB TOOM RAU PEJ XEEM

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL/BIENVENIDO A LA REUNIÓN DEL CONCILIO DE LA CIUDAD DE MERCED/ZOO SIAB TXAIS TOS KOJ TUAJ RAU HAU CITY COUNCIL LUB ROOJ SAB LAJ

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. Spanish and Hmong translation is available at every regular meeting.

Al menos 72 horas antes de cada reunión regular del Concejo Municipal, un paquete de agenda complete está disponible para su revisión en el sitio web de la Ciudad en www.cityofmerced.org o en la Oficina del Secretario de la Ciudad, 678 W. 18th Street, Merced, CA 95340. Todos los registros públicos relacionados con un artículo de sesión abierta que se distribuyen a la mayoría del Concejo estarán disponibles para inspección pública en la Oficina del Secretario de la Ciudad durante el horario comercial habitual. La traducción al español y al Hmong está disponible en todas la reuniones regulares.

Sai kawg yuav tsum yog li 72 teev ua ntej rau txhua lub rooj sib tham ntwam cov Nom Tswv (City Council), yeej muaj tag nrho pob ntawv qhia txog tias rau cov neeg los nyeem hauv lub Nroog (City) qhov website www.cityofmerced.org los sis nyob rau ntawm City Clerk's lub Office, 678 W. 18th Street, Merced, CA 95340. Tas nrho cov ntaub ntawv teev tseg no yuav muab rau cov Nom Tswv ntawm kev sab laj pub rau tsoom pej xeem sawv daws los nyeem nyob rau hauv City Clerk's lub Office thaum lub caij ua hauj lwm. Muaj txhais lus Mev thiab lus Hmoob.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK/COMENTARIO DEL PÚBLICO / KEV HLOOV RAU TEJ PEJ XEEM TXOG KEV TAWM SUAB, NCAUS LUS:

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium in the back of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

Material may be emailed to cityclerk@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be mentioned to the City Council at the appropriate time. Any correspondence received after 1 PM will be distributed to the City Council and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-8688 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of one (1) minute. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be played during the City Council meeting at the appropriate time. For Public Hearing items, if you wish to speak live during the meeting, please leave callback information and you will be contacted with further details.

To view video (if available) or listen to the City Council meeting live, go to the City's website www.cityofmerced.org, Facebook Live, or Comcast Public Access Channel 96.

Los miembros de la audiencia que deseen dirigirse al Ayuntamiento deben completar una tarjeta de orador disponible en el podio en la parte de atrás de la Cámara del Concejo. Envíe la tarjeta completa al secretario de la ciudad antes de que se llame al artículo, preferiblemente antes de que comience la reunión.

El material puede enviarse por correo electrónico a cityclerk@cityofmerced.org y debe limitarse a 300 palabras o menos. Por favor, especifique qué parte de la agenda está comentando, por ejemplo, # Artículo de la Audiencia pública, # artículo de consentimiento, o Comunicaciones orales. Sus comentarios serán mencionados al Ayuntamiento en el momento apropiado. Cualquier correspondencia recibida después de la 1 PM se distribuirá al Ayuntamiento y se conservará para el registro oficial.

Puede proporcionar comentarios telefónicos a través del correo de voz llamando al (209) 388-8688 a más tardar a la 1 PM del día de la reunión para que se agreguen al comentario público. Los mensajes de voz estarán limitados a un límite de tiempo de un (1) minuto. Por favor especifique qué parte de la agenda está comentando, por ejemplo, número de artículo de la audiencia pública, número de artículo de consentimiento o comunicaciones orales. Sus comentarios se reproducirán durante la reunión del Ayuntamiento en el momento adecuado. Para los temas de audiencia pública, si desea hablar en vivo durante la reunión, deje la información de su llamada y lo contactaremos con más detalles.

Para ver el video (si está disponible) o escuchar la reunión del Concejo Municipal en vivo, visite el sitio web de la ciudad www.cityofmerced.org, Facebook Live o Comcast Public Access Canal

96.

Cov pej xeem los koom lub rooj sib tham uas xav tawm suab rau lub nroog cov Nom Tswv (City Council) muaj feem los sau ntawv hauv daim ntawv tawm suab nyob ntawm lub sam thiaj hais lus sab xis ntawm Council Chamber. Thov xa daim ntawv tawm suab no rau tus City Clerk ua ntej lub sij hawm rooj sab laj pib.

Tej ntaub ntawv thov muab xa rau cityclerk@cityofmerced.org thiab tsis pub muaj tshaj 300 los lus los yog txawg dua. Thov qhia tias qhov twg hauv daim ntawv tswj koj xav tawm suab rau, piv txwv li, kev sab laj kaws, nqes # los sis kev sib tham ntawm ncauj lus. Koj cov tswv yim muab rau lub rooj sib tham thaum lub sij hawm tsim nyog. Tej ntaub ntawm txais tau tom qab 1 teev tav su mam muab rau cov Nom Tswv (City Council) thiab tso hauv cov ntaub ntawv teev tseg.

Koj muaj feem tso suab hauv xov tooj uas yog hu (209) 388-8688 ua ntej 1 teev tav su hnuv sib tham thiaj koj lub tswv yim muab tso hauv daim ntawv tswj. Tso suab hauv xov tooj tsis pub ntev tshaj (1) feeb. Thov qhia qhov twg hauv daim tswj tias koj xav tawm suab rau, piv txwv li, zej tsoom tawm suab #, khoom tso cai #, los sis kev sib tham ntawm ncauj lus. Cov suab kaws hauv xov tooj mam tso mloog thaum lub caij tsim nyog rau thaum sib tham. Yog koj xav tawm suab thaum sib tham, thov tso koj tus xov tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (tham muaj) los sis mloog cov Nom Tswv (City Council) kev sib tham, mus saib hauv City's website www.cityofmerced.org, Facebook Live, los sis Comcast Public Access Channel 96.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

The legislative body shall provide the public with an opportunity to address the body on any item described in Closed Session [Government Code Section 54954.3(a)].

B.1. [23-771](#) **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. [23-750](#) **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - Title: City Manager; AUTHORITY: Government Code 54957

C. CALL TO ORDER

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

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 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

F. CEREMONIAL MATTERS

F.1. [23-787](#) **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.

F.2. [23-739](#) **SUBJECT:** Proclamation - Rail Safety Month

REPORT IN BRIEF

Received by Dave Stewart from California Operation Lifesaver.

F.3. [23-746](#) **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).

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. The Mayor may, at his discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

I. CONSENT CALENDAR

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

I.1. [23-708](#) **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.2. [23-745](#) **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.

I.3. [23-727](#) **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.

I.4. [23-684](#)

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.

I.5. [23-760](#)

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.

I.6. [23-725](#)

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.

I.7. [23-774](#)

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.

I.8. [23-776](#)

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.

I.9. [23-700](#)

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.

I.10. [23-578](#)

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.

I.11. [23-736](#)

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.

I.12. [23-740](#)

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.

I.13. [23-758](#)

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.

I.14. [23-741](#)

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.

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. [23-728](#)

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.

J.2. [23-738](#)

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).

K. REPORTS

- K.1. [23-573](#) **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.

L. BUSINESS

- L.1. [23-749](#) **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.

- L.2. [23-769](#) **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.

L.3. [23-703](#)

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.

L.4. [23-704](#)

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.

M. ADJOURNMENT