



# 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

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Monday, August 7, 2023

6:00 PM

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#### A. CLOSED SESSION ROLL CALL

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

**Absent:** 1 - Council Member Ronnie DeAnda

#### B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:03 PM.

**Clerk's Note:** Council Member ORNELAS arrived to Closed Session at 5:07 PM and Council Member XIONG arrived to Closed Session at 5:08 PM.

- B.1.** SUBJECT: PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; AUTHORITY: Government Code 54957
- B.2.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Stephanie Dietz; Employee Organizations: International Association of Fire Fighters, Local 1479. AUTHORITY: Government Code Section 54957.6
- B.3.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Christopher Cowings v. City of Merced; Workers' Compensation Appeals Board Case Number 211020962; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.4.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Matthew Williams v. City of Merced; Workers Compensation Claim Number 17671896, 18746011, 19785892, and 211033664; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.5.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4): one (1) Potential Case

**B.6.** SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Properties: Highway 140 and Snowbird Lane APN #'s 049-200-005, 049-200-020, 049-200-022, 049-200-019, 049-200-023, 049-200-017, 049-200-021, 049-200-024, 049-200-025, 049-220-018, 049-220-019, 049-220-016, 049-220-020, 049-220-015, 065-030-004, 049-240-016, 049-240-017; Agency Negotiator: Stephanie Dietz, City Manager; Negotiating Parties: Robert C. Rice, Sandton Capital Partners and City of Merced; Under Negotiation: Price and Terms of Payment

**Clerk's Note:** Council adjourned from Closed Session at 5:52 PM.

### C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:02 PM.

C.1. Invocation - Al Schaap, Gateway Community Church

The Invocation was delivered by Al SCHAAP of the Gateway Community Church.

C.2. Pledge of Allegiance to the Flag

Pastor Al SCHAAP led the Pledge of Allegiance to the Flag.

### D. ROLL CALL

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

**Absent:** 1 - Council Member Ronnie DeAnda

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.

**Clerk's Note:** Mayor SERRATTO announced a request to move Agenda Item J.2. before Consent Calendar.

### F. CEREMONIAL MATTERS

**F.1.**                    **SUBJECT: Proclamation - National Health Center Week**

**REPORT IN BRIEF**

Presented to a representative of the Golden Valley Health Centers.

Mayor SERRATTO and Representative of Anna CABALLERO's Office Arturo MARTINEZ presented a proclamation to members of the Golden Valley Health Centers.

**F.2.**                    **SUBJECT: Recognition of Local Musician Eduardo Nepomuceno-Vega for Using His Success in the Music Industry to Give Back to His Community**

**REPORT IN BRIEF**

Accepted by Eduardo Nepomuceno-Vega.

Mayor SERRATTO, Council Member ORNELAS, and Representative of Anna CABALLERO's Office Arturo MARTINEZ recognized Eduardo NEPOMUCENO-VEGA.

**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 Communication - Jaime ORTEGA

Agenda Item I.14. - Ron COOK

Agenda Item J.1. - Steven DONAHUE

Agenda Item K.2. - RJ

**H. ORAL COMMUNICATIONS**

Jason BEACH & Manny SANCHEZ, President of Disc Golf Merced - thanked the Parks and Recreation Department and the Public Works Department for their hard work in the City and spoke on recent and future disc golf events in Merced County.

Christina VALENTI, Founder of Robert Rojas Foundation, Merced - spoke on the Robert Rojas Foundation and a grant she applied for to assist funding the Robert Rojas Foundation in Merced.

Mayor SERRATTO stated that Council was not agendized for this topic.

Julia HARRISON, Merced - spoke on personal events due to floods and shared the iShared app that she created.

Colton DENNIS, Merced - shared Arts Council report with all upcoming events in Merced County.

Christian SANTOS - spoke on the National Night out event, the Provision Management Agreement with Madera Hospital and the Town Hall hosted by Congressman John DUARTE.

J.2.

**SUBJECT: Public Hearing, Ballot Count, and Adoption of a Resolution Establishing the Formation for the Property Based Improvement District for Downtown Merced**

**REPORT IN BRIEF**

A coalition of property and business owners proposed the creation of the Downtown Merced Property and Business Improvement District (PBID) as a benefit assessment district designed to enhance safety, maintenance, and beautification programs in Downtown Merced above and beyond those already provided by the City. On June 20, 2023, the City Council adopted a Resolution of Intent to form the PBID (Resolution 2023-53) after receiving a successful petition in support of forming a PBID.

The Council is being asked to conduct a public hearing to receive public input related to the PBID formation. Sealed ballots of property owners will be accepted by the City Clerk up until the close of the public hearing. At the close of the public hearing, the City Clerk's Office will open and count the ballots to determine if there is a majority protest.

**RECOMMENDATION**

Upon the conclusion of the public hearing, if the vote is successful to support 50% or more of the property owner assessments towards establishing a PBID,

**City Council - Adopt a Motion:**

A. Adopting **Resolution 2023-65**, a Resolution of the City Council of the City of Merced Forming the Downtown Merced Property Based Improvement District and Levying Assessments Starting with Fiscal Year 2023-2024 Pursuant to the Property and Business Improvement District Law of 1994; and,

B. Upon approval of Resolution 2023-65, Direct staff to return to Council

with the dissolution of the Downtown Merced Business Improvement Area completed before December 31, 2023; and,

C. Upon approval of Resolution 2023-65, Direct staff to return to Council with the dissolution, modification, or re-configuration of the Downtown Maintenance District completed before December 31, 2023; and,

D. Upon approval of Resolution 2023-65, Direct staff to return to Council with the necessary Budget Adjustments for the City's Contribution towards the PBID assessment completed before December 31, 2023; and,

E. Upon approval of Resolution 2023-65, Direct staff to return to Council to establish the Advisory Board of the PBID to facilitate the nomination and selection of the PBID Board of Directors.

**Clerk's Note:** Agenda Item J.2. was moved to be heard prior to the Consent Calendar to tabulate the ballot.

Deputy City Manager Frank QUINTERO gave a slideshow presentation on the Downtown Merced Property and Business Improvement District resolution of intent and final step of formation process.

Mayor SERRATTO opened and subsequently closed the Public Hearing at 6:40 PM due to lack of public comment.

Council and Mr. QUINTERO discussed the amount of ballots to pass, the amount of unique property owners, establishment process, the process to dissolve the district, misappropriation of funds, and governance process.

**Clerk's Note:** Mayor SERRATTO stated, "At this time, I ask staff to open the ballots for the election, and, after tabulation, announce the results of such election. Ballots shall be tabulated in the Sam Pipes Conference Room where the counting may be observed by the public."

**Clerk's Note:** This Agenda Item will reconvene when all ballots have been tabulated.

## I. CONSENT CALENDAR

Items I.7. Approval of an Agreement with Merced County Association of Governments for the Administration of the Merced County Multijurisdictional Housing Element and SB244 Technical Analysis Contract and Adoption of a Resolution Agreeing to the Costs Share for the SB 244 Analysis and I.15. Second Reading and Final Adoption of an Ordinance to Amend Merced Municipal Code Section 20.44.170 (Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required); 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, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 1 - Council Member DeAnda

**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 July 2023**

**REPORT IN BRIEF**

Notification of awarded Non-Public Works contracts under \$36,000 and of Public Works contracts under \$82,718.

**This Consent Item was approved.**

**I.3. SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of January 3, 2023, July 17, 2023, and July 24, 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 3, 2023, July 17, 2023, and July 24, 2023.

This Consent Item was approved.

I.4.

**SUBJECT:** Reject All Bids Received for Project No. CP230060  
Merced Yosemite Regional Airport Terminal

**REPORT IN BRIEF**

Considers rejecting all bids received to construct the new airport terminal due to non-responsive bids.

**RECOMMENDATION**

**City Council** - Adopt a motion rejecting all bids received for Project No. CP230060 Merced Yosemite Regional Airport Terminal Project due to irregularities and/or non-responsive bidders and direct staff to re-bid project.

This Consent Item was approved.

I.5.

**SUBJECT:** Request for Authorization to Apply for Federal Aviation  
Administration (FAA) Grant Airport Capital Improvement Plan  
Program Funds for the Merced Yosemite Regional Airport

**REPORT IN BRIEF**

Considers authorizing a request to the City Council regarding Merced Yosemite Regional Airport Capital Improvement Plan Federal Aviation Administration upcoming Grant Application.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Authorizing the submittal of the five-year Airport Capital Improvement Plan to the Federal Aviation Administration; and,
- B. Authorizing an application for grant for federal fiscal year 2024 Airport Capital Improvement Plan projects; and,
- C. Authorizing the City Manager or the Deputy City Manager to execute and submit the necessary documentation to the Federal Aviation Administration.

This Consent Item was approved.

I.6.

**SUBJECT:** Adopt a Resolution to Amend the Annual Salary of the

Chief of Police Position within the Merced Police Department

**REPORT IN BRIEF**

Considers the adoption of a Resolution to amend the annual salary of the Chief of Police position within the Merced Police Department.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Resolution 2023-66**, A Resolution of the City Council of the City of Merced, California, Amending the Salary Range for the Police Chief Position within the Merced Police Department.

**This Consent Item was approved.**

**I.8.**

**SUBJECT:** Accept and Appropriate \$65,996 in Grant Funding from the California Board of State and Community Corrections Officer Wellness and Mental Health Grant

**REPORT IN BRIEF**

Considers accepting and appropriating grant funding in the amount of \$65,996 from the California Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting and increasing the revenue in Fund 1000-General Fund-Police Admin, Project GR240013 in the amount of \$65,996; and,

B. Appropriating the same to Fund 1000-General Fund-Police Admin, Project GR240013; and,

C. Authorizing the Finance Officer to make the necessary budget adjustments.

**This Consent Item was approved.**

**I.9.**

**SUBJECT:** Approval of Street Closure Request Submitted from City of Merced Parks and Recreation Department, to Close Downtown Streets and Temporarily Stop Traffic at Intersections for Participants in the City Sponsored 5K / 10K Run on November 19th from 5:00 A.M. until 12:00 P.M.



**REPORT IN BRIEF**

Considers approving the use of City streets and the use of Bob Hart Square on November 19th, 2023, for a City of Merced sponsored 5K / 10K run.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the street closures of West Main Street, from "K" Street to "M" Street, and Canal Street from W 19th Street to W Main Street along with the use of Bob Hart Square from 5:00 A.M. until 12:00 P.M. Street closure of the #2 lane (slow lane) of southbound M Street from W 25th Street to W 23rd Street on November 19th, 2023, from 5:00 A.M. until 12:00 P.M.

**This Consent Item was approved.**

**I.10.**

**SUBJECT:** Award Bid and Approval of the Purchase of Supplies as Necessary with Momar, Inc., for the Supply and Delivery of Crude Glycerin for the Wastewater Treatment Plant in the Amount not to Exceed \$180,000 Through June 30, 2024

**REPORT IN BRIEF**

Considers awarding the bid and approving the purchase of crude glycerin for the Wastewater Treatment Plant for Fiscal Year 2023/2024.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Awarding the bid and approving purchases up to \$180,000 with Momar, Inc., through June 30, 2024; and,

B. Authorizing the City buyer to issue the purchase order.

**This Consent Item was approved.**

**I.11.**

**SUBJECT:** Award Bid and Approval of the Purchase of Supplies as Necessary with JenFitch, Inc., for the Supply and Delivery of Poly Aluminum Chloride Coagulant for the Wastewater Treatment Plant in the Amount not to Exceed \$110,000 Through June 30, 2024

**REPORT IN BRIEF**

Considers awarding the bid and approving the purchase of poly

aluminum chloride coagulant for use at the Wastewater Treatment Plant for Fiscal Year 2023/2024.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Awarding the bid and approving purchases up to \$110,000 with JenFitch, Inc., through June 30, 2024; and,

B. Authorizing the City Buyer to issue the purchase order.

**This Consent Item was approved.**

**I.12.**

**SUBJECT:** Award Bid and Approval of the Purchase of Supplies as Necessary with Nutrien Ag Solutions for the Supply and Delivery of Farm Chemicals for the Land Application Division in the Amount not to Exceed \$60,000 Through June 30, 2024

**REPORT IN BRIEF**

Considers awarding the bid and approving the purchase of farm chemicals for the Land Application Division for Fiscal Year 2023/2024.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Awarding the bid and approving purchases up to \$60,000 with Nutrien Ag Solutions through June 30, 2024; and,

B. Authorizing the City buyer to issue the purchase order.

**This Consent Item was approved.**

**I.13.**

**SUBJECT:** Approval of a Seventh Amendment to the Professional Services Agreement with Stantec Consulting Services, Inc., for the Wastewater Collection System Master Plan (WCSMP) Update Environmental Impact Report (EIR) Project CP130059 for a not to Exceed Additional Amount of \$75,000 for a Total Contract not to Exceed Amount of \$1,022,850

**REPORT IN BRIEF**

Considers approving a seventh amendment to an agreement with Stantec Consulting Services, Inc., to include preparation of a draft and final Recirculated Environmental Impact Report (REIR).

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a seventh amendment to professional services agreement with Stantec Consulting Services, Inc., in the additional amount of \$75,000 for the City of Merced Wastewater Collection System Master Plan Update Environmental Impact Report (EIR); and,

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

**This Consent Item was approved.**

**I.14.**

**SUBJECT:** Introduction of an Ordinance Amending Section 10.28.230 No Parking Zones

**REPORT IN BRIEF**

Considers recommendations from the Traffic Committee approving the addition of no parking zones on the north side of Buena Vista Drive both east and west of San Lorenzo Way.

**RECOMMENDATION**

**City Council** - Adopt a motion introducing **Ordinance 2551**, an Ordinance of the City Council of the City of Merced, California, amending section 10.28.230 "No Parking Zones;" of the Merced Municipal Code.

**This Consent Item was approved.**

**I.7.**

**SUBJECT:** Approval of an Agreement with Merced County Association of Governments for the Administration of the Merced County Multijurisdictional Housing Element and SB244 Technical Analysis Contract and Adoption of a Resolution Agreeing to the Costs Share for the SB 244 Analysis

**REPORT IN BRIEF**

Considers approving the Agreement with Merced County Association of Governments (MCAG) for the Administration of the Merced County Multijurisdictional Housing Element (MJHE) and the SB244 Technical Analysis Contract and Authorizes the increase in cost by \$12,000 for the SB244 Analysis from the consultant for the MJHE.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Authorizing the Agreement with MCAG for the Administration of the Merced County MJHE and SB244 Technical Analysis Contract; and,
- B. Adopting **Resolution 2023-63**, a Resolution of the City Council of the City of Merced, California, agreeing to the cost share for the SB244 Analysis portion of the Multijurisdictional Housing Element; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the agreement with MCAG and any related documents necessary for the administration of the MJHE and increase in cost for the SB244 Analysis portion.

Mayor SERRATTO pulled this item due to a request from the public.

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

Madeline HARRIS, Merced - spoke on community involvement and invited Council to attend meetings on tenant protection.

**Clerk's Note:** There was no Council discussion.

**A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 1 - Council Member DeAnda

**I.15.**

**SUBJECT:** Second Reading and Final Adoption of an Ordinance to Amend Merced Municipal Code Section 20.44.170 (Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required)

**REPORT IN BRIEF**

Second reading and final adoption of an Ordinance to amend Merced Municipal Code Section 20.44.170 (Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required).

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance 2550**, an Ordinance of the City Council of the City of Merced, CA, amending section 20.44.170 "Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required" of the Merced Municipal Code.

Mayor SERRATTO pulled this item due to a request from the public.

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

Sunny POACHWANNIE - spoke in favor of expanding the cannabis commercial retail licenses in Merced.

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

James REESE, Merced - spoke on the process of public comment and having 10 commercial cannabis retailers.

David FRAUSTO, Merced - spoke in support of Stiiizy opening a store in Merced, what product and safety measures Stiiizy would bring to the community, and urged Council to raise the number of commercial cannabis retailers for more competition and revenue.

Juan SANDOVAL, Merced - spoke in support of Stiiizy, bringing more cannabis retailers in Merced, and the illicit market.

Sasha PERDOMO, Merced - spoke on the employment and safety measures Stiiizy provides to community.

Ricky CRIGHTON, General Manager at Authentic 209, Owned by Stiiizy - spoke in support of Stiiizy, the employment and safety measures they provide, and all events held to give back to the community.

Stephanie UY, Representative of Stiiizy - spoke on statistics of Stiiizy, how Stiiizy can have a positive affect in the community, and urged Council to increase the amount of cannabis commercial retailers.

Eric HENKEL, Representative of United Food and Commercial Workers - spoke on the United Food and Commercial Workers, the support of Stiiizy, and increase of cannabis retailers.

Will KELLY, Merced - spoke in support of Stiiizy, labor and union opportunities that Stiiizy will provide, and asked Council to potentially reopen the Public Hearing.

Katherine LOPEZ, Merced - supports Stiiizy opening and bringing job opportunities.

Mike WARDA - spoke on statistics of revenue dropping for cannabis retailers and illegal Stiiizy products found in Merced.

Mayor SERRATTO, Interim City Attorney Brian DOYLE, and City Manager Stephanie DIETZ discussed issues with the Ordinance attached to the Agenda and to continue this Agenda Item to bring back the correct Ordinance.

**A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, that this agenda item be continued. The motion carried by the following vote:**

**Aye:** 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 1 - Council Member DeAnda

## J. PUBLIC HEARINGS

### J.1. **SUBJECT:** Public Hearing - Merced Fire Department Master Fee Schedule

#### **REPORT IN BRIEF**

Public Hearing to hear comments and adopt a resolution updating the Merced Fire Department's Master Fee Schedule.

#### **RECOMMENDATION**

**City Council** - Adopt **Resolution 2023-64**, A Resolution of the City Council of the City of Merced, California, Adopting the Fire Department's Master Fee Schedule to Adjust Existing Fees for Inflation and to Include Fees for Emergency Medical Services.

Fire Chief Derek PARKER gave a slideshow presentation on the Merced Fire Department master fee schedule.

Mayor SERRATTO opened the Public Hearing at 7:49 PM.

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

Ana Maria FABIAN, Merced - spoke on the First Responder Fee being unfair.

Concerned Citizen, Merced - spoke in opposition of the First Responder Fee.

David SKAGGS, Merced - spoke on unfair charge for 911 calls.

Mary SKAGGS, Merced - spoke in opposition of charging seniors for 911 calls.

Tracy HARMOND, Merced - opposed the First Responder Fee.

Marilyn WILSON, Merced - spoke in opposition of the First Responder Fee.

Adam HOLM, Merced - urged Council to vote no on Agenda Item J.1.

Albert DIBENEDETTO, Merced - asked Council to vote no on Agenda Item J.1.

Dawn TROOK, Merced - asked Council to vote no on Agenda Item J.1. and spoke in opposition of the Fire Department fees.

Genesis WONG, Merced - spoke on the negative impact the First Responder fee has on low-income households.

Pangcha VANG, Merced - spoke on funds being allocated to the Fire Department and health care being a human right.

Rebecca VALENZUELA, Merced - spoke in opposition of the First Responder fee.

Tigon - urged Council to vote no on Agenda Item J.1.

Trace RODRIGUEZ - opposed the First Responder fee.

Brooke, Merced - spoke in opposition of the First Responder fee and declining an ambulance fee.

Astrid, Merced - urged Council to vote no on Agenda Item J.1.

Madeline HARRIS, Merced - spoke on concerns of the First Responder fees and the transparency of all fees.

**Clerk's Note:** The following speaker was called in by telephone.

Steven DONAHUE, Merced - spoke in opposition of the First Responder fee and questioned health care insurance coverage.

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

Necola ADAMS, Merced - asked Council to hold off voting to engage and inform the community.

Steven GRAHAM, Merced - spoke on government charging for resources and asked Council to take a step back and get more community input.

Antonio SANCHEZ, Merced - spoke on proposed fees and how it affects low-income families.

Council, Mr. PARKER, and City Manager Stephanie DIETZ discussed different insurance policies, the poverty level waiver, the fees being presented in the resolution, difference between balance bill and payment in full, specific details on the First Responder fee and Treat/No Transfer fee, the fee study, third party billing party and oversight the City has with the vendor, establishing a fee structure, repeat callers, and community outreach. They also discussed the City's impact for ambulance response times, 911 caller billing process, the increase of medical support, future policy suggestions for uninsured citizens, the existing First Responder fee, the request for proposal process for the third party billing vendor, and details on the Compassion Waiver Policy.

**A motion was made by Council Member Smith, seconded by Council Member Boyle, to approve exhibits one through five of the Fire Department fee schedule. The motion carried by the following vote:**

**Aye:** 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 1 - Council Member DeAnda

Council, Mrs. DIETZ, and Interim City Attorney Brian DOYLE discussed separate motions for Council direction, poverty scale, amending to adopt the resolution, MediCare/Medicaid coverage, verification documents, details Request For Proposal to obtain a billing party, all different fees on Master Fee Schedule, and bringing this item back for discussion.

Council agreed to discuss details of all fees, the compassion waiver, and adopt the remaining portion of the fee schedule at a later scheduled



Council Meeting.

**Clerk's Note:** Interim City Attorney Brian DOYLE stated that Resolution 2023-64 will need to be amended to remove two paragraphs.

**A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, to amend and adopt Resolution 2023-64, removing the sixth exhibit and removing two paragraphs stated by the Interim City Attorney. The motion carried by the following vote:**

**Aye:** 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 1 - Council Member DeAnda

**A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, to approve the following direction to staff: to provide no balance billing to residents, review the poverty scale and income verification documents, details on the remaining fees, and discuss the compassion fee policy. The motion carried by the following vote:**

**Aye:** 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 1 - Council Member DeAnda

**Clerk's Note:** Council took a recess at 9:25 PM and returned at 9:36 PM.

**Clerk's Note:** Agenda Item J.2. was heard before the Consent Calendar and brought back with the final ballot count.

SUBJECT: Public Hearing, Ballot Count, and Adoption of a Resolution Establishing the Formation for the Property Based Improvement District for Downtown Merced

Deputy City Manager Frank QUINTERO and Consultant Kristen LOWELL presented the ballot results for the Property Based Improvement District (PBID) for Downtown Merced.

**Clerk's Note:** Results were 66.3% in favor of the Property Based Improvement District formation.

Council, City Manager Stephanie DIETZ, Interim City Attorney Brian DOYLE, Ms. LOWELL discussed details of the PBID formation, the Resolution being adopted, the level of control Council has on the PBID Board, laws that apply, audit reports, and the success of other city's PBID formations.

**A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to approve Resolution 2023-65. The motion carried by the following vote:**

**Aye:** 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, and Council Member Smith

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

**Absent:** 1 - Council Member DeAnda

**A motion was made by Council Member Smith, seconded by Mayor Pro Tempore Perez, approve staff's recommendation as presented in the agenda as section B-E. The motion carried by the following vote:**

**Aye:** 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Smith

**No:** 1 - Council Member Xiong

**Absent:** 1 - Council Member DeAnda

## K. REPORTS

### K.1. **SUBJECT: Report on the Multijurisdictional Housing Element**

#### REPORT IN BRIEF

Presentation on the Multijurisdictional Housing Element

#### RECOMMENDATION

Information Only.

Management Analyst Leah BROWN and RINCON Consultant, Inc. Eric VONBERG gave a slideshow presentation on the Merced County Multi-Jurisdictional Housing Element.

Council and Mr. VONBERG discussed the different density zoning, details of the Regional Housing Needs Allocation (RHNA), and developers building more houses.

**Clerk's Note:** There was no formal vote, this item was for information only.

**K.2.** SUBJECT: Review and Discuss a Potential Ordinance Regulating RV Street Parking

**REPORT IN BRIEF**

Review of ordinances from cities in California that set specific guidelines for RV street parking. This includes time of day restrictions and permits.

**RECOMMENDATION**

Information only. Should the City Council want to take further action a separate agenda item will be prepared for consideration and possible action.

Development Services Director Scott MCBRIDE gave a slideshow presentation on recreational vehicle parking.

Council and Mr. MCBRIDE discussed short-term loading/unloading for RV's, public safety concerns, RV's staying in private parking lots, secluded and residential areas, and getting input from the Traffic Committee.

**Clerk's Note:** There was no formal vote, this item was for information only.

**K.3.** SUBJECT: Discussion and Direction Regarding Re-Opening the Commercial Truck Parking Lot Located at Stuart Avenue and S. West Avenue in the Airport Industrial Park

**REPORT IN BRIEF**

Staff is seeking direction from the City Council about re-opening the commercial truck parking lot in the Airport Industrial which is currently closed to on-site commercial truck parking.

**RECOMMENDATION**

**City Council** - Provide direction to staff regarding re-opening the commercial truck parking lot in the Airport Industrial Park.

Deputy City Manager Frank QUINTERO gave a slideshow presentation on re-opening the commercial truck parking lot located at Stuart Avenue and S West Avenue.

Council, Mr. QUINTERO, City Manager Stephanie DIETZ, and Police Sergeant Nathaniel MCKINNON discussed existing commercial truck parking lots in Merced County, prices for existing lots, parking enforcement and citations, trucks parking in residential areas, dispatch calls for trucks parking in different areas, raising the citation fee, cost analysis, local

residents using the truck parking lot, and pollution and truck traffic in South Merced.

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

Ana Maria FABIAN, Merced - spoke on the priority needs of South Merced.

Dawn TROOK, Merced - spoke on the truck parking lot being in a residential area.

Pangcha VANG, Merced - urged Council to not re-open the commercial truck parking lot due to pollution.

Teresa RODRIGUEZ, Merced - spoke in opposition of re-opening commercial truck parking lot and pollution.

Brooke, Merced - urged Council to vote "no" on re-opening the commercial truck parking lot in Merced.

Astrid MORALES, Merced - spoke in opposition of re-opening the commercial truck parking lot due to pollution.

Madeline HARRIS, Merced - expressed her concerns on truck traffic and pollution in South Merced.

Felipe ROJAS FLORES, Merced - spoke in support of re-opening the commercial truck parking lot due to limited truck parking in Merced.

Steven GUTIERREZ, Merced - spoke in opposition of Agenda Item J.1. and K.3.

Averlado ROSALES, Merced - spoke in opposition of re-opening the truck parking due to pollution and Agenda item J.1.

Lynda, Merced - spoke in opposition of Agenda Item J.1. and K.3.

Council, Mr. QUINTERO, and Mrs. DIETZ discussed details and price estimate for an environmental review, safety compliance, and obtaining more community input.

Council and Interim City Attorney Brian DOYLE clarified motions that were made for this agenda item.

**A motion was made by Council Member Smith, seconded by Council Member Xiong, to direct staff to study this issue and come back with a proposal to safely**

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**re-opening the truck parking lot without the environmental study. The motion failed by the following vote:**

**Aye:** 3 - Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 3 - Mayor Serratto, Mayor Pro Tempore Perez, and Council Member Ornelas

**Absent:** 1 - Council Member DeAnda

**A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to open the commercial truck parking lot as is. The motion carried by the following vote:**

**Aye:** 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, and Council Member Boyle

**No:** 2 - Council Member Smith, and Council Member Xiong

**Absent:** 1 - Council Member DeAnda

## L. BUSINESS

### L.1.

**SUBJECT:** Provide Staff Direction on the Preferred Policy, Process, and Procedure Updates to Resolution 2018-78 Related to City Council, Board, Commission and Committee Meetings

#### REPORT IN BRIEF

At the request of the City Council, a report was prepared to outline alternative policy, process, and procedures to be considered for updates to Resolution 2018-78 on the operations of City Council, Board, Commission and Committee meetings.

#### RECOMMENDATION

Provide staff direction on the preferred policy, process, and procedure updates to Resolution 2018-78.

City Manager Stephanie DIETZ gave a slideshow presentation on options for Council's consideration on meeting process and procedures.

Council, Mrs. DIETZ, and Interim City Attorney Brian DOYLE discussed the current meeting process, choosing an unbiased person as rule-keeper, details of Roberts Rule of Order, adopting a structure for Council, forming a subcommittee, and section 10 of Resolution 2018-78.

Council agreed on forming an ad-hoc subcommittee and the scope being to review Resolution 2018-78 and Robert's Rules.

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**A motion was made by Council Member Ornelas, seconded by Council Member Smith, appointing Mayor Serratto, Council Member Perez, and Council Member Smith to the ad-hoc subcommittee and approving the scope of work. The motion carried by the following vote:**

**Aye:** 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 1 - Council Member DeAnda

**Abstain:** 1 - Mayor Pro Tempore Perez

**L.2. 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.

Council Member ORNELAS requested to remove his Block Party Trailer item.

Council Member BOYLE requested to discuss selecting a public facility in each district to be included for the upcoming call for art projects for the September 18th Council Meeting.

Mayor SERRATTO requested to add an item to discuss a Downtown Arch for the September 18th Council Meeting and requested to add an item to discuss staffs help for the State of the City Event on the August 21st Council Meeting.

Council, City Manager Stephanie DIETZ, and Interim City Attorney Brian DOYLE discussed the State of the City Event details, staff time for data, city resources, and potential funds.

**Clerk's Note:** Council Member PEREZ left the Regular Meeting at 11:14 PM.

**A motion was made by Council Member Smith, seconded by Council Member Boyle, to approve expediting Mayor Serratto's request to discuss the State of the City event. The motion carried by the following vote:**

**Aye:** 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 2 - Mayor Pro Tempore Perez, and Council Member DeAnda

**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 BOYLE reported on attending the National Night Out event.

Council Member SMITH recognized previous Commissioner Jeremiah GREGGAINS for serving on the Planning Commissioner.

Council Member ORNELAS reported on attending the CP 42 groundbreaking and spoke on a discussion he had with African-American elders on community violence.

Mayor SERRATTO reported on attending the National Night Out event, Disaster Resource Fair, and the CP 42 groundbreaking.

**M. ADJOURNMENT**

**Clerk's Note:** The Regular Meeting was adjourned at 11:30 PM.

**A motion was made by Council Member Boyle, seconded by Council Member Ornelas, that this Regular Meeting be adjourned. The motion carried by the following vote:**

**Aye:** 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 2 - Mayor Pro Tempore Perez, and Council Member DeAnda