



**REGULAR MEETING AGENDA  
FOR THE CITY COUNCIL OF THE CITY OF MANTECA**

**Tuesday, September 17, 2019  
7:00 PM**

**City Hall Council Chambers**

*1001 W. Center Street  
Manteca, CA 95337  
[www.mantecagov.com](http://www.mantecagov.com)*

**CITY COUNCIL**

*Mayor, Benjamin Cantu  
Vice Mayor, David Breitenbucher  
Councilmember, Debby Moorhead  
Councilmember, Jose Nuño  
Councilmember, Gary Singh*

See last pages of agenda for information regarding meeting procedures.



**REGULAR MEETING AGENDA  
MANTECA CITY COUNCIL  
SEPTEMBER 17, 2019  
7:00 PM  
1001 W. Center Street  
Manteca, CA 95337  
www.mantecagov.com**

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**CALL TO ORDER: Mayor Cantu**

**ROLL CALL: City Clerk**

**INVOCATION/FLAG SALUTE: Douglas Montandon, Love INC.**

**AGENDA REVIEW AND SUPPLEMENTAL REPORTS:**

**A. PRESENTATIONS:**

- A.1. [19-474](#)** Present a Proclamation proclaiming September 8th-14th, as Suicide Prevention Week.

**Attachments:** [Attachment 1 - Proclamation](#)

**B. PUBLIC COMMENT:**

**C. CONSENT ITEMS:**

- C.1. [19-476](#)** Approve Shared Recreation Facilities & School Resource Officer Agreement with Manteca Unified School District.

**Attachments:** [Attachment 1 - Agreement](#)

- C.2. [19-433](#)** Adopt a resolution approving a policy on settlement authority for claims, authorizing the City Attorney to provide settlement authority of up to \$50,000 to settle undisputed general liability claims against the City of Manteca, in accordance with Government Code Section 935.4.

**Attachments:** [Attachment 1 - Resolution](#)  
[Attachment 2 - Exhibit A to Resolution: Policy](#)

- C.3. [19-456](#)** Adopt a resolution approving Industrial Disability Retirement benefit on behalf of Police Officer Jason May.

**Attachments:** [Attachment 1 - Resolution](#)

- C.4. [19-466](#)** Waive the first reading by substitution of the title and introduce an ordinance adding new Chapter 13.34 to the Manteca Municipal Code to

establish an Open Trench - Joint Trench Fiber Standard for Undergrounding Utility Distribution Facilities and accept revisions to the current City Standard and Specifications document.

**Attachments:**      [Attachment 1 - Ordinance](#)  
[Attachment 2 - Standard and Specifications](#)

- C.5. [19-478](#)**      Adopt a resolution amending the FY2019-20 Capital Improvement Plan to re-open the Downtown Parking Lot and Alleyway Project, increase the project budget, and approving a budget appropriation as specified in the Fiscal Impact section.

**Attachments:**      [Attachment 1 - Resolution](#)  
[Attachment 2 - Change Order](#)

- C.6. [19-447](#)**      Waive the final reading by substitution of the title and adopt an ordinance amending Zoning Ordinance, Title 17, Sections 9.52.070 (Exemptions), 17.44.060 (Allowed Encroachments) and 17.58.050 (Noise Standards) to amend requirements regarding the location of emergency generators within the side yard setback.

**Attachments:**      [Attachment 1 - Ordinance](#)

- C.7. [19-488](#)**      Consider authorizing staff to procure a neutral facilitator to work with Council and staff

#### **D. PUBLIC HEARINGS:**

- D.1. [19-409](#)**      Adopt a resolution approving the Fire Impact Fee Nexus Study and Fire Impact Fee Program.

**Attachments:**      [Attachment 1 - Resolution](#)  
[Attachment 2 - Impact Fee Study](#)  
[Attachment 3 - PowerPoint Presentation](#)

#### **E. DISCUSSION ITEMS:**

- E.1. [19-477](#)**      Adopt a resolution approving a Debt Issuance and Management Policy and Continuing Disclosure Compliance Procedures and Taking Related Actions.

**Attachments:**      [Attachment 1 - Resolution](#)  
[Attachment 2 - Exhibit A to Resolution: Debt Policy with Continuing Disclosure F](#)  
[Attachment 3 - PowerPoint Presentation](#)

- E.2. [19-434](#)**      Receive and file Feasibility Study and Conceptual Site Designs report for an Aquatic Center, Recreation Center, and Sports Park.

**Attachments:**      [Attachment 1 - Feasibility Study](#)

- E.3. [19-437](#)      In light of new information, reconsider adopting a resolution conditionally approving an appeal from CenterPoint Properties Trust of the May 28, 2019, decision denying the appeal for CenterPoint Container Yard 2 to remove a condition regarding the Hours of Operation and modified Planning Commission Condition #24, Hours of Operation 8:00 a.m. to 5:00 p.m.; conditioned upon approval and execution of a Memorandum of Understanding with CenterPoint Properties Trust concerning working with the Union Pacific Railroad, the U.S. Army Corps of Engineers, and the South San Joaquin Irrigation District, extending Intermodal Way, deferring PFIP Transportation Fees and establishing an Area of Benefit, Container Yard 2, N. Airport Way, and a Community Facilities Maintenance District; rescind Resolution 2019-92; and authorize the City Manager to sign the Memorandum.

**Attachments:**      [Attachment 1 - Memorandum of Understanding](#)  
[Attachment 2 - Exhibit A - Intermodal Way Extension](#)  
[Attachment 3 - Resolution](#)  
[Attachment 4 - CenterPoint CY2 - Intermodal Way Q and A](#)  
[Attachment 5 - PowerPoint - CenterPoint Properties MOU](#)

- E.4. [19-473](#)      Receive information and provide direction to staff related to parking options on North Maple Ave.
- E.5. [19-468](#)      Receive presentation regarding traffic safety and enforcement strategies and provide direction if necessary.

**Attachments:**      [Attachment 1 - PowerPoint Presentation](#)

- E.6. [19-461](#)      Discussion regarding moving Code Enforcement from the Police Department to Community Development; provide direction if necessary.

**Attachments:**      [Attachment 1 - Fiscal Year Analysis 2018-19](#)

- E.7. [19-460](#)      Adopt a resolution authorizing the RFP for a New City Hall Assessment.

**Attachments:**      [Attachment 1 - New City Hall RFP](#)  
[Attachment 2 - Resolution](#)

- E.8. [19-465](#)      Discussion to consider permanently hearing the City Council Comments portion of the City Council meeting agenda prior to the Consent Items section.

- E.9. [19-487](#)      Appoint a member of City Council as the City representative to the Tri-Valley - San Joaquin Valley Regional Rail Authority.

**Attachments:**      [Attachment 1 - Roster](#)

**F. INFORMATIONAL ITEMS:**

- F.1. [19-455](#) California Consulting August 2019 Grant Report; Informational Item

**Attachments:** [Attachment 1 - August 2019 Grant Report](#)

- F.2. [19-469](#) City Progress Report - Informational Item

**Attachments:** [Attachment 1 - City Progress Report](#)

**G. CITY MANAGER COMMENTS:****H. COUNCIL COMMENTS:****I. ADJOURNMENT:**

*The next scheduled City Council meeting is October 1, 2019, at 7:00 p.m.*

*I hereby certify that the agenda for the above stated meeting was posted at a location accessible to members of the public at City Hall, 1001 W. Center Street, Manteca, CA on September 12, 2019, by 5:30 p.m.*

*/s/ Lisa Blackmon*

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LISA BLACKMON  
CITY CLERK

**MEETING DATES:**

The City Council meets regularly on the first and third Tuesday of each month; additional meetings may be scheduled as needed.

**INFORMATION AVAILABLE FOR CITY COUNCIL MEETINGS:**

Information and documents related to items on this agenda are available on the City's website at [www.mantecagov.com](http://www.mantecagov.com); you may also contact the City Clerk for information by email at [mayorcouncilclerk@mantecagov.com](mailto:mayorcouncilclerk@mantecagov.com); by calling (209) 456.8017; or in person at 1001 W. Center St., Ste. B, Manteca. Any documents related to an agenda item that are provided to a majority of the City Council after distribution of the agenda packet are reported by the City Clerk at the meeting under "Supplemental Reports" and are available for public inspection.

**CITY POLICY TO FACILITATE ACCESS TO PUBLIC MEETINGS:**

The City of Manteca complies with all applicable requirements of the Americans with Disabilities Act and California law, and does not discriminate against any person with a disability. If any person has a disability and requires information or materials in an appropriate alternative format (or any other reasonable accommodation), contact the City Clerk at (209) 456.8017 or email at [mayorcouncilclerk@mantecagov.com](mailto:mayorcouncilclerk@mantecagov.com). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. For TTY/ Speech-to-Speech users, dial 7-1-1 for the California Relay Service, for text-to-speech, speech-to-speech, and Spanish-language services 24 hours a day, 7 days a week. In making any request to the City for assistance, please provide advance notice of at least three (3) business days prior to the meeting.

**CONDUCT OF CITY COUNCIL MEETINGS:**

Meetings are conducted in accordance with the requirements of state law (the "Ralph M. Brown Act," California Government Code Sections 54950, et seq.). Members of the public may address the Council at designated times and are expected to conduct themselves with courtesy and respect. Speakers should direct comments to the Mayor and City Councilmembers, not the audience. Speakers are expected to yield the floor when the time limit is identified and comply with the City's Rules of Order. Speaking times are limited to no more than three (3) minutes per person, with the exception of certain hearings and appeals, or at the discretion of the Mayor or City Council.

**PUBLIC COMMENT (INCLUDING CONSENT ITEMS AND DISCUSSION ITEMS):**

The public may directly address the City Council on any subject within the Council's subject matter jurisdiction, including any matter that is not on the agenda. Speaking time is limited to no more than three (3) minutes per person, unless modified at the discretion of the Mayor or City Council. If the matter is not on the agenda, or if the matter is a consent item or discussion item, submit a speaker card or request to speak during the Public Comment portion of the meeting. Speaker cards are not required if the speaker otherwise makes a clear and timely request to address the Council, but do promote the efficient and orderly progress of the meeting. Information on Speaker Cards is subject to disclosure under the California Public Records Act.

**CONSENT ITEMS:**

These items are considered routine and may be approved by a single vote. Only the Mayor or a majority of the City Council may authorize public input after the consent calendar is introduced.

**DISCUSSION ITEMS:**

Only the Mayor or a majority of the City Council may authorize public input after a discussion item is introduced.

**PUBLIC HEARINGS/APPEALS:**

During any public hearing or appeal, any person may directly address the City Council. Applicants (or appellants) are allowed ten (10) minutes to present testimony at the beginning of the public hearing, and if needed, five (5) minutes to present rebuttal at the end of the public hearing. All other speakers will be limited to three (3) minutes.

**INFORMATIONAL ITEMS:**

The Informational Items section of the agenda is a place for City Council and the public to receive general information that does not require action.

**CLOSED SESSION:**

The City Council is authorized to meet in closed session, without attendance by the public, on limited confidential topics such as pending litigation, real property negotiations, or personnel or labor matters.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The California Environmental Quality Act ("CEQA") is the state law that requires the City to evaluate and document the potential environmental consequences of discretionary decision. (See, California Public Resources Code Sections 21000 - 21189.3; and the "CEQA Guidelines" at California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000 - 15387). For each item that requires a CEQA determination by City Council, there is a reference to that determination on this agenda, and more information regarding the CEQA analysis is included in the documents that accompany this Agenda. To the extent that City staff determines that particular items are not subject to CEQA, there will be no indication of a CEQA action on this Agenda.

**CHALLENGES TO DECISIONS MADE BY THE CITY COUNCIL:**

If a person wishes to file a legal challenge to any decision made by the City Council, you may be limited to raising only those issues which you or someone else raised during the meeting, or in a written communication received by the City Clerk prior to or during the meeting. In addition, a legal challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies. The time limit to commence any legal challenge may be subject to strict timing requirements, and failure to comply with applicable timing requirements may result in a legal challenge being barred. Any lawsuit or legal challenge to any quasi-adjudicative decision made by the City Council is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by City Council must be filed no later than the 90th day following the date on which such decision becomes final.