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

**April 16, 2019**

**CALL TO ORDER:** 7:08 p.m.

Roll Call:

Present: Breitenbucher, Moorhead, Nuño, Singh, Mayor Cantu

Absent: None

**INVOCATION/FLAG SALUTE:** Led by Bhajan Singh, Sikh Temple.

Mayor Cantu called a recess of the City Council meeting at 7:18 p.m. in order to call to order the meeting of the Successor Agency to the Manteca Redevelopment Agency.

Mayor Cantu reconvened the City Council meeting at 7:34 p.m.

**AGENDA REVIEW AND SUPPLEMENTAL REPORTS:**

City Clerk Blackmon announced there were no changes to the agenda and Supplemental Reports for the following items:

- Mr. Martin Harris, Terra Land Group, LLC submitted communications for items: C.1, C.2, C.3, C.11, E.3, E.5, F.1, and F.2; and
- Item C.8 – amended ordinance submitted by City Staff, striking out page 3, section 10.46.070(C)(4), reference to an outdated municipal code section.

**A. PRESENTATIONS:**

City Clerk Blackmon introduced the items and invited up Cassandra Tilton, Administrative Technician, to read the presentations into the record.

- A.1. Certificates of Recognition presented to Manteca's General Plan Advisory Committee Members.  
Administrative Technician Tilton read the Certificate of Recognition and called members of the Manteca General Plan Advisory Committee up individually. Mayor Cantu and Councilmembers presented the members with their certificates.
- A.2. Proclamation honoring April 26, 2019 as Arbor Day  
Administrative Technician Tilton read the Proclamation. Mayor Cantu and City Councilmembers presented the Proclamation. Cody Ross, City of Manteca Parks and Landscape Operations Superintendent, accepted the Proclamation and provided a few words.
- A.3. Proclamation honoring Poppy Days 2019  
Administrative Technician Tilton read the Proclamation. Mayor Cantu and City Councilmembers presented the Proclamation. Sylvia Ranjel, American Legion Auxiliary, accepted the Proclamation and provided a few words.
- A.4. Proclamation honoring National Public Safety Telecommunicators Week, April 14 - 20, 2019  
Administrative Technician Tilton read the Proclamation. Mayor Cantu and City Councilmembers presented the Proclamation. Police Chief Estarziau provided a few words. Lynn Perry, Manteca Public Safety Dispatch Coordinator, accompanied by

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city staff, accepted the Proclamation.

**B. PUBLIC COMMENT:**

Seth Austin commented street maintenance, sidewalks, and streetlights related to Pacific Road, and requested that the issues be reviewed and considered during the budget process.

Laurin Sephos, President of the Chamber of Commerce, commented on efforts the Chamber provided in the City throughout the year.

**C. CONSENT ITEMS:**

**ACTION:** Moved, seconded (Singh/Breitenbucher) to approve the Consent Calendar with the exception of item C.3, C.5, C.6, C.8, C.9, C.12, and C.13 pulled for discussion.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

- C.1. Adopted **Resolution R2019-33** accepting a Grant of Easement from Tesoro Apartments, LLC, a California Limited Liability Company, to install, repair, replace, use, operate, inspect and maintain underground water lines and appurtenances.
- C.2. Adopted **Resolution R2019-34** accepting public improvements for Atherton Homes at Woodward Park III; approved exoneration of the Performance Bond; and approved exoneration of the Labor and Materials Bond six (6) months after the date of acceptance..
- C.3. *Pulled by Councilmember Singh and Mayor Cantu.*  
Adopt a resolution approving the FY 2019-2020 Capital Improvement Program (CIP) Project List for the Road Repair and Accountability Act of 2017, Senate Bill 1 (SB1) for the California Transportation Commission (CTC), and direct City Staff to submit said list to the CTC.

Koosun Kim, Deputy Director of Public Works Engineering, provided a brief report. Council discussion ensued.

**ACTION:** Moved, seconded (Singh/Moorhead) to adopt **Resolution R2019-35** approving the FY 2019-2020 Capital Improvement Program (CIP) Project List for the Road Repair and Accountability Act of 2017, Senate Bill 1 (SB1) for the California Transportation Commission (CTC), and direct City Staff to submit said list to the CTC.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh

NOES: Cantu

ABSENT: None

- C.4. Adopted **Resolution R2019-36** authorizing the completion of the Low Carbon Transit Operations Program (LCTOP) application, certification, assurances, and the designation of an Authorized Agent.
- C.5. *Pulled by Councilmembers Nuño and Cantu.*  
Adopt a resolution approving an agreement with Mark Thomas and Company to provide construction management services for Yosemite Avenue: Main Street to Cottage Avenue Improvement Project for an amount not to exceed \$257,996,

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authorize the City manager to sign the agreement and all necessary documents, and authorize the City Manager to approve any change orders per the purchasing policy.

Koosun Kim, Deputy Director of Public Works Engineering, provided a brief report. Council discussion ensued.

**ACTION:** Moved, seconded (Singh/Nuño) to adopt **Resolution R2019-37** approving an agreement with Mark Thomas and Company to provide construction management services for Yosemite Avenue: Main Street to Cottage Avenue Improvement Project for an amount not to exceed \$257,996, authorize the City manager to sign the agreement and all necessary documents, and authorize the City Manager to approve any change orders per the purchasing policy.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

C.6. *Pulled by Councilmember Singh.*

Adopt a resolution rejecting all bids for the North Manteca Sewer Trunk, Zone 22 Project.

Mark Houghton, Public Works Director, provided a report. Council discussion ensued.

**ACTION:** Moved, seconded (Singh/Cantu) to adopt **Resolution R2019-38** rejecting all bids for the North Manteca Sewer Trunk, Zone 22 Project.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

C.7. Adopted **Resolution R2019-39** accepting public improvements for Dolcinea, Tract No. 3880; approved exoneration of the Performance Bond; and approved exoneration of the Labor and Materials Bond six (6) months after the date of acceptance.

C.8. *Pulled by Councilmembers Nuño, Singh, and Mayor Cantu.*

Waive the first reading by substitution of the title and adopt an ordinance of the City Council of the City of Manteca amending Manteca Municipal Code, Title 10 Vehicles and Traffic, Chapter 10.46. Parking of Oversized Vehicles.

Captain Michael Aguilar provided a PowerPoint presentation. Council discussion ensued.

**ACTION:** Moved, seconded (Singh/Nuño) to waive the first reading by substitution of the title and adopt an ordinance of the City Council of the City of Manteca amending Manteca Municipal Code, Title 10 Vehicles and Traffic, Chapter 10.46. Parking of Oversized Vehicles and amended the ordinance to set the unhitched time limit to 4 hours.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

**DRAFT**C.9. *Pulled by Councilmember Singh.*

Approve an agreement with Fehr & Peers in the amount of \$258,058 for the preparation of a Non-Motorized Transportation Plan for the City; and authorize the City Manager to sign the agreement and all necessary documents.

Planning Manager JD Hightower provided a report. Council discussion ensued.

**ACTION:** Moved, seconded (Singh/Moorhead) to approve an agreement with Fehr & Peers in the amount of \$258,058 for the preparation of a Non-Motorized Transportation Plan for the City; and authorized the City Manager to sign the agreement and all necessary documents.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

## C.10. Approved the Site Access and License Agreement for 1085 S. Union Road between the City of Manteca and Nur Al-Huda Academy; authorized the City Manager to sign the Agreement and all associated documents.

## C.11. Amended the City Manager Employment Agreement to include an updated Exhibit "A", 2019 City Manager Goals.

C.12. *Pulled by Vice Mayor Breitenbucher.*

Receive and File the Fire Department Annual Report for 2018.

Fire Chief Shipherd provided a brief report. Council discussion ensued.

**ACTION:** Moved, seconded (Breitenbucher/Singh) to receive and file the Fire Department Annual Report for 2018.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

C.13. *Pulled by Mayor Cantu.*

Approve the Special and Regular Meeting Minutes of April 2, 2019.

Mayor Cantu indicated that he believed the minutes were incorrect with regard to Item E.3, of the April 2, 2019, meeting minutes, related to the item titled "Conditional use permit for the Inner City Action tent and services". Mayor Cantu believed the direction and action were misinterpreted and that the Conditional Use Permit (CUP) was not waived. Mayor Cantu believed they voted to not require Inner City Action to go through the CUP process without the final approval to use the Qualex building.

Mayor Cantu requested that the minutes be amended to state that the CUP requirement would be required when the determination was made that Inner City Action could use the building. City Clerk Blackmon indicated that the minutes could not be changed, however, this requested amendment language would be included in the minutes of the current meeting.

Discussion ensued between the City Attorney and Mayor Cantu. City Attorney Brinton recommended that Council rescind their previous motion on April 2, 2019, that

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authorized waiving the CUP to Inner City Action for temporary use of the Qualex site.

Vice Mayor Breitenbucher requested that an item to rescind their previous vote be placed on the next meeting agenda. Council discussion ensued. City Clerk Blackmon indicated that an item could be added to the agenda by a vote of the Council due to the fact that Council learned they could rescind their previous action after the noticed agenda was published. City Manager Ogden requested a recess allowing the City Clerk to determine the specific code section.

Mayor Cantu called a recess at 9:53 p.m.

Mayor Cantu reconvened the meeting at 10:01 p.m.

City Clerk Blackmon indicated that pursuant to Government Code Section 54954.2(b), upon determination by a 2/3 vote of the City Council, an item could be added to the agenda that needed immediate action, which was identified after the agenda was noticed. City Council could add the item to rescind their vote from the previous meeting which authorized waiving the CUP requirement for Inner City Action for their temporary use of the Qualex site.

**ACTION:** Moved, seconded (Breitenbucher/Moorhead) to add an item to the agenda for consideration to rescind the Council's previous action authorizing waiving the CUP requirement for Inner City Action for their temporary use of the Qualex site.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

**ACTION:** Moved, seconded (Breitenbucher/Nuño) to rescind the vote from the April 2, 2019, City Council meeting waiving the CUP requirement for Inner City Action for their temporary use of the Qualex site.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh

NOES: Cantu

ABSENT: None

Council discussion ensued with regard to next steps. City Manager Ogden stated that City Staff would work with Inner City Action to provide information on the CUP process. Community Development Director Showerman provided information on the CUP process and approval. Council discussion ensued with regard to removal of the tent. Fire Chief Shipherd reassured that a fire permit was required and obtained and all safety issues were in compliance. City Manager Ogden stated that City Staff would look into City codes regarding code enforcement and days allowed to rectify an issue.

**ACTION:** Moved, seconded (Singh/Breitenbucher) to approve the Special and Regular Meeting Minutes of April 2, 2019.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh

NOES: Cantu

ABSENT: None

**D. PUBLIC HEARINGS:**

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- D.1. City Clerk Blackmon indicated that the previously noticed public hearing would be heard at the May 21, 2019, City Council Meeting.

*Item not heard.*

Waive the first reading by substitution of the title and introduce an ordinance amending Zoning Ordinance, Title 17, Section 17.52.120 (Parking and Storage of Mobile Vehicles and Accessories on Post-July 19, 1978, Parcels) to update standards to the storage of personal recreational vehicles, recreational homes, mobile transport vehicles, oversized boats, or oversized vehicles.

City Clerk Blackmon requested a vote of Council to extend the Council meeting beyond the 10 p.m. Normal Time of Adjournment.

**ACTION:** Moved, seconded (Cantu/Singh) to extend the Council meeting beyond the 10 p.m. Normal Time of Adjournment and continue with the meeting until as long as needed.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

City Clerk Blackmon stated that the City Manager requested that item E.3 be heard first due to being time sensitive.

**E. DISCUSSION ITEMS:** Item E.3 was heard prior to item E.1.

- E.3. Approve the Wastewater Services Agreement between the Oakwood Lake Water District and the City of Manteca; authorize the City Manager to make non-material minor edits consistent with the intent of the Agreement; and to sign the Agreement and all associated documents.

Community Development Director Showerman provided a PowerPoint presentation reviewing the background, preferred wastewater service options, preferred storm drain service options, Oakwood Shores development, and storm drain easements and conditions precedent.

Council discussion ensued.

Mayor Cantu called for Public Comment.

Marline Mozes, President of the Homeowners Association at Oakwood Shores, commented on the item and thank Council for considering the item and indicated desire to annex into the City.

Mayor Cantu called again for Public Comment; no one came forward.

Council discussion ensued related to annexations; City Attorney Brinton provided clarification.

**ACTION:** Moved, seconded (Singh/Moorhead) to approve the Wastewater Services Agreement between the Oakwood Lake Water District and the City of Manteca; authorize the City Manager to make non-material minor edits consistent with the intent

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of the Agreement; and to sign the Agreement and all associated documents.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

- E.1. Receive report and provide direction related technology upgrades in the Council Chambers.

Finance Director Tejeda provided a brief report and introduced the newly hired IT Manager, Brent Nelson. Mr. Nelson provided a few words. Council discussion ensued. Councilmember Moorhead requested the item be added as a Capital Improvement Project for Council consideration in the budget process. City Manager Ogden indicated that staff would reassess the project and make more cost effective and allow the council to prioritize the Capital Improvement Projects during the next budget planning session.

- E.2. Adopt a resolution authorizing budget appropriations and amending the City Council Travel/Expense Reimbursement Policy and Procedure specifically related to cell phones and car allowances.

City Clerk Blackmon provided a brief report. Council discussion ensued.

**ACTION:** Moved, seconded (Moorhead/Singh) to adopt **Resolution R2019-40** authorizing budget appropriations and amending the City Council Travel/Expense Reimbursement Policy and Procedure specifically related to cell phones and car allowances.

Motion carried:

AYES: Breitenbucher, Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: None

- E.4. Adopt a resolution approving phase I, monument signage at City gateways, direct staff on phase II gateway sign planning, and authorize a budget appropriation as outlined in the fiscal impact section.

Randy Saffold, Senior Management Analyst, provided a brief report reviewing other city examples, potential City of Manteca examples and locations, and costs. Council discussion ensued. Council provided feedback related to signs needed on the South side of HWY 120, the possibility to collaborate with non-profits, add the possibility of adding the City of Manteca to and Bass Pro and Promenade signage.

**ACTION:** Moved, seconded (Singh/Cantu) directing staff to reassess the phases, cost differences, locations, and bring back to council.

Motion carried:

AYES: Moorhead, Singh, Cantu

NOES: Breitenbucher, Nuño

ABSENT: None

- E.5. Receive an update regarding three interchange projects: Union Rd/SR120, McKinley Ave/SR120, and SR99/SR120.

Public Works Director Mark Houghton provided a brief update related to three



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interchange projects: SR99/120 interchange connector, Union Rd/SR 120, and McKinley Ave/SR 120. Council discussion ensued. City Manager Ogden indicated that staff could provide Council with additional information related to reprioritizing the projects related to Union Rd and McKinley interchanges.

Vice Mayor Breitenbucher requested that the meeting be adjourned and the remaining item be continued to the next meeting. Council decided to hear the last item. Vice Mayor Breitenbucher dismissed himself from the meeting at 12:13 a.m.

- E.6. Direct staff to prepare an Exclusive Negotiating Agreement with Manteca Development Group, LLC regarding property in the Family Entertainment Zone.

Community Development Director Showerman provided a brief report. Bill Filios, Manteca Development Group, commented on the item. Council discussion ensued.

**ACTION:** Moved, seconded (Nuño/Singh) to direct staff to prepare an Exclusive Negotiating Agreement with Manteca Development Group, LLC regarding property in the Family Entertainment Zone.

Motion carried:

AYES: Moorhead, Nuño, Singh, Cantu

NOES: None

ABSENT: Breitenbucher

**F. INFORMATIONAL ITEMS:** Informational items; no formal motion.

- F.1. California Consulting March 2019 Grant Report; informational only.

- F.2. City Progress Report; informational only.

**G. CITY MANAGER COMMENTS:** None

**H. COUNCIL COMMENTS:** None

**I. ADJOURNMENT:** Mayor Cantu adjourned the meeting at 12:18 a.m.

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**LISA BLACKMON**  
**CITY CLERK**