

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

**May 21, 2019**

*Note: Mayor Cantu and Councilmember Singh attended the meeting via teleconference.*

**CALL TO ORDER:** 7:00 p.m.

Roll Call:

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

Absent: None

**INVOCATION/FLAG SALUTE:** Led by Mark Mahaffie, Sequoia Heights Baptist Church.

**AGENDA REVIEW AND SUPPLEMENTAL REPORTS:**

City Clerk Blackmon announced the following agenda review.

- The meeting included teleconferenced participation with Mayor Cantu and Councilmember Singh. Pursuant to Government Code Section 54953, Mayor Cantu and Councilmember Singh attended the meeting via teleconference from Las Vegas, Nevada. The teleconference location was accessible to the public and the agenda was posted at the location 72 hours before the meeting. All votes during the teleconferencing session would be conducted by roll call vote.
- Supplemental Reports for the following items:
  - Communications from Martin Harris, Terra Land Group, for items: C.3, C.5, C.14, C.15, C.22, C.23, D.2, E.1, E.2, E.3, and F.4.
- Regarding Changes to the Agenda:
  - Staff recommended pulling items C.6 (Pacific Mobile Structures) and D.1 (Parking and Storage of Mobile Vehicles and Accessories) to a date uncertain. City Clerk Blackmon requested Council entertain a motion to approve pulling the items from the agenda.  
**ACTION:** Moved, seconded (Moorhead/Nuño) to remove items C.6 and D.1 from the agenda.

**ROLL CALLVOTE:**

Councilmember Moorhead: AYE

Councilmember Nuño: AYE

Councilmember Singh: AYE

Vice Mayor Breitenbucher: AYE

Mayor Cantu: AYE

NOES: None

ABSENT: None

**A. PRESENTATIONS:**

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

- A.1. Proclamation honoring National Public Works Week, May 19 - 25, 2019  
 Administrative Technician Tilton read the Proclamation. Vice Mayor Breitenbucher and Councilmembers presented the Proclamation. Deputy Public Works Director Peni Basalusalu and Solid Waste Supervisor Avneet Mahil accepted the Proclamation and provided a few words.

**DRAFT****B. PUBLIC COMMENT:**

Kathi Fotinos commented on overall community needs related to job growth, housing needs, and environmental justice elements in the General Plan.

**C. CONSENT ITEMS:**

**ACTION:** Moved, seconded (Nuño/Moorhead) to approve the Consent Calendar with the exception of item C.3, C.4, C.7, C.8, and C.15, pulled for discussion.

Motion carried:

ROLL CALLVOTE:

Councilmember Moorhead: AYE

Councilmember Nuño: AYE

Councilmember Singh: AYE

Vice Mayor Breitenbucher: AYE

Mayor Cantu: AYE

NOES: None

ABSENT: None

- C.1. Waived the first reading by substitution of the title to adopt an ordinance of the City Council of the City of Manteca amending Manteca Municipal Code, Title 5 Business Taxes, Licenses and Regulations, Chapter 5.24 Card Rooms.
- C.2. Waived the final reading by substitution of the title and adopted **Ordinance O2019-04** amending the Manteca Municipal Code Title 10, Section 10.46, Parking of Oversized Vehicles.
- C.3. *Pulled by Mayor Cantu and Councilmember Singh.*  
Approve the Manteca Transit Short Range Transit Plan.

Transit Manager, Juan Portillo, provided a brief report. Council discussion ensued related to shuttle hours, community use of city transit, hybrid vehicles, carbon footprint, transfer fees, ticket purchase stations and mobile ticket purchases, advertising, and the possibility of Stockton Airport shuttles.

**ACTION:** Moved, seconded (Moorhead/Nuño) to approve the Manteca Transit Short Range Transit Plan.

Motion carried.

ROLL CALLVOTE:

Councilmember Moorhead: AYE

Councilmember Nuño: AYE

Councilmember Singh: AYE

Vice Mayor Breitenbucher: AYE

Mayor Cantu: AYE

NOES: None

ABSENT: None

- C.4. *Pulled by Mayor Cantu, Councilmember Singh, and several members of the public.*  
Adopt a resolution approving the Facility Use Agreement with Anderson 209 BMX Race Team, Inc., for the use and maintenance of the Spreckels Recreation BMX Track through June 2, 2022, and authorize the City Manager to execute the agreement.

Parks and Recreation Director, Kevin Fant, provided a report.

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Vice Mayor Breitenbucher called for Public Comment.

Carol Rillamas, resident, commented in support of the BMX Track.

Richard Matulia, Anderson 209 BMX Race Team, Inc. Board of Directors, commented positively on the BMX community and overall family sport.

Jon Anderson, commented on the rebuild and stated that six days a week the track is an open community park.

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

Council discussion ensued related to the possibility of reviewing Anderson 209 BMX Race Team Profit and Loss Statement and the length of the agreement.

**ACTION:** Moved, seconded (Nuño/Moorhead) to adopt a resolution approving the Facility Use Agreement with Anderson 209 BMX Race Team, Inc., for the use and maintenance of the Spreckels Recreation BMX Track through June 2, 2022, to include the annual financials, and authorize the City Manager to execute the agreement.

Mayor Cantu requested that the agreement be brought back to Council for approval at the next Council Meeting. Councilmember Moorhead rescinded her second to the motion; motion dies.

Mayor Cantu moved to amend the agreement to add in the financials and bring back to Council at the next Council meeting for approval. Motion dies for lack of second.

**ACTION:** Moved, seconded (Nuño/Moorhead) to adopt **Resolution R2019-41** approving the Facility Use Agreement with Anderson 209 BMX Race Team, Inc., for the use and maintenance of the Spreckels Recreation BMX Track through June 2, 2022, to include the annual financials, and authorize the City Manager to execute the agreement.

Motion carried.

ROLL CALLVOTE:

Councilmember Moorhead: AYE

Councilmember Nuño: AYE

Councilmember Singh: AYE

Vice Mayor Breitenbucher: AYE

Mayor Cantu: AYE

NOES: None

ABSENT: None

- C.5. Approved an agreement with Drake Haglan and Associates to provide the five-year update to the Public Facilities Implementation Plan; authorized the City Manager to sign the agreement, and change orders consistent with the Purchasing Policy.
- C.6. *Item pulled from the agenda; not heard.*  
Adopt a resolution approving a lease agreement with Pacific Mobile Structures Inc. for an amount not to exceed \$154,258 and authorize the City Manager to sign the agreement and all necessary documents.

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- C.7. *Pulled by Vice Mayor Breitenbucher.*  
Adopt a resolution revising the funding allocation of 2019-20 Community Development Block Grant (CDBG) fund and revising the funding allocation of the 2019-20 HOME funds.

Management Analyst Johanna Ferriera provided information related to the locations of the lighting. Brief Council discussion ensued.

**ACTION:** Moved, seconded (Moorhead/Nuño) to adopt **Resolution R2019-42** revising the funding allocation of 2019-20 Community Development Block Grant (CDBG) fund and revising the funding allocation of the 2019-20 HOME funds.

Motion carried.

ROLL CALLVOTE:

Councilmember Moorhead: AYE

Councilmember Nuño: AYE

Councilmember Singh: AYE

Vice Mayor Breitenbucher: AYE

Mayor Cantu: AYE

NOES: None

ABSENT: None

- C.8. *Pulled by Councilmember Nuño.*  
Approve an agreement with HOPE Ministries, Inc. for Community Development Block Grant (CDBG) funding for Fiscal Year 2018-19, for an amount not to exceed \$35,000.

Management Analyst Johanna Ferriera provided a brief report. Council discussion ensued.

**ACTION:** Moved, seconded (Nuño/Moorhead) to approve an agreement with HOPE Ministries, Inc. for Community Development Block Grant (CDBG) funding for Fiscal Year 2018-19, for an amount not to exceed \$35,000.

Motion carried.

ROLL CALLVOTE:

Councilmember Moorhead: AYE

Councilmember Nuño: AYE

Councilmember Singh: AYE

Vice Mayor Breitenbucher: AYE

Mayor Cantu: AYE

NOES: None

ABSENT: None

- C.9. Adopted **Resolution R2019-43** approving a change order, authorized budget amendments and appropriations as outlined in the fiscal impact section for sewer line replacement, and authorized the City Manager to sign.
- C.10. Adopted **Resolution R2019-44** approving an agreement for: (1) an exchange of the City's adjacent property of 4,387 square foot (sf) land (APN 241-410-21) in lieu of monetary compensation for 2,064 sf land and 2,323 sf utility easement owned by Eileen R. Buantello (Seller), located at 2817 Bronzan Road (APN 241-410-35), Manteca, CA 95337; (2) an amount not to exceed \$26,000 to Seller associated with relocation and improvement; and (3) a separate sale for the City's adjacent property of 5,613 sf land (APN 241-410-21).

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- C.11. Adopted **Resolution R2019-45** approving an Administrative Settlement Agreement for the acquisition of 0.34 acres owned by Kevin and Diane Wentworth, located at 883 West Lathrop Road, Manteca, CA, (APN 197-020-08), with a settlement amount not to exceed \$330,000.
- C.12. Adopted **Resolution R2019-46** approving a Purchase and Sale Agreement for the sale of 0.04 acres of vacant land located at 724 East Alameda Street (APN 223-200-32) to David Cardoza for \$2,500; and authorized the City Manager to sign the Agreement and all necessary documents.
- C.13. Adopted **Resolution R2019-47** approving an agreement to Construct Improvements and Grant of Lien for property at 1066 Suess Court, Manteca CA, 95337, in a fixed amount of \$10,051.50, and authorized the Mayor to sign said Agreement.
- C.14. Adopted **Resolution R2019-48** (1) accepting on behalf of the public the irrevocable offer of dedication of all: public utility easements, storm drain basin easements, and in fee of real property for public street and utility purposes, for the Atherton Drive Westerly Gap Project Property Dedication and Improvement Agreement A3350; and (2) accepting public improvements along Atherton Drive, from Union Road to Sparrowhawk Street, and approving exoneration of the labor and materials bond six months after the date of acceptance.
- C.15. *Pulled by Councilmember Nuño.*  
Adopt a resolution approving: (1) the Subdivision Improvement Agreement; and (2) Final Map for Atherton Homes at Woodward Park IV, Tract No. 3979.

Community Development Director Showerman introduced Engineer Ron Cheek to provided additional information. Council discussion ensued.

**ACTION:** Moved, seconded (Nuño/Moorhead) to adopt **Resolution R2019-49** approving: (1) the Subdivision Improvement Agreement; and (2) Final Map for Atherton Homes at Woodward Park IV, Tract No. 3979.

Motion carried.

ROLL CALLVOTE:

Councilmember Moorhead: AYE

Councilmember Nuño: AYE

Councilmember Singh: AYE

Vice Mayor Breitenbucher: AYE

Mayor Cantu: AYE

NOES: None

ABSENT: None

- C.16. Adopted **Resolution R2019-50** accepting Storm Drainage Improvements (Public Improvements) at Monterey Place for the Shadowbrook Subdivision; approving exoneration of the Performance Bond; and approving exoneration of the Labor and Materials Bond six (6) months after the date of acceptance.
- C.17. Adopted **Resolution R2019-51** approving the following items for Shadowbrook Neighborhood 1, Phases 1 and 2: (1) the Subdivision Improvement Agreement; (2) Final Maps; (3) acceptance of improvements; and (4) exoneration of the Labor and Materials Bond six months after the date of acceptance.

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- C.18. Adopted **Resolution R2019-52** approving the following items for Shadowbrook Neighborhood 3, Phases 1 and 2: (1) the Subdivision Improvement Agreement; (2) Final Maps (3) acceptance of improvements; and (4) exoneration of the Labor and Materials Bond six months after the date of acceptance.
- C.19. Adopted **Resolution R2019-53** approving the Final Map for Shadowbrook Neighborhood 5, Tract No. 3982.
- C.20. Adopted **Resolution R2019-54** accepting the improvements as part of the Tennis Court Resurfacing Project as complete, and authorized the City Clerk to file a Notice of Completion.
- C.21. Adopt **Resolution R2019-55** authorizing the submittal of the FY 2018-2019 Transportation Development Act Claim Form to the San Joaquin Council of Governments for allocation of public transportation funds to the City of Manteca.
- C.22. Adopted **Resolution R2019-56** authorizing the appropriation of \$73,600 for the Wells 28 & 29 Equipping Project as specified in the Fiscal Impact Section, and authorize the City Manager approve project change orders per the City Purchasing Policy.
- C.23. Adopted **Resolution R2019-57** initiating the proceedings for the levy and collection of annual assessments and ordering the preparation of an Annual Report for Special Maintenance Assessment Districts for Fiscal Year 2019-20.
- C.24. Adopted **Resolution R2019-58** accepting a grant from Pacific Gas and Electric Company (PG&E) in the amount of \$5,000, and appropriating the funds as outlined in the Fiscal Impact Section.

**D. PUBLIC HEARINGS:**

- D.1. *Vice Mayor Breitenbucher announced the item had been pulled from the agenda; 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.
- D.2. *Vice Mayor Breitenbucher stated item D.2, previously noticed to be heard, would be heard at the June 4, 2019, City Council Meeting.*  
Adopt a Resolution accepting the Planning Commission's Findings that the Griffin Park Tentative Subdivision Map is consistent with the Griffin Park Master Plan; Exempt the Tentative Map from further review pursuant to the California Environmental Quality Act; and Approve the Griffin Park Tentative Subdivision Map, SDJ-18-53.

**E. DISCUSSION ITEMS:**

- E.1. Approve the Memorandum of Understanding with Exeter Property Group, LLC concerning a proposed General Plan amendment and rezone to accommodate

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development of a 233 acre business/industrial park; direct staff to proceed with negotiation of a new Development Agreement with Exeter Property Group, LLC for the proposed project; and authorize the City Manager to sign the Memorandum.

City Manager Ogden provided a report.

Vice Mayor Breitenbucher called for Public Comment.

Mary Maninga, resident, read her supplemental communication into the record specifically related to the truck route study and land use map.

Thomas Wang, Principal/Asset Manager with Exeter Property Group, LLC, commented on the item on behalf of Exeter.

Council discussion ensued.

**ACTION:** Moved, seconded (Moorhead/Nuño) to approve the Memorandum of Understanding with Exeter Property Group, LLC concerning a proposed General Plan amendment and rezone to accommodate development of a 233 acre business/industrial park; directed staff to proceed with negotiation of a new Development Agreement with Exeter Property Group, LLC for the proposed project; and authorized the City Manager to sign the Memorandum.

Motion carried.

ROLL CALLVOTE:

Councilmember Moorhead: AYE

Councilmember Nuño: AYE

Councilmember Singh: AYE

Vice Mayor Breitenbucher: AYE

Mayor Cantu: AYE

NOES: None

ABSENT: None

- E.2. Receive a verbal update on the Union/120 interchange project.

Public Works Director Houghton provided a report specifically related to relocation of electrical facilities and funding. Council discussion ensued. City Manager Ogden provided additional information and thanked Mark Houghton, Koosun Kim, and Adam Chesley, SJCOG Executive Director, for their work.

- E.3. Adopt a resolution authorizing the City Manager to execute the Measure K Grant Cooperative Agreement and all necessary documents with SJCOG for the SR120/McKinley Avenue Interchange Project.

City Manager Ogden provided a report reviewing fees and possible additional funding requests. Council discussion ensued.

**ACTION:** Moved, seconded (Moorhead/Nuño) to adopt **Resolution R2019-59** authorizing the City Manager to execute the Measure K Grant Cooperative Agreement and all necessary documents with SJCOG for the SR120/McKinley Avenue Interchange Project.

Motion carried.

ROLL CALLVOTE:

Councilmember Moorhead: AYE



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Councilmember Nuño: AYE  
 Councilmember Singh: AYE  
 Vice Mayor Breitenbucher: AYE  
 Mayor Cantu: AYE  
 NOES: None  
 ABSENT: None

**F. INFORMATIONAL ITEMS:** Vice Mayor Breitenbucher announced items F.1 through F.4 as informational in nature, requiring no formal motion.

- F.1. California Consulting April 2019 Grant Report
- F.2. League of CA Cities Letter of Opposition, SB 50; Informational Item
- F.3. Executed City Council Car Allowance Agreements; Informational Only
- F.4. City Progress Report - Informational Item

**G. CITY MANAGER COMMENTS:**

City Manager Ogden announced the Atherton Gap ribbon cutting would be at 9:30 a.m. on May 23, 2019; announced the City Council would hold a Special Council meeting for the budget study session on June 4, 2019, at 4:00 p.m.; announced there would be a homeless summit on June 6<sup>th</sup> at 10:00 a.m. and 6:00 p.m. at the Manteca Transit Center; stated the City logo concept voting would be open through May 29, 2019, and would be brought to City Council at the June 4, 2019, Council Meeting; indicated that a 2x2 meeting with MUSD has been requested for private negotiations; and offered the Fire Chief an opportunity to provide an update on the PG&E policy for power shutoffs.

**H. COUNCIL COMMENTS:**

Councilmember Moorhead commented on her recent trip to Washington DC with the One Voice delegation.

Councilmember Singh commented on the Informational Item related to California Consulting Group and indicated the item should be placed under Discussion Items; commented on the Atherton Gap opening and indicated the need for a four way stop at Atherton and Airport (City Manager Ogden indicated the item was currently being worked on by staff); commented on green donation clothing bins and proposed the city review their existence due to the mess, theft, possible injuries from climbing inside, and proposed the consideration of an ordinance; commented on sidewalk vendors and the asked that the City Municipal Code requires.

Mayor Cantu asked about garbage tote swap outs and if the City was making progress. Mr. Houghton provided information and indicated the item would be brought before Council soon.

Vice Mayor Breitenbucher thanked Mayor Cantu and Councilmember Singh for their participation.

**I. ADJOURNMENT:** Vice Mayor Breitenbucher adjourned the meeting at 8:46 p.m. in Memory and Honor of resident Shawn Washington.

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