

**NOTICE AND CALL OF A SPECIAL MEETING
OF THE MANTECA CITY COUNCIL/REDEVELOPMENT AGENCY**

PLEASE TAKE NOTICE THAT MAYOR WEATHERFORD HEREBY CALLS A SPECIAL MEETING OF THE MANTECA CITY COUNCIL/REDEVELOPMENT AGENCY PURSUANT TO GOVERNMENT CODE SECTION 54957 AND 54956.8:

WILLIE W. WEATHERFORD
MAYOR/CHAIRMAN

**MANTECA CITY HALL
City Council Chambers
1001 W. Center St.
Manteca, California.
February 2, 2010
6:15 p.m.**

The purpose of the special meeting shall be for the Manteca City Council/Redevelopment Agency to conduct a closed session on the following:

1. PUBLIC COMMENT ON ITEM NOS. 2 AND 3 AS DESCRIBED BELOW:
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957:

Position: City Manager

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING THE FOLLOWING REAL PROPERTY:

Agency Negotiator: Steven J. Pinkerton, City Manager
Negotiating Parties: Baird Land Properties
Property: APN'S 241-24-003 and 241-26-005
Under Negotiation: Price and Terms

4. REPORT ON ACTION TAKEN IN CLOSED SESSION

Please note that members of the public will be provided the opportunity to directly address the City Council concerning any item described above before the City Council considers such items. No other business shall be considered.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please call (209) 456-8017. Notification 48 hours prior

to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

This notice of a special meeting of the Manteca City Council was posted on the bulletin board at City Hall, 1001 W. Center St., Manteca, California, on January 28, 2010.

**JOANN TILTON, MMC
CITY CLERK**



AGENDA

MANTECA CITY COUNCIL/REDEVELOPMENT AGENCY

FEBRUARY 2, 2010

7:00 P.M.

CITY COUNCIL CHAMBERS

1001 W. CENTER STREET

An agenda packet for the meeting is available for public review in the lobby of the City Clerk's office at 1001 W. Center St., and on the City's website, www.ci.manteca.ca.us, prior to the Council/Agency meeting. Any materials submitted to the Council/Agency after distribution of the agenda packet will be available for public review in the City Clerk's Office during normal business hours and will be available for review at the City Council/Redevelopment Agency meeting. Such documents are also available on the City's website subject to staff's ability to post the documents before the meeting. For more information on an agenda item or the agenda process, please contact the City Clerk's Office at 456-8017.

Those wishing to make comments on agenda items **NOT** listed on the Public Hearing section of this agenda may do so at the time the item is discussed by the City Council/Redevelopment Agency. Please complete the Request to Speak form located next to the agendas in the back of the City Council Chambers and give same to the City Clerk prior to the meeting. Upon recognition by the Mayor/Chairman, please step forward to the podium; state your name, address, and subject matter. All speakers will be limited to three (3) minutes. Exceptions: The time limit may be extended by the Mayor/Chairman, or through a majority vote of the City Council/Redevelopment Agency, as deemed necessary.

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**AMENDED AGENDA
CITY OF MANTECA
CITY COUNCIL/REDEVELOPMENT AGENCY
CONCURRENT AGENDA
REGULAR MEETING
FEBRUARY 2, 2010
7:00 P.M.
CITY COUNCIL CHAMBERS
1001 W. CENTER STREET**

CC/RDA CALL TO ORDER/ROLL CALL: Mayor Weatherford
INVOCATION: Fire Chief Waters
FLAG SALUTE

PRESENTATIONS/PROCLAMATIONS

1. Recognition of Sierra High Varsity Football Team, 2009 Valley Oak League Champions
2. Police Department Recognition of Community Heroes: Tobi Henry, Nicholas Henry, Danielle Henry, and Jack Winn

A. CC/RDA CONSENT CALENDAR

It is recommended that the following items be considered simultaneously unless members of the City Council/Redevelopment Agency or a member of the audience requests further discussion of an item.

1. CC Receive and file the Warrant List of January 9, 2010 and January 22, 2010.
2. CC/RDA Approve regular concurrent meeting minutes of January 19, 2010 and the special meeting minutes of January 19, 2010.
3. CC Waive the final reading by substitution of the title and adopt Ordinance No. 1456, an Ordinance Amending Manteca Municipal Code Section 17.07.07.020 "Permitted and Conditionally permitted Uses" and Section 17.61.030 Definitions" allowing municipal government facilities to be located in various zones.
4. CC Receive and file a report on the County Jail expansion meeting of January 13, 2010.
5. CC Accept a grant from PG&E in the amount of \$6250 for the purchase of light bars for the SHARP unit and appropriate the funds to the volunteers vehicle maintenance and operations account 001-1103-412-19-00.
6. CC Approve agreement with Rincon Consultants, Inc. to provide environmental services for the Multimodal Station property for an amount not to exceed \$67,436.
7. CC Receive and file Project Status Report for February 2, 2010.
8. CC Accept a Grant of Easement and approve agreement to maintain on-site drainage treatment systems for Black Rock Coffee Bar, 602 N. Main Street.

9. CC Approve agreement for construction of off-site improvements for Grant Avenue Apartments, 654 N. Grant Avenue.
10. CC Accept a Grant of Easement and approve agreement to maintain on-site drainage treatment systems for B.R. Funsten, 105 Industrial Park Drive.
11. CC Approve agreement with Manteca Unified School District for periodic road closures of Garfield Avenue adjacent to Manteca High School.
12. CC Waive the first reading by substitution of the title and introduce Ordinance No. 1457 repealing Sections 1.10.010 through 1.10.150 and adding sections 1.10.010 through 1.10.510 of Title 1, Chapter 1.10 regarding Administrative Enforcement Provisions; and adopt a resolution establishing fees for violation of the Administrative Enforcement Provisions established by Ordinance No. 1457.
13. CC Approve an agreement with Union Pacific Railroad for the installation of a new water line crossing for the Moffat Boulevard Water Main Project for \$4,640.
14. CC Approve a budget transfer of \$50,000 from the Austin Water Main Project Account (069-2409-495-56-53) to the Water Fee Water Meters and Boxes Account (069-2409-492-23-30) for hardware associated with meter installations.
15. CC Accept the WQCF Perimeter Fence Project as complete; and authorize the City Clerk to file a Notice of Completion for same.
16. CC Approve Change Order No. 3 for the WQCF Phase III – Schedule C Project, increasing the project amount by \$34,983.
17. CC Approve a sole source purchase order in the amount of \$17,800 with Severn Trent for Rapid Small Scale Column Testing for the Wells 13, 19, and 21 Treatment Projects.
18. CC Approve Deposit and Reimbursement Agreement as to form; and authorize the City Manager or designee, to sign and execute agreements for planning services defined as “time and materials” in the Fee Section of the Manteca Municipal Code.
19. CC Approve Change Order No. 1 for the Louise Avenue Sewer Main Rehabilitation Project, increasing the project amount by \$60,095.50.
20. CC Approve plans and specifications and authorize a call for bids for the Wells 13, 19, and 21 Central Treatment Project – Phase 1.
21. CC Approve budget appropriations as detailed in the fiscal impact section of the staff report; and approve agreement with ATI for the purchase of an interactive voice response system for \$72,625.86.

B. PUBLIC HEARINGS

1. CC Consider certification of the Evans Estates-Pillsbury Estates Environmental Impact Report, approval of the Findings of Facts and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; adopt a resolution making the required findings to approve General Plan Amendment No. GPA-05-02 (Pillsbury Estates); (MDR/HDR Medium Density Residential/High Density Residential) to LDR Low Density Residential); waive the first reading by substitution of the title and introduce Ordinance No. 1458, Prezone No. PRZ-04-05 and PRZ-05-07, pre zoning the entire 240-acre project area to R-1 (Single-Family Residential), to be consistent with the LDR (Low Density Residential) General Plan Land Use Designation; adopt resolution and authorize submittal of the of the Evans Estates-Pillsbury Estates Annexation

Application No. ANX-04-05 and ANX-05-07 to the San Joaquin LAFCo; make the necessary findings and approve the Evans Estates Tentative Subdivision Map No. SDJ-04-11, subject to the Development Review Conditions for dated February 2, 2010, authorizing construction of a part-width street as outlined in Condition No. 18b and 18c; and make the necessary findings to approve a Vesting Tentative Subdivision Map No. SDV-05-04, subject to the Development Review Conditions for Pillsbury Estates dated February 2, 2010 authorizing construction of a part-width street as outlined in Condition No. 17b.

C. PUBLIC WORKS DEPARTMENT

1. CC Receive report on South Powers Avenue traffic-calming efforts, and provide direction to staff as appropriate.

D. MAYOR AND COUNCIL/AGENCY COMMISSIONERS

1. Receive and file report on League of California Cities Transportation, Communications, and Public Works Policy Committee meeting held January 21, 2010.
2. Receive and file report on League of California Cities Revenue and Taxation Policy Committee meeting held on January 21, 2010.

E. CC/RDA ORAL COMMUNICATIONS

Persons who do not have items on the agenda may approach the City Council/Redevelopment Agency at this time. Please complete the Request to Speak form located next to the agendas in the back of the Council Chambers and give same to the City Clerk prior to the meeting. Those who wish to speak to items not placed on the agenda will be limited to three (3) minutes per speaker. Although the Council/Agency encourages the public to participate in the meeting, proper decorum must be assured at all times. Therefore, no personal attacks will be permitted.

F. COUNCIL/COMMISSIONER COMMENTS

G. ADJOURNMENT

This meeting of the Manteca City Council/Redevelopment Agency will adjourn to the next adjourned/regular meeting of the City Council/Redevelopment Agency to be held on Tuesday, February 16, 2010, 7:00 p.m., in the City Council Chambers, 1001 W. Center Street, Manteca, California.

This notice of a regular meeting of the Manteca City Council/ Redevelopment Agency was posted on the Bulletin Board at City Hall, 1001 W. Center Street, Manteca, California on January 28, 2010.

**JOANN TILTON, MMC
CITY CLERK/AGENCY SECRETARY**

**MINUTES OF MANTECA
CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING OF JANUARY 19, 2010**

The concurrent regular meeting of the Manteca City Council/Redevelopment Agency held on Tuesday, January 19, 2010, was called to order by Mayor/Chairman Weatherford at 7:00 p.m., in the City Council Chambers, 1001 W. Center Street, Manteca, California. Invocation was given by Pastor Mike Dillman, First Assembly of God and was immediately followed by the flag salute.

ROLL CALL: Councilmembers Harris arrived at (7:21 p.m.), Hernandez, Moorhead, and Mayor Weatherford. Councilman DeBrum absent (excused).

PRESENTATIONS/PROCLAMATIONS

1. Manteca Area Soccer League, Manteca Arsenal Under 12 Girls, 2009 State Champions

Charlie Davidson, Head Coach for the Manteca Arsenal Under 12 Girls, was present along with several members of team to receive recognition as the 2009 Under 12 Girls State Champions.

2. Manteca Futbol Club Under 11 Girls, 2009 Norcal State Champions

Jacqui Rodrigues, Head Coach for the Red Devils, was present along with several members of the team to receive recognition as the Under 11 Girls Norcal State Champions.

3. Retiree Recognition

Randy Sutton, Assistant Fire Chief, received recognition for over 28 years of dedicated service to the community.

A. CC/RDA CONSENT CALENDAR

1. CC Receive and file the Warrant List of December 11, 2009, December 17, 2009, December 23, 2009, and January 8, 2010.
2. CC/RDA Approve regular concurrent meeting minutes of December 15, 2009 and the special meeting minutes of December 15, 2009.
3. CC Waive the final reading by substitution of the title and adopt Ordinance 1455, an ordinance amending Manteca Municipal Code Section 15.24.040 "Flammable liquid storage aboveground – District limits."
4. CC Waive the final reading by substitution of the title and adopt Ordinance No. 1453, repealing Sections 9.28.010 through 9.28.240; and adding Sections 9.28.010 through 9.28.190 of the Manteca Municipal Code pertaining to Massage Establishments and Masseurs.
5. CC Waive the final reading by substitution of the title and adopt Ordinance No. 1454, amending Chapter 5.24, Card Rooms, Sections 5.24.080 and 5.24.090 regarding employee work permits and suspension and revocation of same.
6. CC Approve the agreement with Records Systems Associates, Inc. for Phase 4 of the

- design and implementation of a records retention program for the Community Development and Fire Departments for \$14,747.85.
7. CC Approve the reorganization of the Reserve Firefighter Program.
 8. CC Accept a grant from the Office of Traffic Safety in the amount of \$88,800 and appropriate funds as listed in the fiscal impact section of the staff report.
 9. CC Approve agreement and policy for artwork on loan to the City to be administered by staff.
 10. CC Approve a distribution service and extension agreement with Pacific Gas & Electric in the amount of \$5,286.32 for new electrical service to the Austin Road Water Main Project.
 11. CC Approve a sole source purchase order in the amount of \$90,687.37 with Layne Christensen for the Well 20 Liner Installation Project.
 12. CC Approve an agreement with DeNovo Planning Group for the preparation of an Environmental Impact Report for the General Plan Circulation Element Update for \$77,890.
 13. CC Approve the 2010 Independence Day Celebration budget, fees, budget appropriations, fireworks display, event schedule; agreement with Zambelli Fireworks Internationale in the amount of \$16,000; and waive related in-kind City service fees and Business License Vendor Fees pursuant to the Municipal Code.
 14. CC Approve budget transfers and appropriation for UL 300 compliance at the golf course clubhouse as outlined in the staff report.
 15. CC Accept the Springtime and Sequoia Playground Equipment Project as complete; and authorize the City Clerk to file a Notice of Completion for same.
 16. CC Authorize the City Clerk to solicit applications for Manteca's representative on the San Joaquin County Commission on Aging.
 17. CC Adopt a resolution amending and setting the schedule of fees for police services.
 18. CC Receive and file status report on the Powers Tract alley-paving project.
 19. CC Reject PE Pacific Engineering's and Campbell Construction's bids for construction of the Moffat Boulevard Water Main Project; and determine Knife River Construction to be the lowest responsible bidder for the Moffat Boulevard Water Main Project and award contract to same for \$337,876.50.
 20. CC Approve enrollment in Microsoft Enterprise Agreement for a five-year term, executed by Dell Computer, to keep software up to date for all City-owned desktop and server computers.
 21. CC Approve Change Order No. 2 to the construction contract with George Reed, Inc. in the amount of \$98,571.50 for the ARRA Roadway Rehabilitation Project.

Councilman Hernandez pulled Items 14 and 18 for discussion.

Mayor Pro Tempore Moorhead pulled Item 17 for discussion.

The City Manager noted the public has requested Items 18 and 19 be pulled for discussion.

ACTION: APPROVE CONSENT CALENDAR ITEMS 1-13, 15, 16, 20 and 21.
(Moorhead/Hernandez) The motion carried with a unanimous 3-0 vote.

Discussion of Item A.14

Councilman Hernandez questioned staff on the matter.

ACTION: APPROVE CONSENT CALENDAR ITEM A.14. (Moorhead/Hernandez) The motion carried with a unanimous 3-0 vote.

Discussion of Item A.17

Mayor Pro Tempore Moorhead questioned the proposed fee increases for the spaying, neutering and licensing of dogs.

Councilman Harris arrived at 7:21 p.m.

ACTION: APPROVE CONSENT CALENDAR ITEM A.17. (Hernandez/Moorhead) The motion carried with a unanimous 4-0 vote.

Discussion of Item A.18

Richard Hanson, resident, asked if the Powers Tract alley-repair work is finished.

ACTION: APPROVE CONSENT CALENDAR ITEM A. 18. (Hernandez/Moorhead) The motion carried unanimously.

Discussion of Item A.19

Greg Flanagan, commended the staff and attorney for their due diligence and recommended action on Item A.19.

ACTION: APPROVE CONSENT CALENDAR ITEM A.19. (Moorhead/Hernandez) The motion carried with a unanimous 4-0 vote.

B. PUBLIC HEARINGS

1. CC Consider adoption of Negative Declaration No. 09-08, approval of Manteca Municipal Code Amendment No. MCA-09-90-03, by waiver of the first reading by substitution of the title and introduction of Ordinance No. 1456, an Ordinance Amending Manteca Municipal Code (MMC) Section 17.07.020 "Permitted and Conditionally permitted Uses" and Section 17.61.030 Definitions" allowing municipal government facilities to be located in various zones.

The City Manager provided a brief introduction to the duly noticed public hearing. The Community Development Director outlined staff's recommendations as follows:

- A. Adopt Negative Declaration No. ND-09-08 as adequate environmental documentation for the project.
- B. Make the following findings to approve Municipal Code Amendment No. 09-90-03:
 1. That the proposed amendment is in conformity with the Manteca General Plan and any applicable specific plan.
 2. That the public necessity, convenience, and general welfare require or clearly permit the adoption of the proposed amendment.
- C. Waive the first reading by substitution of the title and introduce Ordinance No. 1456,

approving Municipal Code Amendment No. 09-90-03.

The Mayor opened the duly noticed public hearing.

No spoke in opposition.

The Mayor closed the public hearing.

ACTION: APPROVE STAFF RECOMMENDATIONS A, B, B.1, B.2, AND C AS OUTLINED ABOVE. (Harris/Moorhead) The motion carried unanimously.

C. MAYOR AND COUNCIL

1. CC Consider request by the Boys and Girls Club of Manteca/Lathrop to amend the Lease Agreement to waive the monthly water, sewer and solid waste fees for the club facility.

The Mayor called on the Executive Director of the Boys and Girls Club of Manteca/Lathrop to present the request. The Assistant City Manager further detailed the request to amend the Lease Agreement to waive the monthly water, sewer and solid waste fees for the club facility.

Richard Hanson, resident, expressed his support for the Boys and Girls Club.

ACTION: APPROVE AMENDMENT TO THE LEASE AGREEMENT TO WAIVE THE MONTHLY WATER, SEWER AND SOLID WASTE FEE FOR THE BOYS AND GIRLS CLUB OF MANTECA/LATHROP CLUB FACILITY EFFECTIVE FEBRUARY 16, 2010 AS OUTLINED IN THE LEASE MODIFICATION AMENDMENT WITH THE STIPULATION THE MATTER WILL RETURN TO COUNCIL IN THE EVENT SUFFICIENT INTEREST EARNINGS ARE NOT AVAILABLE TO COVER THE COSTS. (Hernandez/Harris) The motion carried unanimously.

2. CC Consider the reappointment of Jack Snyder to the San Joaquin County Mosquito and Vector Control District as Manteca's representative.

The City Manager introduced the item.

ACTION: APPROVE REAPPOINTMENT OF JACK SNYDER TO A FOUR-YEAR TERM AS A MEMBER OF THE SAN JOAQUIN COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT. (Weatherford/Hernandez) The motion carried unanimously.

3. CC Receive and file presentation by Stephen Qualls from the League of California Cities on The Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

The City Manager introduced the item.

The Mayor invited Stephen Qualls from the League of California Cities to update the Council and the public on the League's Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

D. CC/RDA ORAL COMMUNICATIONS

Richard Hanson, area resident, questioned the lack of a crosswalk on Powers Avenue near Lincoln Elementary School. He directed the Council's attention to a poor road repair job at Grant and Edison Streets.

Brian Schmidt, San Joaquin Regional Rail Commission, briefed the Council on upcoming scoping meetings scheduled for the High Speed Rail Project.

Councilman Harris noted he provided the City Manager with maps of the Manteca option proposed for the High Speed Rail Project.

E. COUNCIL/COMMISSIONER COMMENTS

Mayor Pro Tempore Moorhead wished everyone Happy New Year!

F. ADJOURNMENT

This meeting of the Manteca City Council/Redevelopment Agency adjourned at 7:54 p.m. to the next regular meeting of the City Council/Redevelopment Agency to be held on Tuesday, February 2, 2010, 7:00 p.m., in the City Council Chambers, 1001 W. Center Street, Manteca, California.

**WILLIE W. WEATHERFORD
MAYOR/CHAIRMAN**

**JOANN TILTON, MMC
CITY CLERK/AGENCY SECRETARY**

**MINUTES OF THE SPECIAL MEETING
OF THE MANTECA CITY COUNCIL/REDEVELOPMENT AGENCY
HELD JANUARY 19, 2010**

Mayor/Chairman Weatherford called the January 19, 2010, special meeting of the Manteca City Council/Redevelopment Agency to order at 6:30 p.m., in the City Council Chambers, 1001 W. Center St., Manteca, California.

Roll Call: Councilmembers Hernandez, Moorhead and Mayor Weatherford. Councilmen Harris and DeBrum were absent-excused.

The Mayor stated the purpose of the special meeting shall be for the Manteca City Council/Redevelopment Agency to conduct a closed session on items 2-5 below.

1. PUBLIC COMMENT ON ITEM NOS. 2-5 AS DESCRIBED BELOW.

The Mayor/Chairman called for public comment. No one appeared to speak.

The meeting recessed to closed session at 6:32 p.m.

2. INSTRUCTIONS TO REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING THE FOLLOWING REAL PROPERTY:

(a) Real property owned by the City of Manteca at 1180 N. Union Road, in Manteca, California, and identified as Assessor's Parcel Number 216-410-02. City negotiators, Steve Pinkerton, City Manager, regarding instructions to negotiators concerning price and terms of potential sale of surplus property. City negotiators may negotiate with potential buyers of the subject property pursuant to Government Code Section 54222.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:
Subdivision (a) of Section 54956.9

Names of case: **Morrison Homes, Inc., et al v. City of Manteca,**
San Joaquin County Superior Court Case No.
CV033282

4. INSTRUCTIONS TO REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING THE FOLLOWING REAL PROPERTY:

Real properties owned by City of Manteca, which are commonly known as 260 South Main Street, 230 Moffat Boulevard, and 250 Moffat Boulevard, and are identified as San Joaquin County Assessor's Parcel Numbers 221-02-24, 221-02-28, and 221-03-21, respectively. City negotiators, Steve Pinkerton, City Manager, regarding instructions to negotiators concerning price and terms of

potential sale of surplus property. City negotiators may negotiate with potential buyers of the subject property pursuant to Government Code section 54222.

5. INSTRUCTIONS TO REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING THE FOLLOWING REAL PROPERTY:

Real property owned by the City of Manteca which is a vacant lot located at 1053 W. Lathrop Road, in Manteca, California, and identified as Assessor's Parcel Number 197-020-12. City negotiators, Steve Pinkerton, City Manager, regarding instructions to negotiators concerning price and terms of potential sale of surplus property. City negotiators may negotiate with potential buyers of the subject property pursuant to Government Code section 54222.

6. REPORT ON ACTION TAKEN IN CLOSED SESSION

Upon returning to open session at 6:56 p.m., the City Attorney reported no action was taken on Items 2, 3, and 4. He noted the following action was taken on Item 5:

ACTION: APPROVE THE PURCHASE AND SALE AGREEMENT FOR PROPERTY LOCATED AT 1053 W. LATHROP ROAD FOR \$459,000. The motion carried with a 3-0 unanimous vote.

With nothing further to come before the City Council, Mayor Weatherford adjourned the special meeting at 7:00 p.m.

JOANN TILTON, MMC
CITY CLERK/AGENCY SECRETARY

WILLIE W. WEATHERFORD
MAYOR/CHAIRMAN

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.03

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council

From: Jose Jasso, Project Analyst

Date: December 15, 2009

Subject: Waive the final reading by substitution of the title and adopt Ordinance No. 1456, amending Manteca Municipal Code Section 17.07.020 "Permitted and Conditionally permitted Uses" and Section 17.61.030 Definitions"

Recommendation:

Waive the final reading by substitution of the title and adopt Ordinance No. 1456, amending Manteca Municipal Code Section 17.07.020 "Permitted and Conditionally permitted Uses" and Section 17.61.030 Definitions" allowing municipal government facilities to be located in various zones.

Background:

At your January 19, 2010 meeting, Council waived the first reading by substitution of the title and introduced Ordinance No. 1456. In order to complete the ordinance process, the above action must be taken.

Fiscal Impact:

None

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.04

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Dave Bricker, Chief of Police
Date: January 14, 2010
Subject: Joint City/County Criminal Justice Task Force

Recommendation:

Receive and file a report on the County Jail expansion meeting of January 13, 2010.

Background:

The Joint City/County Criminal Justice Task Force is comprised of local law enforcement and government leaders from all the cities in San Joaquin County, the County Board of Supervisors, the County Administrator, and the Sheriff. The purpose of this group is to collaborate on a strategy to fund the construction and staffing of an expansion to the San Joaquin County Jail.

On January 13, 2010, Councilman Hernandez and I attended the Joint City/County Criminal Justice Task Force meeting. The purpose of this meeting was to receive and discuss the consultant's report on the proposed community outreach program for jail operation funding and the findings of the community attitude survey regarding jail operations funding options. The consultants are recommending the county pursue a half-cent general sales tax measure on the November 2010 ballot. The consensus of the task force was to accept and file the report and directed the consultants to prepare a public information and education strategy to move forward with the ballot measure. They will present a report on this strategy at the February 10, 2010 meeting.

Our concern regarding the possible implementation of an additional sales tax measure was the impact this could have on the Measure "M" sales tax implemented by Manteca voters for local public safety funding. The City Attorney has assured us that there will be no impact to the local measure. Local governments have the ability, with a vote of the citizens,

to implement sales tax up to 1% to fund local issues. Counties can implement an additional 2.5%. The state has no cap. Currently the County collects .5% in Measure "K" taxes and Manteca collects .5% for Measure "M".

Fiscal Impact:

None at this time. However, should the Task Force vote to move forward with the public information and education plan proposed at the next meeting, the County will incur significant additional costs. The Board of Supervisors will be requesting that the Cities share these costs. While the formula to determine what portion will be asked from each city has yet to be decided, it is likely that it will be based on the percentage of the county population within each jurisdiction. We would anticipate that this will result in the County requesting the City of Manteca cover approximately 8% of the total cost of the program. While the total cost of this next phase has not been finalized, it appears at this time that the amount requested from Manteca should not exceed \$40,000.

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.05

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Dave Bricker, Chief of Police
Date: January 13, 2010
Subject: PG&E Grant

Recommendation:

Accept a grant from PG&E in the amount of \$6250 for the purchase of light bars for the SHARP unit and appropriate the funds to the volunteers vehicle maintenance and operations account 001-1103-412-19-00.

Background:

We have received a grant from PG&E in the amount of \$6250. It is the desire of PG&E to show their appreciation for the members of the SHARP unit for the service they provide to the citizens of Manteca by purchasing light bars for their vehicles. The funds provided by this grant will be sufficient to purchase and install new light bars on three vehicles. We request the Council accept this grant and allocate the funds to the volunteers vehicle maintenance and operation account.

Fiscal Impact:

Accept a grant of \$6250 and appropriate the funds to account 001-1103-412-19-00.

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.06

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Johanna Ferriera, Transit Manager
Date: January 22, 2010
Subject: Approve agreement for environmental services for the Multimodal Station

Recommendation:

Approve an agreement with Rincon Consultants, Inc. to provide environmental services for the Multimodal Station property, for an amount not to exceed \$67,436.

Background:

On November 3, 2009, staff released a Request for Proposals for environmental documentation for the Multimodal Station property, which encompasses 260 S. Main St., 230 Moffat Blvd. and 250 Moffat Blvd. Given that federal funds will be used for the Multimodal Station project, environmental documentation must be completed prior to construction. Five proposals were received and reviewed by staff. Based on the firm's qualifications, experience and recommendations from government entities that have used the firm for similar work, staff recommends a Service Agreement be signed with Rincon Consultants, Inc. for an amount not to exceed \$67,436.

This represents the first phase of the Multimodal Station project. Staff has begun work on a Request for Proposal for the preliminary engineering/design of the station, which will be prepared in tandem with the environmental work.

Fiscal Impact:

Funding for the environmental documentation is from the Federal Transit fund, Account No. 019-1909-474-54.57. There is no impact to the General Fund. Funds for this phase of the project were received from the American Recovery and Reinvestment Act (stimulus).

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.07

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: January 26, 2010
Subject: Status Report on Major Projects

Recommendation:

Receive and file Project Status Report for February 3, 2010.

Background:

Enclosed is the monthly revised listing of the estimated timelines regarding some of the City's current major projects. It is not a complete list but represents projects that continue to generate the most interest in the community. If you would like to see additional projects added, please let staff know and we will add it to the next periodic update.

The report has been revised to list projects in three categories: Active Projects (those requiring weekly, if not daily, attention by City staff), Pending Projects (those requiring less-frequent attention or on hold pending funding or approvals from outside entities) and Completed Projects (those completed within the past six months). Additional information may be obtained from the individual departments responsible for their delivery.

Changes from the November 3 report in description or schedule, as well as added items, are highlighted in bold-face italics for easier reference.

Staff has also posted this update on the City's website so that members of the public can see the status of the various projects.

Fiscal Impact:

None.

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.08

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Jeffrey Ross, Senior Engineering Technician
Date: January 12, 2010
Subject: Easement and agreement to maintain
on-site drainage treatment systems for
Black Rock Coffee Bar, 602 N Main St.

Recommendation:

Approve Easement and Agreement to Maintain On-site Drainage Treatment Systems for Black Rock Coffee Bar, 602 N. Main Street and authorize Mayor to sign same.

Background:

All structural and non-structural permanent storm water pollution prevention devices not in the control of the city shall have an enforceable maintenance agreement to ensure the system functions as designed.

The agreement shall include any and all maintenance easements required to access and inspect the storm water pollution prevention devices and to perform routine maintenance as required.

To comply with Section 13.28.070 of the Manteca Municipal Code, the owner shall execute and file an agreement with the City agreeing to maintain on-site drainage treatment systems in accordance with the manufacturer's recommendations.

The Agreement has been approved as to form by the City Attorney.

Fiscal Impact:

None

Attachments: Subject Easement and Agreement

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.09

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Jeffrey Ross, Senior Engineering Technician
Date: January 13, 2010
Subject: Improvement Agreement for offsite improvements for
Grant Avenue Apartments, 654 N. Grant Avenue

Recommendation:

Approve Improvement Agreement for offsite improvements for Grant Avenue Apartments, 654 N. Grant Avenue and authorize Mayor to sign same.

Background:

The Improvement Plans for construction of Grant Avenue Apartments, 654 N. Grant Avenue, require construction of public improvements along the property frontage. Pursuant to the Zoning Ordinance of the City of Manteca, prior to the approval of the building site plan the Developer shall execute and file an agreement with the City relating to the construction of certain public improvements along the property frontage.

The Agreement contains conditions related to the design, construction, requirements, bonding, and fees related to the construction of the public improvements.

The Agreement has been approved as to form by the City Attorney.

Fiscal Impact:

None

Attachments: Subject Improvement Agreement

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.10

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Jeffrey Ross, Senior Engineering Technician
Date: January 14, 2010
Subject: Easement and agreement to maintain
on-site drainage treatment systems for
B. R. Funsten, 105 Industrial Park Drive

Recommendation:

Approve Easement and Agreement to Maintain On-site Drainage Treatment Systems for B. R. Funsten, 105 Industrial Park Drive and authorize Mayor to sign same.

Background:

All structural and non-structural permanent storm water pollution prevention devices not in the control of the city shall have an enforceable maintenance agreement to ensure the system functions as designed.

The agreement shall include any and all maintenance easements required to access and inspect the storm water pollution prevention devices and to perform routine maintenance as required.

To comply with Section 13.28.070 of the Manteca Municipal Code, the owner shall execute and file an agreement with the City agreeing to maintain on-site drainage treatment systems in accordance with the manufacturer's recommendations.

The Agreement has been approved as to form by the City Attorney.

Fiscal Impact:

None

Attachments: Subject Easement and Agreement

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.11

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council

From: Mark McAvoy, Senior Civil Engineer

Date: January 6, 2010

Subject: Approval of an agreement with Manteca Unified School District for periodic road closures of Garfield Avenue adjacent to Manteca High School

Recommendation:

Approve an agreement with Manteca Unified School District for periodic road closures of Garfield Avenue adjacent to Manteca High School, and authorize the Mayor to execute the agreement.

Background:

The City was contacted last year by Manteca Unified School District (District) regarding the potential closure of Garfield Avenue adjacent to Manteca High School. The District's concerns are in regard to the number of students that are required to cross the roadway in between classes, as the high school has facilities on both sides of the roadway.

City staff observed the roadway operations during school hours and outside of school hours, and was concerned that a permanent road closure at this location is not warranted. Instead, City staff recommended that a periodic closure of Garfield Avenue during regular school hours and school-sponsored events would be considered. The District submitted engineering improvement plans for such periodic closures, which involves placing two gates on Garfield Avenue, one just south of Mikesell Avenue and the other about 450 feet to the south, and striping and signage modifications. The plans are now ready for approval, subject to an agreement between the City and the District permitting these periodic closures.

Terms of the agreement specify that the gates can only be closed during regular school hours and school events. All work will be funded and

constructed at the sole cost of the District. The City Attorney and City Risk Manager have reviewed the agreement's content.

Staff is requesting that City Council approve the agreement with Manteca Unified School District for periodic road closures of Garfield Avenue adjacent to Manteca High School, and authorize the Mayor to execute the agreement.

Fiscal Impact:

All costs of the work will be borne by the District. There is no impact to the General Fund.

Attachments:

- Agreement
- Location Map

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.12

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Dave Bricker, Chief of Police
Date: January 11, 2010
Subject: Administrative Enforcement Provisions

Recommendation:

1. Waive the first reading by substitution of the title of Ordinance No.1457, repealing Sections 1.10.010 through 1.10.150 of the Manteca Municipal Code, and adding Sections 1.10.010 through 1.10.510 of relating to Administrative Enforcement Provisions;
2. Introduce Ordinance No. 1457; and
3. Adopt a resolution establishing fees for violation of the Administrative Enforcement Provisions established by Ordinance No. 1457.

Background:

The enforcement of the Manteca Municipal Code and applicable State codes throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety and quality of life. Enforcement of those codes starts with the drafting of precise regulations that can be effectively applied in administrative enforcement hearings and judicial proceedings.

A comprehensive code enforcement system requires a variety of judicial and administrative remedies to enforce violations of the Municipal Code and applicable State codes. There is a need to establish uniform procedures for administrative enforcement hearings conducted pursuant to this code in order to afford due process of law to any person who is directly affected by an administrative action.

Due process of law includes: adequate notice, an opportunity to participate in the administrative hearing process and an adequate explanation of the reasons justifying the administrative action. These

procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative enforcement action and to develop policies and procedures relating to the qualifications, appointment and compensation of hearing officers, hearing officer powers, hearing procedures, scope of the hearing, subpoena powers, and other matters relating to administrative enforcement hearings.

The Municipal Code pertaining to administrative hearings currently establishes only the hearing procedure. It does not establish the scope or authority of the administrative enforcement officers, the establishment of appropriate fees for inspection service, the process for serving notice of violation, or any of the other administrative processes necessary for effective code enforcement. Staff is recommending the current code section be repealed in its entirety, and the attached ordinance outlining these processes and authorities be adopted. Staff is also requesting the Council adopt a resolution establishing fees for violation of this ordinance.

The procedures established in this chapter shall be in addition to criminal, civil or other legal remedies established by law, which may be pursued to address violations of this code or applicable State codes, and the use of this chapter shall remain at the sole discretion of the City.

This ordinance has been reviewed by the City Attorney and approved as to form.

Fiscal Impact:

Unknown at this time how much revenue will be realized by establishing these fees.

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.13

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Fernando Ulloa, Senior Civil Engineer
Date: January 13, 2009
Subject: Pipeline Crossing Agreement with Union Pacific Railroad for
the Moffat Boulevard Water Main Project

Recommendation:

Approve a pipeline crossing agreement with Union Pacific Railroad (UPRR) in the amount of \$4,640.00 to install a new water line crossing for the Moffat Boulevard Water Main Project; and authorize the Mayor to sign same.

Background:

The City's Water Master Plan identified the pipelines in Moffat Boulevard from Grant Avenue to Powers Avenue as undersized pipes. The proposed pipeline crossing under the Union Pacific's Railroad tracks will complete the Moffat Boulevard Water Main rehabilitation project by connecting the existing 16-inch water main in Wetmore Street with the proposed 16-inch water main in Moffat Boulevard.

Fiscal Impact:

Sufficient funds are available in the Water Operations & Maintenance Fund, Account No. 068-2408-495.58-17. There is no General Fund impact. The Finance Director has reviewed this report and concurs that funds exist to cover this work.

Attachments: UPRR Pipeline Crossing Agreement

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.14

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Jim Stone, Deputy Director of Public Works - Utility Services
Date: January 19, 2010
Subject: Water Meter and Boxes Funds Transfer

Recommendation:

Approve a budget transfer of \$50,000 from the Austin Water Main Project account (069-2409-495-56-53) to the Water Fee Water Meters and Boxes account (069-2409-492-23-20).

Background:

\$30,000 was budgeted in the Water Fee Water Meters and Boxes account (069-2409-492-23-20) for water meters, meter boxes, and other hardware associated with meter installations. All those funds have been expended. Based on expenditures to date and projected new residential and commercial meter installations, staff estimates that an additional \$50,000 is needed.

\$2,172,000 was budgeted in the Water Fee Austin Water Main Project account (069-2409-495-56-53). The bids were lower than originally expected, and the contract was awarded for \$1,388,426, with 75% of that cost paid from the fee account, so funds are available in that account.

Fiscal Impact:

Sufficient funds are available in the Water Fee Austin Water Main Project account (069-2409-495-56-53) to cover the transfer. There is no General Fund impact. The Finance Director has reviewed this report and concurs that funds exist to cover the transfer.

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.15

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Jason DeGroot, Senior Engineer
Date: January 19, 2010
Subject: WQCF Perimeter Fence Project Notice of Completion

Recommendation:

Accept the WQCF Perimeter Fence Project as complete, and authorize the City Clerk to file a Notice of Completion.

Background:

The WQCF Perimeter Fence Project involved the installation of approximately 6,500 linear feet of chain link fencing topped with three strands of barb-wire, 2,500 linear feet of field fence and an automatic slide gate.

Construction of the WQCF Perimeter Fence Project has been completed in conformance with the plans and specifications, and the Contractor has signed the Final Payment Certification and the Acceptance Statement.

Fiscal Impact:

This project was funded by Sewer O&M Fund (Account 064-2404-485.54-45). There was one previously approved Change Order by the City Manager, which increased the contract amount by \$4,002.31. The final contract amount for this project is \$89,567.86.

Attachments:
Notice of Completion

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.16

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council

From: Jason DeGroot, Senior Engineer

Date: January 21, 2010

Subject: WQCF Phase III Project - Schedule C Change Order No. 3

Recommendation:

Approve Change Order No. 3 for the WQCF Phase III Project - Schedule C, increasing the project amount by \$34,983.

Background:

Change Order No. 3 (attached) documents the changes to the storm drain inlets and piping at the shop maintenance building during construction. These items involved unforeseen conditions that required the contractor to perform additional work, which summed to an additive change of \$34,983.

Fiscal Impact:

This project is funded by Sewer O&M Fund (Account 064-2404-485.53-30) and Sewer Fee Fund (Account 065-2405-485.53-30). There were a total of two previously approved Change Orders by the City Manager, which increased the contract amount by \$33,883 to a revised contract amount of \$4,523,833. Should Council approve Change Order No. 3, the revised contract amount will be \$4,558,866.

Attachments:

Change Order No. 3

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.17

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Keith Conarro, Senior Engineer
Date: January 21, 2010
Subject: Rapid Small Scale Column Testing for the Wells 13, 19 and 21 Treatment Project.

Recommendation:

Approve a sole source purchase order in the amount of \$17,800 with Severn Trent for Rapid Small Scale Column Testing for the Wells 13, 19 and 21 Treatment Project.

Background:

The City is preparing a bid for construction of a central treatment system to remove arsenic from Well 13, 19 and 21. Discussions with Severn Trent on the treatment system design identified the need to conduct Rapid Small Scale Column Testing (RSSCT) to characterize the effectiveness of Severn Trent's Sorb 33 media in treating a blend of water from these wells. RSSCT is laboratory test that quickly evaluates the effectiveness of the water treatment media and is used to design the treatment system and to estimate operating costs. The results, while specific to the Sorb 33 media, are also a performance predictor of similar iron based media.

A sole source purchase order with Seven Trent for the RSSCT is recommended as this places full responsibility of testing and application of the results on Severn Trent. The cost of the RSSCT including all analytical work is \$17,800. The testing will be completed by UC Davis, which has a contract with Severn Trent for the RSSCT evaluations.

Fiscal Impact:

Funding is provided the FY 09-10 Water Maintenance and Operations Fund, Account 068-2408-495.58-49 for water treatment. The Finance

Director has reviewed the budget and has concurred that sufficient funds exist. There is no impact to the General Fund from this project.

Attachments:

Severn Trent Rapid Small Scale Column Test Program Description & Proposal

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.18

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Mark C. Nelson, Community Development Director
Date: January 25, 2010
Subject: Deposit and Reimbursement Agreement - Planning Staff Services.

Recommendation:

Adopt a resolution approving a deposit and reimbursement agreement for Planning staff services up to \$20,000, and authorizing the City Manager or his designee to execute said agreements.

Background:

The fee schedule listed in the Manteca Municipal Code allows for reimbursement of certain staff services on a time-and-materials basis, including EIR preparation (including Initial Studies), Specific Plan preparation and Specific Plan Amendments. Staff is current working on an Initial Study/EIR for the Terra Ranch project, and a Specific Plan Amendment for Woodbridge, which will utilize this form.

At this time, the City does not have a standard agreement in place that allows staff to collect these funds. It is important to note that agreements in excess of \$20,000 will still come before the City Council for approval.

Fiscal Impact:

Fees collected through these standard agreements will help to offset development services operational costs, and not be paid to the General Fund. It is estimated these two projects will generate approximately \$7,000 to \$10,000. Due to the small number of these applications processed each year, and the limit of \$20,000 per agreement, the overall fiscal impact beyond these two agreements is unknown.

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.19

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council

From: Jason DeGroot, Senior Engineer

Date: January 21, 2010

Subject: Louise Ave. Sewer Rehab Project Change Order No. 1

Recommendation:

Approve Change Order No. 1 for the Louise Ave. Sewer Rehab Project, increasing the project amount by \$60,095.50.

Background:

Change Order No. 1 (attached) documents the deductive changes to the size of 826 linear feet of pipe to be rehabbed. In addition, due to the exceptional pricing on this contract, Staff is proposing to add an additional 1,193 linear feet of 24 inch diameter sewer main to be rehabbed. This would also complete the rehab of 24 inch pipe in Louise Avenue saving money on the next contract by not having to rehab two different size pipes.

Fiscal Impact:

This project is funded by Sewer O&M Fund (Account 064-2404-485.54-07). Should Council approve Change Order No. 1, the revised contract amount will be \$424,685.50. Contract dated August 4, 2009.

Attachments:

Change Order No. 1

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.20

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Fernando Ulloa, Senior Civil Engineer
Date: January 21, 2010
Subject: Wells 13, 19 and 21 Central Treatment Project - Phase 1

Recommendation:

Approve plans and specifications and authorize a call for bids for the Wells 13, 19 and 21 Central Treatment Project - Phase 1 to only two bidders: Severn-Trent and Arsenix.

Background:

Staff has been working to reduce arsenic concentrations in the City's groundwater wells to comply with State and Federal drinking water regulations. To date, staff has successfully reduced arsenic concentrations at Wells 16, 23, 24 and 25. The next series of wells in need of arsenic reduction are Wells 13, 19, and 21.

Staff has determined that the most cost-effective compliance method for these three wells is to treat the water at a central location instead of installing individual treatment facilities at each well site. Thus, the Wells 13, 19 and 21 Central Treatment Project will consist of installing a central treatment facility along Moffat Boulevard (Phase 1) and installing pipelines to transport water from each well site to the central treatment location (Phase 2).

Regarding treatment systems, staff has pilot-tested many arsenic reduction systems over the last several years, but only two systems have performed satisfactorily. These systems are manufactured by Severn-Trent and Arsenix.

When the Wells 24 and 25 arsenic reduction project was bid in 2006, only Severn-Trent and Arsenix were invited to bid based on their successful pilot testing performance. While staff has pilot-tested other arsenic reduction systems since 2006, Severn-Trent and Arsenix are still

the only manufacturers with adequate performance or who have obtained State approval of their treatment system. As such, staff proposes to issue a call for bids to just Severn-Trent and Arsenix.

Similar to the Well 24 & 25 project, the Wells 13, 19 and 21 Central Treatment Project - Phase 1 contains two contracts. These two contracts are: 1) a design/build contract to design, furnish and install a filtration treatment system (mechanical contract); and 2) a contract to furnish new filtration media and to dispose of used filtration media (media contract). The combined total of both the mechanical and media contracts will be used to identify the apparent low bidder.

Regarding the mechanical contract, Severn Trent and Arsenix will partner with contractors of their choice to prepare a bid for this work. Since the contractor will perform more than 50% of the work, the contractor will be listed as the prime contractor and Severn-Trent or Arsenix will be listed as a subcontractor. Thus, the City will contract with a mechanical contractor – and not Severn-Trent or Arsenix – for this portion of the work. Regarding the media contract, the City will contract directly with either Severn-Trent or Arsenix.

For example, in 2006 Severn-Trent was the low bidder on the Well 24 & 25 project. Severn-Trent partnered with W.M. Lyles for the design/build of the filtration treatment system; therefore, the City contracted with W.M. Lyles for the mechanical work. The City then contracted directly with Severn-Trent for the media contract.

Staff has completed the plans and specifications for this project, and they are available for review in the Public Works Department.

Regarding the pipeline portion of this project (Phase 2), staff will request approval of a separate call for bids that will be issued to all bidders.

Fiscal Impact:

Sufficient funds are available in the Water Operations & Maintenance Fund, Account No. 068-2408-495.58-49. There is no General Fund impact. The Finance Director has reviewed this report and concurs that funds exist to cover this work.

City Council Agenda
February 2, 2010
Consent Calendar
Agenda Item No. A.21

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council

From: Suzanne Mallory, Finance Director

Date: January 25, 2010

Subject: Approve agreement with ATI for Interactive Voice Response System

Recommendation:

1. Approve agreement with ATI for the purchase of an interactive voice response system for \$72,625.86.
2. Approve budget appropriations as detailed in the fiscal impact section.

Background:

As part of the Fiscal Year 2009/2010 budget, Council authorized the purchase of an interactive voice response system (IVR) for utility payments. Once installed, the system will allow utility customers to attain information regarding their account and to make payment on their account via Visa or MasterCard.

The city currently has five customer service representatives (CSR) to assist customers. During peak times, three additional staff members provide back-up assistance. Even with eight staff members assisting customers, there are times when more than twenty customers are queued in the phone system waiting to make payments. With the implementation of the IVR system, these customers would be able to make payments on their account without needing to speak directly with a customer service representative and in turn significantly reduce their on-hold time.

Staff received proposals from two vendors. ATI is able to custom build a system for the City that will allow expansion for other applications in the future. Additionally, ATI is able to provide greater system functionality.

Fiscal Impact:

\$100,000 was budgeted in the Fiscal Year 2009/10 budget for this project. This project has several components:

System design and purchase of IVR System	\$ 72,625.86
Interface with Sungard Utility System	30,740.00
Network server	9,500.00
Contingency	5,000.00

While the total project cost is in excess of the original \$100,000 allocation, staff is recommending additional appropriations to fund the total project cost. The additional funding will allow for greater functionality of the system including outbound messages to delinquent accounts, outbound community messages, and "pop-up" screens that will provide immediate information regarding a customer's account if they need to exit the system and speak to a CSR.

Additional funding will be provided by the following budget appropriations:

1. Appropriate \$5,955 from the Sewer Maintenance and Operations Fund via an operating transfer to Information Systems Fund Capital Outlay Account No. 083-3103-514-40-07;
2. Appropriate \$5,955 from the Solid Waste Fund via an operating transfer to Information Systems Fund Capital Outlay Account No. 083-3103-514-40-07;
3. Appropriate \$5,955 from the Water Maintenance and Operations fund via an operating transfer to Information Systems Fund Capital Outlay Account No. 083-3103-514-40-07.

There will not be any impact to the General Fund as a result of the requested budget appropriations.

City Council Agenda
February 2, 2010
Public Hearings
Agenda Item No. B.01

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council

From: Mark C. Nelson, Community Development Director

Date: January 25, 2010

Subject: A request by Jim Rachels, MCR Engineering, and Ron Cheek, RLC Associates, project applicants, for the development of the Evans Estates and Pillsbury Estates residential subdivisions. This request includes consideration of an Environmental Impact Report (EIR), General Plan Amendment, Prezone, Annexation, Tentative Subdivision Map (Evans Estates), and Vesting Tentative Subdivision Map (Pillsbury Estates).

Recommendation:

After taking public testimony, staff recommends that the City Council take the following course of action:

1. Certify the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Evans Estates-Pillsbury Estates Project (SCH# SCH# 2007112019) as adequate environmental documentation for the project, and authorize staff to file a Notice of Determination with the San Joaquin County Clerks office.
2. Adopt a Resolution making the required findings to approve General Plan Amendment No. GPA-05-02 (Pillsbury Estates).
3. Waive the first reading by substitution of the title and introduce Ordinance No. 1458, Prezone No. PRZ-04-05 and PRZ-05-07, prezoning the entire 240-acre project area to R-1 (Single-Family Residential), to be consistent with the LDR (Low Density Residential) General Plan Land Use Designation.
4. Adopt a resolution authorizing staff to make application to San Joaquin County Local Agency Formation Commission (LAFCo) for

annexation of the entire 240-acre project area (ANX-04-05 and ANX-05-07).

5. Adopt a Resolution making the required findings to approve a Tentative Subdivision Map No. SDJ-04-11, subject to the Development Review Conditions for Evans Estates dated February 2, 2010, and authorize construction of a part-width street as outlined in Condition No. 18b and 18c.
6. Adopt a Resolution making the required findings to approve a Vesting Tentative Subdivision Map No. SDV-05-04, subject to the Development Review Conditions for Pillsbury Estates dated February 2, 2010 and authorize construction of a part-width street as outlined in Condition No. 17b.

Background:

The project site is located in unincorporated San Joaquin County directly south of the Manteca city limits. Regional access to the project site is provided by State Route (SR) 120 and Highway 99 (located to the north and east of the site respectively), with SR 120 ramps located on South Main Street and Highway 99 ramps located at Moffat Boulevard/Austin Road. The project site is generally bounded by South Manteca Road to the west, Pillsbury Road to the east, and existing residential subdivisions to the north (including Mission Gardens, Emerald Glen, Woodward Park, and Jasmine Hollow).

The Evans Estates site comprises the western portion of the project site and is located at 21010 South Manteca Road. The Pillsbury Estates site, located adjacent to the Evans Estates site, comprises the eastern portion of the project site, and is located at 21017 Pillsbury Road.

The proposed project includes the construction of two residential subdivisions: Evans Estates and Pillsbury Estates. One of the existing single-family homes on the Evans Estates site would be removed under the proposed project and one would be preserved. At full build-out, the two proposed developments would result in 861 new single-family homes, in addition to the two existing single-family homes that would be preserved on the project site.

DECEMBER 22, 2009 - PLANNING COMMISSION

The Planning Commission at its regularly scheduled meeting of December 22, 2009, considered staff recommendations and testimony from the public. No one spoke in opposition to the project; however, a letter was received via email on December 22 from Donna and Randall Strange - property owners in the vicinity of the project area - in opposition to the two projects. The letter was distributed to the Planning

Commission at the meeting, and is also included as an attachment to this report. There were no questions in regard to the letter, and the Planning Commission unanimously voted to recommend approval to the City Council and certification of an Environmental Impact Report (EIR) as adequate environmental documentation for the project.

It was noted at the Planning Commission meeting that staff was continuing work with the applicant to refine the language of Condition No. 23 for Evans Estates and Condition No. 22 for Pillsbury Estates. The Public Works condition relates to the City's Public Facilities Implementation Plan (PFIP). Staff has since worked with the applicants to revise the language, and the changes have been incorporated and the final conditions as proposed are included as an attachment to this report .

SITE DESCRIPTION:

The southern portion of the Evans Estates site and most of the Pillsbury Estates site are currently used for agriculture (orchards). The orchard on the northern portion of the Evans Estates site has been removed. Existing structures on the project site include three single-family homes (two on the Evans Estates site and one on the Pillsbury Estates site), and three barns, a shed, and a corral on the Evans Estates site. Adjacent land uses include developed residential land to the north and agricultural land (i.e., orchard, vineyard, and row crops) to the east, south, and west.

ENVIRONMENTAL REVIEW

The Evans Estates – Pillsbury Estates Environmental Impact Report (EIR) was prepared for this project to identify potential environmental effects relating to development of the site, and mitigate them to the greatest extent feasible. As mandated by the California Environmental Quality Act (CEQA), a Notice of Completion (NOC) of the Draft EIR was advertised, posted, and mailed to the city's list of individuals and agencies that have requested notification of environmental actions of the City. The NOC and Draft EIR were also submitted to the Office of Planning and Research State Clearinghouse for distribution to the appropriate State agencies for review and comment. The comment period was open from April 2, 2009 to May 18, 2009. Comments received during this period included Office of Planning and Research State Clearing House, California Department of Transportation, Department of California Highway Patrol, San Joaquin Valley Air Pollution Control District, San Joaquin County Environmental Health, San Joaquin County Community Development, San Joaquin Council of Governments, PG&E, and California Public Utilities Commission. These comments were considered and addressed in the Final EIR as noted below.

The Draft EIR was distributed to the Planning Commission for review at its meeting of April 14, 2009. There are now three additional elements including the Final Environmental Impact Report, the Mitigation Monitoring and Reporting Program (MMRP), and the Findings of Fact and Statement of Overriding Consideration. The Final EIR is a compilation of the comments that were received from individuals that reviewed the Draft EIR, and the response's to those comments. Copies of the Final EIR were distributed to the commenting parties for their review on October 1, 2009.

The MMRP is essentially a consolidation of the mitigation measures identified in the Draft EIR, detailing who is responsible for their implementation, when the mitigation must be completed, and who is responsible for verifying the mitigation is complete. The Findings of Fact and Statement of Overriding Considerations are the statements supporting the mitigation of identified impacts, a list of the impacts that cannot be completely mitigated (significant and unavoidable), and a list of compelling reasons why the City may approve the project in light of the significant and unavoidable impact (overriding considerations). The EIR identified that the project would result in project-level significant and unavoidable adverse impacts in the following four areas: Air Quality, Noise, Agricultural Resources, and Transportation and Circulation. In addition, the project would contribute to cumulative significant and unavoidable adverse impacts in the following 2 areas: Agricultural Resources and Air Quality (Greenhouse Gas Contaminant Emissions).

GENERAL PLAN AMENDMENT

The proposed project requires a general plan amendment to redesignate 16.4 acres of the eastern portion of the Pillsbury Estates site as low-density residential (LDR) from its current designation of medium- and high-density residential (MDR and HDR, respectively).

The City's General Plan Land Use Element includes the following policies related to land use that are relevant to the proposed amendment:

- Policy LU-P-1: Growth shall mitigate its own impacts and shall provide a positive benefit to the City of Manteca.
- Policy LU-P-3: The City shall encourage a pattern of development that promotes the efficient and timely development of public services and facilities.
- Policy LU-P-4: The City shall encourage a development pattern that is contiguous with the boundary of the City.

- Policy H-I-12: The City shall not rezone land from High Density Residential (HDR) or Medium Density Residential (MDR) unless it is replaced concurrently by a comparable zoned land elsewhere in the City.
- Policy H-P-3: The City shall establish adequate zoning to accommodate the housing needs established in the Regional Housing Needs Assessment (RHNA).

Although the proposed General Plan Amendment does not include replacing the HDR and MDR elsewhere in the City, as noted in Policy H-I-12, the intent of the policy is to ensure that the city maintains adequate capacity of higher density land in compliance with the required Regional Housing Needs Assessment (RHNA) and Government Code Section 65863. Currently, the City has a surplus capacity of 2,000 lower- and moderate-income units, and the maximum allowable units for the proposed area would not exceed the surplus. Therefore, redesignating the 16.4 acre site to Low Density Residential would not affect the City's ability to maintain our RHNA requirements, as required by Policy H-P-3.

The proposed General Plan Amendment is required to develop the Pillsbury Estates project as proposed. The amendment requires the Planning Commission and City Council to determine consistency of the proposal with the General Plan. Approval of the general plan amendment eliminates any conflict with the current land use designation of the eastern portion of the Pillsbury Estates site.

PREZONE & ANNEXATION

The proposed annexation area consists of eight separate parcels: Assessors Parcel Numbers (APN) 226-120-01 through 04, 07 through 09, and 27, (see attached Vicinity Map). The proposed project includes prezoning and annexation of the entire site to the City of Manteca (see attached Vicinity Map). LAFCo also requires that all territory proposed for annexation be prezoned prior to annexation. The proposed zoning for each parcel will be consistent with the General Plan land use as provided in the Table below.

APN 226-120-01 thru -04, -07 thru -09 and -27	Prezone R-1 (Single-Family Res.)	General Plan LDR
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SUBDIVISION MAP

Evans Estates:

Project Proponents of the Evans Estates development include Raymus Homes, Ed Machado, and Atherton Boyce Development. The Evans Estates development would subdivide approximately 160 acres into 587

single-family residential lots; construct 586 new single-family homes; preserve one existing single-family home; remove one single-family home, three barns, a shed and a corral; and construct a 7.19-acre park/stormwater retention basin. The development of the Evans Estates project would be phased depending on market demand with phases of approximately 60, 172, 139, 112, and 104 units. Development would generally occur from north to south.

The site has been designed to have a centralized neighborhood park/stormwater retention basin and has included the use of round-a-bouts at each corner of the park area to provide traffic calming. The primary access point to the Evans Estates project would be from South Manteca Road, the western boundary of the project site. Additional points of access would be provided from the future extension of McKinley Road, which is the southern boundary of the project site, and from 'Street 35' which connects to the east through the Pillsbury Estates project site.

Pillsbury Estates:

The project proponent for the Pillsbury Estates development is the Brocchini Family Partnership. The Pillsbury Estates development would subdivide 80 acres into 276 single-family residential lots, construct 275 new single-family homes, preserve one existing single-family home, and construct a 5-acre park/stormwater retention basin in the southern part of the site. The development would occur in phases depending on market demand and it is anticipated that approximately 70 units per phase would be constructed until completion. Development would generally occur from north to south.

The park/stormwater retention basin has been located in the southern portion of the project site consistent with the General Plan in that it has been designed to be expandable to the south for when future residential development would occur. Like the Evans Estates project, this map has also included the use of round-a-bouts adjacent to the park area to provide traffic calming.

There are several points of access to the Pillsbury Estates project site. From the north the site can be accessed from both Azevedo Avenue and Buena Vista Drive. From the east the site can be accessed from Pillsbury Road, and from the west the site can be accessed from Southland Manor Drive through the Evans Estates project site.

Fiscal Impact:

None. No General Funds are involved or will be impacted by the approval of this project.

Attachments:

1. Resolution certifying the EIR as adequate Environmental Documentation for the Project.
2. Resolution approving General Plan Amendment No. GPA-05-02.
3. Ordinance No. 1458 for Prezone No. PRZ-05-07.
4. Resolution approving Tentative Subdivision Map No. SDJ-04-11 for Evans Estates.
5. Evans Estates Development Review Conditions dated February 2, 2010.
6. Resolution approving Vesting Tentative Subdivision Map No. SDV-05-04 for Pillsbury Estates.
7. Pillsbury Estates Development Review Conditions dated February 2, 2010.
8. Resolution authorizing Staff to make application to San Joaquin County LAFCo for annexation (ANX-04-05 and ANX-05-07).
9. Vicinity Map
10. Evans Estates Tentative Subdivision Map
11. Pillsbury Estates Vesting Tentative Subdivision Map
12. Draft Environmental Impact Report for Evans Estates-Pillsbury Estates.
13. Final Environmental Impact Report for Evans Estates-Pillsbury Estates.
14. Mitigation and Monitoring and Reporting Program for Evans Estates-Pillsbury Estates.
15. Statement of Findings and Statement of Overriding Considerations for Evans Estates-Pillsbury Estates.
16. Letter received on December 22, 2009 from Randall and Donna Strange.

City Council Agenda
February 2, 2010
Public Works
Agenda Item No. C.01

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council
From: Mark McAvoy, Senior Civil Engineer
Date: January 26, 2010
Subject: South Powers Avenue Traffic Calming

Recommendation:

Receive report on South Powers Avenue traffic-calming efforts, and provide direction to staff as appropriate.

Background:

Public Works Department staff has been investigating ways to reduce vehicle speed along Powers Avenue, from Yosemite Ave to Marin Street, adjacent to Lincoln School and Lincoln Park. There have been several public requests for a marked crosswalk at the Hutchings Street intersection.

This past November, a restriping project to narrow the travel lanes along this roadway segment was done. A post-construction engineering and traffic survey (speed survey) was done on January 22, 2010 and, unfortunately, there was not a significant reduction in vehicle speeds.

The problem with installation of a crosswalk on Powers at Hutchings Street is that vehicle speeds will continue to pose a problem, due to the very wide street width. A marked crosswalk without some sort of other traffic-calming method is not advisable.

Staff believes that installation of a roundabout at the intersection would be an effective traffic-calming solution and have the desired effect of reducing vehicle speed at this location. Marked crosswalks would then be installed. A preliminary roundabout could be installed utilizing a combination of channelizing delineators, striping and minor concrete modifications. City forces could perform this work, which would probably cost \$5,000. Staff will begin design of the ultimate improvements and

bring back with a call for bids. Staff will also be working to identify potential funding sources for the complete improvements, and present those options to Council at the time bids are solicited.

Fiscal Impact:

Because the interim improvements will be constructed by City staff, the only cost will be \$5,000 in supplies (delineators, concrete, paint, signs, etc.). These funds will come from the City's Local Transportation Fund (LTF) Traffic Calming Account No. 046-2006-442-23-06. Further fiscal considerations for completion of the ultimate improvements will be brought back with a request to call for competitive bids.

City Council Agenda
February 2, 2010
Mayor and Council/Agency Commissioners
Agenda Item No. D.02

Reviewed by
City Mgr's office: /SP

Memo to: Manteca City Council

From: Councilman Hernandez
Suzanne Mallory, Finance Director

Date: January 25, 2010

Subject: Receive and file report on the League of California Cities
Revenue and Taxation Policy Committee quarterly meeting.

Recommendation:

Receive and file report.

Background:

On January 21, 2010 Councilman Hernandez and the Finance Director attended the League of California Cities (LOCC) Revenue and Taxation Policy Committee quarterly meeting.

The meeting was the first meeting for the upcoming year and focused on a variety of topics. The primary discussion focused on the current status of the State's budget and the projected impacts on local revenues. Additional information was presented on the CRA Redevelopment Lawsuit, the current League-sponsored ballot initiative, a federal legislative update, the committee's work program for 2010, and review of the needs assessment for local streets and road.

Several speakers addressed the current status of the State's budget. The key speaker was Mark Hill, Program Budget Manager for the State Department of Finance. Mr. Hill spoke at length about the \$20 billion projected shortfall in the State's budget over the next 18 months. He indicated that revenues are down 30% and he does not anticipate a recovery in the near future. He stated that there is no way for the legislature to address the budget issues without impacting protected revenues. This would include the continued suspension of mandate payments, continuation of the RDA ERAF shift, and a transportation funding swap that would impact transit revenues. League staff has

expressed additional concern regarding Prop 172 public safety funds and the Highway User's Tax (HUTA).

The committee expressed the need for local agencies to be relieved of the costs associated with the implementation of SB375 and AB32 in order to continue economic development and address revenue shortfalls at the local level.

Senator Bob Dutton, Vice Chair of the Senate Budget and Fiscal Review Committee also spoke to the Revenue and Taxation Committee. He echoed what was discussed by Mark Hill and encouraged the committee and local agencies to formalize their request to the governor and the legislature regarding suspension of SB375 and AB32. The committee recommended that action be taken by the full board of the League.

Of additional note was a presentation by Dorothy Johnson, Policy Analyst for the League, regarding the final report of the first comprehensive statewide study of California's local street and road system. The study surveyed 58 counties and 478 cities. Currently, local agencies own and operate 81% of the state's roads. The study showed that on a scale of 0 (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68 or at-risk. Information regarding the study can be found at www.SaveCaliforniaStreets.org. Additionally, the Public Works Director has been asked to review the information and present a summary of local road conditions at a future Council meeting.

Fiscal Impact:

While there is no direct fiscal impact as a result of attending the League of California Cities (LOCC) Revenue and Taxation Policy Committee quarterly meeting, information presented at the meeting provides a foundation for further discussions regarding impacts to the City resulting from current State budget proposals. Direct impacts to the City's General Fund and gas tax revenues will be further assessed as discussions regarding the State's budget proposals occur over the next several months.