



See pages 55-56, Item C.2,
proposed BSL
(per 2005 SB 861) ordinance

AGENDA

MANTECA CITY COUNCIL
AUGUST 18, 2008
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 meeting. Any materials submitted to the Council 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 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 239-8417.

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. 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, 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, or through a majority vote of the City Council, as deemed necessary.

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call (209) 239-8417. 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).



**AGENDA
MANTECA CITY COUNCIL
ADJOURNED REGULAR MEETING
AUGUST 18, 2008
7:00 P.M.
CITY COUNCIL CHAMBERS
1001 W. CENTER STREET**

CALL TO ORDER: Mayor Willie Weatherford
INVOCATION: Pastor Mark Bell, First Christian Church
FLAG SALUTE
ROLL CALL: Councilmembers DeBrum, Harris, Hernandez, Snyder and Weatherford

PROCLAMATIONS/PRESENTATIONS

1. Certificate of Recognition – Harmony Flores and Dance Stars.
2. Certificate of Recognition – Fred White, DeCristo Productions, Movies in the Park.

A. CONSENT CALENDAR

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

1. Receive and file the warrant list for August 18, 2008.
2. Waive the final reading by substitution of the title and adopt Ordinance No. 1408, an Ordinance Amending Sections 12.06.030, 12.06.040 and 12.06.170 Regarding Parades and Processions.
3. Approve agreement with PG&E to provide electrical connection to the traffic signals at Airport Way and SR/120 for \$4,723.72.
4. Approve an agreement with Nolte Associates to provide design services for the Wastewater Collection System Master Plan Amendment for \$59,900.
5. Approve Amendment No. 1 to the agreement with MCR Engineering, Inc., for the Wastewater Quality Control Facility Record of Survey to include APN-241-310-16 for \$3,200.
6. Approve a maintenance and lease agreement with BOSS Business Systems, Inc., for one Minolta Bizhub C353 copier for the Wastewater Quality Control Facility.
7. Accept the Wawona Water Transmission Line and Well 16 Blending Station project as complete and authorize the City Clerk to file a Notice of Completion.
8. Accept public improvements for the Yosemite Avenue Lane Addition Project as complete, exonerate the performance bond and exonerate the labor and materials bond six (6) months after the date of acceptance.
9. Accept public improvements for the Union Ranch East 42” Storm Drain Constructed by “The Commons at Woodbridge Assisted Living Facility” Project as complete, exonerate the performance and exonerate the labor and materials bond six (6) months after acceptance.

10. Accept public improvements Ken Hill Estates, exonerate the performance bond and exonerate the labor and materials bond six (6) months after acceptance.
11. Accept the resignation of Brian Gookins from the Planning Commission and authorize the City Clerk to solicit applications to fill the unexpired term.
12. Receive and file report on City's employee recruitment process.
13. Waive the first reading by substitution of the title and introduce Ordinance No. 1417 Amending Chapter 15.04 of the Manteca Municipal Code as it Relates to the Government Building Facility Fee for Residential Land Uses, and adopt a Resolution Establishing a Process for Providing Credits and/or Reimbursements Relating to Payment of the City's Government Building Facilities Fee.
14. Approve plans and specifications and authorize a call for bids for the Installation of Playground Equipment Project at Shasta Park.
15. Approve an amendment to the agreement with EDAW, Inc., to prepare the Environmental Impact Report for Union Crossing Project for \$5,158.
16. Authorize destruction of certain Finance Department records.
17. Eliminate the position of Deputy City Manager, and approve the creation of the position of Deputy Director of Community Development/ Redevelopment at the Mid-Management 58-A Range.
18. Adopt a Resolution Determining the Total Annual Appropriations Subject to Limitation for the City of Manteca for Fiscal Year 2008-09 (Gann Limit).
19. Authorize a budget adjustment of \$79,015 to New Personnel Requests Fire and to Support Charge Revenue, and approve an additional Fire Inspector I position for the Redevelopment Agency at Technical Support and Services Range 34.
20. Approve Cooperative Personnel Services Test Security Agreement Terms and Conditions.
21. Approve a budget transfer of \$17,000 from Water Capital Improvements, Variable Frequency Drive from Well No. 14 Account to the Water Capital Outlay, Nitrate Analyzer Account.
22. Approve the sole source contract for services with Layne Christensen Co., for the rehabilitation of Well No. 19 for \$44,626.56
23. Approve a work order of \$21,962.97 with Verizon for the relocation of facilities on Union Road.
24. Approve a budget appropriation of \$93,820 from undesignated PFIP Transportation Fund Reserves to the Professional Services Account, and approve an amendment to the agreement with TY Lin for increased traffic planning tasks, the assumptions and comprehensive reports associated with the PFIP for \$93,820.
25. Approve Change Order No. 3 for the Atherton Drive (S. Union/Atherton) Extension Improvement Project for \$10,787.92.
26. Approve a budget appropriation totaling \$164,200 from Undesignated PFIP Reserves to various PFIP accounts, and approve an amendment to the agreement with Nolte Associates for increased traffic planning tasks, wastewater and the assumptions and comprehensive reports associated with the PFIP for \$163,900.
27. Approve a change order for the Airport/Daniels Area Improvement Project – Phase IV to install concrete K-rail with cyclone fencing along Costco's southern property line for \$154,000.
28. Approve City of Manteca Estoppel Certificate to Pivotal 650 California St., LLC, regarding transfer of the Manteca Stadium Park's interests in the East Phase of the Stadium Center development.

29. Adopt a resolution opposing fiscally irresponsible State budget decisions that would “borrow” local government and transportation funds.

B. PUBLIC HEARINGS

1. Consider granting a Certificate of Public Convenience and Necessity for Yogendra Sharma to operate Central Transport, a shuttle service.
2. Adopt Mitigated Negative Declaration No. 08-03 and approve Site Plan Review SPA-06-02 for the Tesoro Apartments, 1201 E. Atherton Drive, Albert Boyce, Tesoro Apartments, LLC.
3. Adopt a resolution making a finding the Sixth Amendment to the Development Agreement for the Tesoro Project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15305 of Article 19; waive the first reading by substitution of the title and introduce Ordinance No. 1412 Approving the Sixth Amendment to the Tesoro Development Agreement modifying setback requirements for Standard Pacific’s portion of the project.
4. Adopt a resolution making a finding the Second Amendment to the Development Agreement for the Sundance Project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15305 of Article 19; waive the first reading by substitution of the title and introduce Ordinance No. 1413 Approving the Second Amendment to the Sundance Development Agreement extending the terms of the agreement by two years.
5. Adopt a resolution making a finding the Second Amendment to the Development Agreement for the Oleander Estates Project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15305 of Article 19; waive the first reading by substitution of the title and introduce Ordinance No. 1414 Approving the Second Amendment to the Oleander Estates Development Agreement extending the term of the agreement by two years.
6. Adopt a resolution making a finding the Second Amendment to the Development Agreement for the Villa Ticino West Project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15305 of Article 19; waive the first reading by substitution of the title and introduce Ordinance No. 1415, Approving the Second Amendment to the Sundance Development Agreement extending the term of the agreement by two years.

C. POLICE

1. Receive and file report on the Nestor Traffic Systems study regarding red light violations at certain Manteca intersections, and set a public hearing regarding the deployment and implementation of a red light enforcement camera system.
2. Waive the first reading by substitution of the title and introduce Ordinance No. 1416, adding Sections 6.10.010 through 6.10.150 regarding the mandatory spaying and neutering of pit bull breeds.

D. PUBLIC WORKS

1. Receive status report for the Landscaping of the SR99/SR120 Interchange Project, and provide direction to staff as appropriate.

E. MAYOR AND COUNCIL

1. Accept the annual report and approve the Bylaws for the Public Safety Sales Tax Oversight Committee.
2. Approve reimbursement agreement with Tahir Mansoor for off-site improvements to the Islamic Center, 1058 S. Union Road.
3. Consider adopting resolutions, and authorize Councilman Hernandez as the City's voting delegate, to present the City's position on the issues to the League of California Cities at the annual conference in September.

F. ORAL COMMUNICATIONS

Persons who do not have items on the agenda may approach the City Council 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 encourages the public to participate in the meeting, proper decorum must be assured at all times. Therefore, no personal attacks will be permitted.

E. COUNCIL COMMENTS

F. ADJOURNMENT

This meeting of the Manteca City Council will adjourn to the next regular meeting of the City Council to be held on Tuesday, September 2, 2008, at 7:00 p.m., in the City Council Chambers, 1001 W. Center Street, Manteca, California.

This notice of an adjourned regular meeting of the Manteca City Council was posted on the bulletin board at City Hall, 1001 W. Center Street, Manteca, California, on August 15, 2008.

**JOANN TILTON, MMC
CITY CLERK**

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.2

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Chris Moore, CMC
Deputy City Clerk

Date: August 5, 2008

Subject: WAIVE THE FINAL READING BY SUBSTITUTION OF THE TITLE
AND ADOPT ORDINANCE NO. 1408 AMENDING SECTIONS
12.06.030, 12.06.040 AND 12.06.170 REGARDING PARADES AND
PROCESSIONS

Recommendation:

Waive the final reading by substitution of the title and adopt Ordinance No. 1408, an Ordinance of the City Council of the City of Manteca Amending Sections 12.06.030, 12.06.040 and 12.06.170 of the Manteca Municipal Code Regarding Parades and Processions.

Background:

Council waived the first reading by substitution of the title and introduced Ordinance No. 1408 at its July 21, 2008 meeting. In order to complete the ordinance process, the above action must be taken.

/cm
Attachment

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.3

Reviewed by
City Mgr's office: /s/ SJP

Memo to: City Council
From: Jeff Kendall, Public Works
Date: August 6, 2008
Subject: Contract with PG&E to Provide Electrical Connection to Traffic Signals on South Airport Way

Recommendation:

Approve Contract with PG&E to provide electrical connection to newly installed traffic signals on South Airport Way.

Background:

The Airport/Daniels Area Improvement Project – Phase IV included traffic controls on South Airport Way. This contract is necessary to provide electrical power to operate newly installed traffic signal lights.

The PG&E contract has been reviewed by Legal Counsel and has been approved as to form.

Funds are available in the Redevelopment Agency Account #245-5145-605-56-32.

Attachments:

PG&E contract ID # 1072581

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.4

Reviewed by
City Mgr's office: /s/ SJP

Memo to: City Council
From: Jason DeGroot, Senior Engineer
Date: August 8, 2008
Subject: Approve Agreement With Nolte Associates To Provide Design Services
For The Wastewater Collection System Master Plan Amendment

Recommendation:

Approve Agreement with Nolte Associates to provide design services for the Wastewater Collection System Master Plan Amendment, for an amount not to exceed \$59,900, and authorize the Mayor to sign same.

Background:

In February of 2008, City Council approved the 2006 Wastewater Collection System Master Plan. Consistent with previous wastewater collection system master plans, the 2006 master plan was designed as a gravity system with no force mains, and lift stations only when necessary. The development community has expressed concerns over the cost of having to construct the gravity system as well as an interim force main system that supports growth while the gravity system is built.

Staff has been working on a solution that would satisfy both the City's concerns for safety and reliability and the development community's concerns about cost. The solution staff is proposing is to switch from an all-gravity system to a lift and gravity system. See attachment 2. This new approach reduces the depth of the gravity pipelines, which significantly lowers the construction cost.

Staff's proposed solution was recently presented to the development community by the Public Works Director and it was received favorably. The Building Industry Association of the Delta has confirmed its support of the proposed solution by issuing a letter to the City. See Attachment 3.

Staff's preliminary work on the lift and gravity alternative needs to be refined and consolidated into an addendum to the 2006 Wastewater Collection System Master Plan.

Staff proposes to contract with Nolte Associates to prepare the addendum, and the proposed scope of services is summarized in attachment 1.

Nolte's services will be invoiced on a time-and-materials basis, at the consultant's fee schedule rate, for an amount not to exceed \$59,900. Funds for this work are available in PFIP-Sewer Account No 063-2403-482.27-01.

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

A supplement to the Environmental Impact Report for the 2006 Wastewater Collection System Master Plan will need to be prepared before the alternate system infrastructure can be constructed. A supplement to an EIR is not a lengthy process and can be accomplished without delaying implementation of the lift and gravity alternative. Consulting services will be needed to prepare the supplement, and staff will request approval for said services at a future council meeting.

Attachments:

1. Nolte Agreement, August 2008
2. Figure - Alternate Wastewater Collection System Master Plan, July 2008
3. Letter from BIA, August 7, 2008

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.5

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Alfredo Mijango, Assistant Engineer

Date: August 4, 2008

Subject: Approve Amendment No. 1 to the Agreement between the City of Manteca and MCR Engineering, Inc. regarding the Wastewater Quality Control Facility Record of Survey to include APN 241-310-16.

Recommendation:

Approve Amendment No. 1 to the Agreement between the City of Manteca and MCR Engineering, Inc. to include APN 241-310-16 in the Record of Survey, for an amount not to exceed \$3,200, and authorize Mayor to sign same.

Background:

The City is about to begin installation of new fencing around the perimeter of the Wastewater Quality Control Facility (WQCF) as required by the City's NPDES permit. The WQCF property is comprised of several parcels that have been purchased and added throughout the years. In order to ensure that the new fencing will be installed in the correct location, a Record of Survey is needed.

On February 19, 2008, the City Council approved an agreement with MCR Engineering to provide a Record of Survey for the WQCF. During the review of the Record of Survey map, it was discovered that APN 241-310-16 needed to be included as part of the project.

Copies of Amendment No. 1 to the Agreement and MCR Engineering's scope of work (Exhibit A) are attached for reference. The services will be invoiced on a time-and-materials basis, at the consultant's fee schedule rate, for a total amount not to exceed \$3,200. The revised contract amount will be \$17,700. Funds for this work are available in Account 064-2404-485.54-45. The City's Legal Counsel has reviewed and approved as to form.

This survey is exempt from the CEQA process per Title 14 of the California Code of Regulations (Section 15620).

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.6

Reviewed by
City Mgr's office: SJP

Memo to: City Council

From: Jose Jasso, Administrative Analyst

Date: August 6, 2008

Subject: Approve Maintenance And Lease Agreements For A Minolta Bizhub C353 Copy Machine To Be Used By The Wastewater Quality Control Facility.

Recommendation:

Approve maintenance and lease agreements with BOSS Business Systems, Inc. for one Minolta Bizhub C353 Copy Machine and authorize Mayor to sign same.

Background:

The lease of the copier at the WQCF has expired. The current copier is old technology and is starting to experience a lot of down time.

The Public Works Engineering, Development Services, Parks, and Fire Departments currently have copier lease and maintenance agreements with BOSS Business Systems, Inc. Those leases were approved after a competitive process, and staff recommends piggybacking onto that contract.

The annual cost of the lease and maintenance is estimated to be \$2705.00. Funds are available in account 064-2404-482-1702 (Sewer Maintenance and Operations).

Attachments: Lease and Maintenance Agreements

City Council Agenda
August 18, 2008
Consent Calendar

Reviewed by
City Mgr's office: _____

Memo to: Manteca City Council

From: Keith Conarro

Date: August 7, 2008

Subject: Accept the Wawona Water Transmission Line and Well 16 Blending Station Project as Complete

Recommendation:

Accept the Wawona Water Transmission Line and Well 16 Blending Station Project as complete and authorize City Clerk to File a Notice of Completion for same.

Background:

In accordance with the project specifications, the contractor completed construction of the Wawona Water Transmission Line and Well 16 Blending Station Project. The project included in installation of 1,400 feet of 18-inch water main in Wawona Street and a water blending system at Well 16. Change orders were issued during the project for realignment of the water main to avoid utility conflicts, additional paving, and support work for the surface water taps at London Road and Austin Road.

The water transmission line was placed into operation on March 17, 2008 and the support work for the surface water transmission line taps was completed on June 4, 2008. Construction was considered complete by June 20, 2008. The project location is shown on the attached map.

The total project cost was \$445,933.06.

Att: Notice of Completion
Location Map

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.08

Reviewed by
City Mgr's office: /s/ SJP

Memo to: City Council
From: Frederic Clark, Assistant Director of Public Works
Date: August 8, 2008
Subject: Accept public improvements known as Yosemite Avenue Lane Addition.

Recommendation:

Accept public improvements known as Yosemite Avenue Lane Addition as complete; approve exoneration of the performance bond for same; and approve exoneration of the labor and materials bond for same six (6) months after the date of acceptance.

Background

The developer of Spreckels Park was required to widen the north side of Yosemite Avenue from Cottage to Powers. This included pave-out and curb and gutter. All work has been completed to the City Inspector's satisfaction.

Attachments:
Completion memo from Construction Inspector

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.9

Reviewed by
City Mgr's office: /s/ SJP

Memo to: City Council

From: Frederic Clark, Assistant Director of Public Works

Date: August 8, 2008

Subject: Accept public improvements known as Union Ranch East 42" Storm Drain Connection

Recommendation:

Accept public improvements known as Union Ranch East 42" Storm Drain constructed by "The Commons at Woodbridge Assisted Living Facility" as complete; approve exoneration of the performance bond for same; and approve exoneration of the labor and materials bond for same six (6) months after the date of acceptance.

Background:

A 42" Storm Drain was constructed by "The Commons at Woodbridge Assisted Living Facility". All work has been completed to the satisfaction of the City Construction Inspector.

Attachments:
Completion memo from Construction Inspector

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.10

Reviewed by
City Mgr's office: /s/ SJP

Memo to: City Council
From: Frederic Clark, Assistant Director of Public Works
Date: August 8, 2008
Subject: Accept public improvements known as Ken Hill Estates (Tract # 3339).

Recommendation:

Accept public improvements known as Ken Hill Estates (Tract # 3339), and approve exonerated of the performance bond for same; and approve exonerated of the labor and materials bond for same six (6) months after the date of acceptance.

Background:

The developer has completed public improvements for Ken Hill Estates (Tract # 3339). All work has been completed to the City Inspector's satisfaction.

Attachments:
Completion memo from Construction Inspector

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.11

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Chris Moore, CMC
Deputy City Clerk

Date: August 11, 2008

Subject: AUTHORIZE THE CITY CLERK'S OFFICE TO SOLICIT
APPLICATIONS TO FILL THE REMAINDER OF THE TERM OF A
PLANNING COMMISSIONER

Recommendation:

Authorize the City Clerk's Office to solicit applications to fill the unexpired term of Planning Commissioner Brian Gookins.

Background:

Planning Commissioner Brian Gookins has submitted a letter of resignation from the Planning Commission due to changes in his work situation. Mr. Gookins' term runs through December 2008.

/cam

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.12

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Joe Kriskovich, Administrative Services Director
Date: August 10, 2008
Subject: City of Manteca Employment Process

Recommendation:

Receive and file report on the City of Manteca's employment process.

Background:

Councilman Hernandez requested an overview of the City's employment process. The attached flow chart describes the process utilized by the City.

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.13

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: August 11, 2008
Subject: Revised Government Building Facilities Fee and Provision of Credits/Reimbursements

Recommendation:

It is recommended Council take the following actions:

1. Waive the first reading by substitution of the title of Ordinance No. 1417, an Ordinance Amending Chapter 15.04 of the Manteca Municipal Code as it Relate to the Government Building Facilities Fee for Residential Land Uses;
2. Introduce Ordinance No. 1417; and
3. Adopt a Resolution Establishing a Process for Providing Credits and/or Reimbursements Relating to Payment of the City's Government Building Facilities Fee.

Background:

In September 2006, the City Council adopted Ordinance No. 1331, approving a revised Government Building Facilities (GBF) Fee. That revised fee became effective January 1, 2007.

The fee was phased in over a three-year period. For very-low and low-density homes, that meant a per-unit fee of \$4,000 effective January 1, 2007, increasing to \$4,350 January 1, 2008, and capping at \$4,702 January 1, 2009. From there the fee would be increased each year based in increased in the Engineering News Record (ENR)-Construction Cost Index.

Several lawsuits were filed regarding the collection of this fee. In June 2008, the City and the Building Industry Association of the Delta approved a Settlement Agreement and Mutual Release in the case filed by the BIA. That settlement established a GBF Fee for very-low and low-density homes of \$3,800 for members of the BIA. That fee would remain in place through December 31, 2011. The fee on January 1, 2012 would then

reflect the ENR increase from January 1, 2007 through December 11, 2011, added to the \$3,800, and then increased each year thereafter according to the ENR adjustment each respective year. The settlement also provides for a credit/reimbursement to those who have paid the higher GBF fee – the difference between the amount a developer paid after January 1, 2007 and the \$3,800 revised fee. The attached resolution establishes that process for providing such credits/reimbursements. The settlement also provides for the collection of this fee prior to conducting a final inspection on each home.

The settlement applies only to members of the BIA. However, the Council has approved a number of development agreements – some with members of the BIA and some not – that provide for the collection of the GBF Fee that became effective January 1, 2007, “unless a court of competent jurisdiction shall enter a final judgment and/or stipulation, or any revision by alternative dispute resolution, to either suspend or otherwise revise the amount or imposition of the Government Fee.” Thus, this “settled-upon” fee would also apply to those projects. In order to be consistent, the revised fee is hereby proposed, through the attached ordinance, to apply to all residential development with two exceptions: Pulte Homes and Morrison Homes, et. al (includes Florsheim Homes). These developers filed separate legal action against the City relative to the GBF Fee, specifically based on the issue of vested rights in their respective development agreements (Union Ranch-Pulte and Dutra Estates). The courts have initially ruled in these developers’ favor, requiring only the collection of the original \$350-per-unit fee. Thus, they are exempted from this Ordinance. In the event the City is successful in appealing those cases, the GBF Fees for these two projects would be revised in the future.

The revised fee provided for in this ordinance will become effective 30 days after the ordinance is adopted – October 2, 2008.

KLM

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.14

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: George Montross, Parks Planning and Development Superintendent, via
Steve Houx, Parks and Recreation Director

Date: August 4, 2008

Subject: Shasta Park Playground Equipment Installation Project

Recommendation:

Approve plans and specifications and authorize a call for bids for the Shasta Park Playground Equipment Installation Project.

Background:

Modifications to the original Shasta Park playground area have been completed and the contract to furnish playground equipment has been awarded by City Council. The next step in completing the playground improvements is to obtain bids from playground equipment installers.

The entire playground project is scheduled to be completed in December of 2008.

Funds are available in CDBG Account No. 014-1904-445.50-05 and the project funding has been reviewed by the Finance Director.

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.15

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Mark C. Nelson, Community Development Director

Date: August 4, 2008

Subject: Consider Approval of an amendment to the agreement of August 6, 2007 with EDAW, Inc. to increase the contract amount to prepare an Environmental Impact Report (EIR) for the Union Crossing Project by \$5,158 establishing a total contract value of \$384,202.00.

Recommendation:

Approve the amendment to the agreement of August 6, 2007, with EDAW, Inc. to increase the contract amount to prepare an Environmental Impact Report for the Union Crossing Project by \$5,158 establishing a total contract value of \$384,202.00, and authorize the Mayor to sign the amendment.

Background:

Environmental review for the Union Crossing commercial development project began in August, 2007 when the contract for the EIR was granted to EDAW with a contract amount of \$379,044. EDAW initiated work on the EIR, including the traffic subconsultants. Preparation on the traffic portion of the EIR was stopped because the approved scope of work for the traffic analysis was based on outdated traffic information.

Subsequently, in January 2008, EDAW submitted a revised proposed Scope of Work and contract amendment to the City in order to update the traffic portion of the contract. Also during this time the project applicant changed from Archon Group to AKF Development, Inc., which also included changes to the proposed project. On July 25, 2008, the applicant submitted the revised application for the Union Crossing Project, and staff has requested an updated Scope of Work (SOW) from EDAW Inc. for the EIR.

The following tasks are included in the Amendment to the EIR contract: project re-initiation, revised transportation scope of work, analysis of Health Risk Assessment, Analysis of proposed annexation and prezone of parcel adjacent to the project site, project meetings, and project management. The attached Request for Scope Amendment from EDAW, Inc., details each of these tasks as they relate to the EIR.

AKF Development Inc., the project proponent, has agreed to the cost of the proposed amendments, and has deposited the additional funds required for the amendment.

The City Attorney's office has reviewed the amendment and has approved it to form.

Attachments:

Union Crossing EIR - Request Scope Amendment

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.16

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Chris Moore, CMC
Deputy City Clerk

Date: August 11, 2008

Subject: AUTHORIZATION TO DESTROY RECORDS

Recommendation:

Authorize the destruction of Finance Department records, as more particularly described in Exhibit "A" attached.

Background:

The attached list contains records from the Finance Department. The City Attorney's Office has reviewed the lists of files and has consented to the destruction of the records pursuant to Government Code Section 34090.

/cam

City Council Agenda
August 21, 2008
Consent Calendar
Agenda Item No. A.17

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Joe Kriskovich, Administrative Services Director
Date: August 5, 2008
Subject: Authorization for a Deputy Director of Community
Development/Redevelopment

Recommendation:

1. Eliminate the position of Deputy City Manager, and approve the creation of the position of Deputy Director of Community Development/Redevelopment at the Mid-Management 58-A range.

Background:

The position is being requested to address the day-to-day operation of the Redevelopment Agency. With the resignation of the Deputy City Manager, who also served as the Director of the Redevelopment Agency, this position can perform all the necessary functions of leading and administering the RDA at a significant cost savings. This position will report to the Community Development Director.

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.18

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Suzanne Mallory, Finance Director
Date: August 11, 2008
Subject: Adopt a Resolution Setting Appropriations Limit for the City of Manteca for Fiscal Year 2008-09

Recommendation:

Adopt a Resolution Determining the Total Annual Appropriations Subject to Limitation for the City of Manteca for Fiscal Year 2008-09(Gann Limit).

Background:

In conjunction with the adoption of the City's annual budget, the City is required to establish the City's Appropriations Limit under Article XIII.B of the State Constitution. The Appropriations Limit is more commonly known as the Gann Limit.

The Appropriations Limit has been updated to reflect the final budget as adopted by Council on July 16, 2008. The Appropriations Limit for Fiscal Year 2008-09 is \$41,408,041. Calculations indicate that the City is \$15 million under the Gann Limit.

Attached are the schedules used to calculate the City's final Gann Limit. A narrative is also included which provides a general background on the limit, a summary of the City's calculations and what the limit means to City finances.

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.19

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Joe Kriskovich, Administrative Services Director
Date: August 6, 2008
Subject: Authorization for an additional Fire Inspector I.

Recommendation:

1. Approve an additional Fire Inspector I position for the Redevelopment Agency at Technical Support and Services range 34.
2. Authorize a budget adjustment of \$79,015 to New Personnel Requests Fire (001-1301-411-11-00) and to Support Charge Revenue (001-0000-356-02-00).

Background:

The fire inspection work load of the Fire Prevention Office has greatly increased over the last several years, yet staffing levels in fire inspection have remained the same.

There has been a significant increase in Fire Prevention activities, such as; business inspections, new business license inspections, weed abatement inspections, weed abatement citations, citizen's complaints, providing fire safety demos, and other Fire Prevention assignments.

In 1988, the fire prevention staff consisted of 3 personnel (Fire Marshal, Deputy Fire Marshal and Fire Inspector). The workload at the time consisted of: 95 Inspections, 89 plan checks, 229 weed abatement inspections, 45 citations issued, 66 fire systems tested, and 21 public talks. In 1988 there were NO Haz-Mat inspections, NO fireworks booth inspections and NO Fire Safety Trailer.

In 2007, the workload for the Fire prevention staff which consist of the same number of inspection personnel and one Administrative Assistant consisted of: 1,771 business inspections, 194 Business License Inspections, 399 plan checks, 2,093 weed abatement citations, 235 fire systems tested, and 460 public education demos and classes. 46 inspections of businesses with hazardous materials, 56 inspections of Fireworks Booths.

In addition, the immediate future for the City of Manteca indicates a significant increase in schools, commercial buildings (Bass Pro, Costco, Lowes, JC Penny, and the entire Orchard Valley project), industrial buildings with specialized hazards (Millards and Dryers for example), high rise structures (Bank of the West, hotels and motels), and senior citizen projects (Dell Webb, The Commons, and the Prestige Living Center). All will contribute to an increased workload for the Fire Prevention Division.

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.20

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Joe Kriskovich, Administrative Services Director
Date: July 29, 2008
Subject: Cooperative Personnel Services (CPS) Test Security Agreement

Recommendation:

It is recommended the City Council approve the attached Cooperative Personnel Services Test Security Agreement Terms and Conditions.

Background:

For the past several years, the City has contracted with Cooperative Personnel Services (CPS) to provide testing services during the employee recruitment process. CPS provides all written examination materials for most classifications with the City, and then scores the tests once City personnel administer them. CPS also provides a validated process, which is essential in recruiting qualified employees.

This agreement has been reviewed by the City Attorney's Office and approved as to form.

Attachments

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.21

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Eric Medeiros, Water Systems Superintendent

Date: August 8, 2007

Subject: Approve Budget Transfer of \$17,000 from Water Capital Improvements, Variable Frequency Drive for Well #14 Account (068-2408-495.58-50) to the Water Capital Outlay, Nitrate Analyzer Account (068-2408-494.48-57)

Recommendation:

Approve budget transfer of \$17,000 from Water Capital Improvements, Variable Frequency Drive from Well #14 Account (068-2408-495-58-50) to the Water Capital Outlay, Nitrate Analyzer Account (068-2408-494-48-57).

Background:

At the time of budget preparation, Water Production staff recommended the purchase of a variable frequency drive (VFD) unit to operate Well #14. This pump motor drive would allow the well to match water demand fluctuations during its operating cycle. However, rather than attempt to operate the pump in a demand-matching mode, staff has found that it is more effective to run the pump in a timed-operation mode. As such, a VFD is no longer needed for this well site.

The California Department of Public Health has mandated the use of a nitrate analyzer on three of the City's wells as a component of their permitted operation. Should a nitrate analyzer fail, the well must be removed from service until the unit is repaired and functioning properly. During the summer months when the water demand is high, all City wells are needed to meet the demand. The failure of a nitrate analyzer during the high water demand season would impair staff's ability to meet the City's water demands. To minimize the impact of a nitrate analyzer failure, staff proposes to purchase a backup nitrate analyzer using the funds currently budgeted for the Well #14 VFD.

The Finance Director has reviewed the report and concurs that funding is available for this budget transfer.

City Council Agenda
August 18, 2008
Consent Calendar

Reviewed by
City Mgr's office: _____

Memo to: Manteca City Council
From: Eric Medeiros, Water Systems Superintendent
Date: August 7, 2008
Subject: Approve sole source contract for Well #19 Rehabilitation

Recommendation:

Approve the sole source contract for services with Layne Christensen Co. for the rehabilitation of Well #19 in the amount of \$44,626.56.

Background:

The biological rehabilitation of Well #19 is being submitted as an Sole Source contract request with Layne Christensen Company. The well is currently off line and cannot be placed into service until this situation is remedied. Also the bacteria present in this well are fast growing, especially when the well experiences periods of inactivity. For this reason and the fact that the additional water is essential to meet the peak water demands of the City, including fire suppression, staff is proposing utilizing the sole source services of Layne Christensen Co. because of the urgent need to meet these demands.

Due to their expertise in well construction, maintenance, rehabilitation and microbiology, Layne Christensen Company was contracted to perform an evaluation of the type of bacterial contamination and the structural integrity of the well. This information is essential to determine the appropriate process for effective well rehabilitation. Because of their expertise in this field of work and the fact that they have prescribed the rehabilitation process, they should be contracted to perform the well rehabilitation. They have the ability to implement the necessary chemical and physical treatment methods. This provides for a single, highly experienced contractor performing the work and ensures accountability for the outcome of the rehabilitation process.

Layne Christensen submitted a cost estimate \$44,626.56 for the well rehabilitation work and the installation of the pump, well column and an engineered suction tube. The work will consist of chemical disinfection with a pH stabilizer, swabbing screened areas, air injection to passivate the interior of the well casing. The well pump will be reinstalled

with an engineered suction tube to eliminate static areas in the well, which will help reduce regrowth of the contaminating bacteria.

Funds from Water Maintenance and Operation Account 068-2408-492.23-19 Wells and Pumps will be used to purchase the prescribed well rehabilitation services. There are sufficient funds in the account for the work.

Since this project involves the repair of an existing facility, it is exempt from the CEQA process per Article 19, Section 15301 of Title 14 of the California Code of Regulations.

Attachments: Layne Christensen Project Cost Estimate, July 31, 2008
Layne Christensen Letter, Project Findings and Recommendations,
July 28 and July 31, 2008

**City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.23**

Reviewed by
City Mgr's Office: /s/ SJP

TO: Mayor and Council

FROM: Frederic M. Clark, Assistant Director of Public Works

DATE: August 8, 2008

SUBJECT: **Atherton Drive Extension/Union Road Widening
APPROVE WORK ORDER WITH VERIZON**

RECOMMENDATIONS:

Approve Work Order, in the amount of \$21,962.97, with Verizon for the relocation of facilities on Union Road, and authorize the Mayor to sign same.

DISCUSSION:

The widening of Union Road involves the moving of existing utilities. Verizon has a line along the east side of Union Road, from eastbound Highway 120 ramps to Atherton Drive that is in the way of construction. Their cost to move the line is \$21,962.97, and the City is responsible for paying this cost. Funding for this project is being appropriated from Redevelopment Area No. 2 Capital Project Fund Undesignated Reserves to the Atherton Extension (South Union/Atherton) Project Account.

Attachments:

Verizon Work Order dated July 24, 2008

**City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.24**

Reviewed by
City Manager's office: /s/ SJP

TO: Manteca City Council
FROM: Frederic M. Clark, Assistant Public Works Director
DATE: August 8, 2008

SUBJECT: Approve Amendment to Professional Services Agreement with T Y Lin

Recommendations:

1. Approve budget appropriation of \$93,820 from PFIP fund reserves to account 059-2109-442.27-01.
2. Approve amendment to the Professional Services Agreement (Agreement No. A2290) with T Y Lin for increased traffic planning tasks, the assumptions and comprehensive reports associated with the PFIP, for an of amount not-to-exceed \$93,820, and authorize Mayor to sign same.

Background:

Through the course of updating the Public Facilities Implementation Plan, the City has required additional analysis and processing of the project. The additional work tasks have come about due to segmenting the overall project, and additional analysis regarding interchange funding.

The City Attorney has approved this amendment as to form.

Adequate funding exists in the PFIP fund reserves.

Attachments:

T Y Lin letter dated June 20, 2008

**City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.25**

Reviewed by
City Manager's office: /s/ SJP

TO: Manteca City Council
FROM: Frederic M. Clark, Assistant Public Works Director
DATE: August 8, 2008

SUBJECT: Approve Change Order No. 3 for the Atherton Drive Extension Improvement Project (South Union/Atherton)

Recommendations:

Approve Change Order No. 3 for the Atherton Drive Extension Improvement Project (South Union/Atherton) for an amount not-to-exceed \$10,787.92, and authorize Mayor to sign same.

Background:

The Atherton Drive Extension will complete Atherton Drive between Union Road and South Main Street. This change order is for the removal of asbestos from the residence at 1663 South Main Street, which is being demolished to make way for the road.

Funding for this change order is being appropriated from the Redevelopment Agency.

Attachments:

Letter from George Reed, Inc., dated August 6, 2008

Change Order No. 3

**City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.26**

Reviewed by
City Manager's office: /s/ SJP

TO: Manteca City Council
FROM: Frederic M. Clark, Assistant Public Works Director
DATE: August 8, 2008

SUBJECT: **Approve Amendment to Professional Services Agreement with Nolte Associates, Inc.**

Recommendations:

1. Approve budget appropriation from PFIP fund reserves to project accounts as follows:

- | | |
|-----------------------|----------|
| a. 058-2108-442.27-01 | \$34,600 |
| b. 059-2109-442.27-01 | \$ 3,400 |
| c. 063-2403-482.27-01 | \$91,600 |
| d. 070-2410-492.27-01 | \$34,600 |

2. Approve amendment to the Professional Services Agreement (Agreement No. A2293) with Nolte Associates, Inc. for increased traffic planning tasks, wastewater and the assumptions and comprehensive reports associated with the PFIP, for an amount not-to-exceed \$163,900, and authorize Mayor to sign same.

Background:

Through the course of updating the Public Facilities Implementation Plan, the City has required additional analysis and processing of the project. The additional work tasks have come about due to segmenting the overall project, the creation of the wastewater treatment fee, and additional analysis regarding interchange funding.

The City Attorney has approved this amendment as to form.

Adequate funding exists in the PFIP fund reserves.

Attachments:

Nolte letter dated July 31, 2008

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.27

Reviewed by
City Mgr's office /s/ SJP

Memo to: City Council
From: Jeff Kendall, Public Works
Date: August 6, 2008
Subject: Airport/Daniels Area Improvement Project – Phase IV, Change Order

Recommendation:

Approve change order for the Airport/Daniels Area Improvement Project - Phase IV, to install approximately 656 lineal feet of concrete K-rail with cyclone fence along Costco's southern property line, increasing the project cost by an amount not exceed \$154,000.

Background:

This change order involves additional work to provide approximately 656 lineal feet of concrete K-rail meeting Caltrans requirements along Costco's southern property line adjacent to SR 120. The City is using its existing permit with CALTRANS and existing contract with Sierra Nevada Construction to perform this work.

The total cost of the change order includes the actual physical work, as well as permitting and contingency costs. Adequate funding exists in Redevelopment Account No. 245-5145-605.56-32 to cover this expense. Costco is entering into a reimbursement agreement with the City for this work.

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.28

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: August 11, 2008
Subject: Estoppel Certificate Relating to the Transfer of Property at Stadium Park

Recommendation:

Approve City of Manteca Estoppel Certificate to Pivotal 650 California St., LLC, regarding the transfer of the Manteca Stadium Park's interest in the East Phase of the Stadium Center development, and authorize the Mayor to sign said Estoppel Certificate and letter dated July 23 regarding same.

Background:

The attached Estoppel Certificate has been prepared to complete the transfer of the Costco property from Manteca Stadium Park. L.P. (Kitchell) to Pivotal 650 California St., LLC. This transfer is consistent with the development agreement and its two amendments.

The City's special legal counsel has reviewed the attached certificate and associated letter, and is recommending Council approve and authorize the Mayor to sign both documents. A related item is also on the Redevelopment Agency agenda relating to the Disposition and Development Agreement.

KLM

City Council Agenda
August 18, 2008
Consent Calendar
Agenda Item No. A.29

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Joann Tilton, MMC
City Clerk

Date: August 5, 2008

Subject: Resolution Opposing Fiscally Irresponsible State Budget Decisions

Recommendation:

Adopt a resolution opposing fiscally irresponsible State budget decisions that would "borrow" local government and transportation funds.

Background:

The League of California Cities is requesting City Council's consider adopting the attached resolution urging the state to balance the budget with state funds, not with local government and transportation funds that are needed for vital community services and infrastructure.

Should Council adopt the resolution, a letter from the Mayor will be sent to our Legislators and the Governor noting our appreciation for the Governor's opposition to further legislative borrowing and raids on local government and transportation funding.

/jlt
Attachment

City Council Agenda
August 18, 2008
Public Hearings
Agenda Item No. B.1

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Chris Moore, CMC
Deputy City Clerk

Date: August 13, 2008

Subject: CONSIDER GRANTING A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR CENTRAL TRANSPORT

Recommendation:

After taking public testimony, consider granting a Certificate of Public Convenience and Necessity to Yogendra Sharma to operate Central Transport.

Background:

Yogendra Sharma has filed an application for a Certificate of Public Convenience and Necessity to operate Central Transport, a shuttle service to transport citizens from hospitals and other public places to their homes in an appropriate time frame. The following conditions must exist in order to issue the Certificate of Public Convenience and Necessity:

- A. "That the applicant is financially responsible, and that the applicant is of good moral character, or where applicant is a corporation, that the officers of the applicant are of good moral character." The applicant has submitted correspondence regarding financial responsibility (attached).
- B. "That the persons holding permits or licenses for the operation of motor vehicles for hire are under the experienced and efficient management earning a fair and reasonable return of their capital devoted to such service." The applicant is currently licensed to operate this business in Tracy, Stockton, Ripon, Modesto, Ceres and Turlock.
- C. "That the applicant has complied with the provisions of all City, State and Federal laws applicable to the proposed operation." It appears the applicant is in compliance with City requirements. Staff cannot speak to compliance with State and Federal requirements.

D. "That the additional service will not exult in a greater hazard to the public, and will not create traffic congestion or parking problems." No negative impact should occur as a result of this type of business. Mr. Sharma's office is in Ripon.

/cam

Attachments

City Council Agenda
August 18, 2008
Public Hearings
Agenda Item No. B.2

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council

From: Mark C. Nelson, Community Development Director

Date: August 4, 2008

Subject: Initial Study Mitigated Negative Declaration, and Site Plan Review SPA-06-02, Tesoro Apartments, 1201 East Atherton Drive, Albert Boyce, Tesoro Apartments, LLC.

Recommendation:

1. Make the following findings to adopt the Tesoro Apartments Mitigated Negative Declaration No. ND-08-03:
 - a. The City Council, as lead agency for the project, has reviewed and considered the information contained in the Initial Study and Mitigated Negative Declaration for the Tesoro Apartments, and finds that they have been completed in compliance with the California Environmental Quality Act.
 - b. Comments received on the Initial Study and Mitigated Negative Declaration were considered and a response provided.
 - c. There will not be a significant effect on the environment because mitigation measures have been developed and incorporated into the proposal to reduce impacts to less than significant levels.
 - d. A mitigation monitoring program was established to monitor responsibility, timing, and verification of the mitigations identified by the Initial Study.
 - e. The decision to adopt a Mitigated Negative Declaration represents the independent judgment of the City.
2. Adopt the Mitigated Negative Declaration (ND-08-03) as prepared for the Tesoro Apartments project as adequate environmental documentation and authorize staff to file a Notice of Determination with the San Joaquin County Clerks office.
3. Make the following findings to approve Site Plan Review No. SPC-06-02:

- a. That the architectural style of the structures incorporates appropriate construction materials and colors.
 - b. That structures are appropriately located on the site with proper setbacks, and that their locations provide for vehicular circulation for the anticipated traffic of the projected uses.
 - c. That the project as conditioned meets parking, loading, landscaping, screening, water efficient criteria and shading requirements.
 - d. That the project as conditioned conforms to the Special Design Review Standards for Multiple-Family Residential Districts.
 - e. That as conditioned the proposed Site Plan is in conformance with Manteca's General Plan and Zoning Ordinance.
 - f. That the site plan was reviewed and conditioned by the appropriate City Departments, Utilities, and Agencies and that these conditions are incorporated with this resolution as the "Tesoro Apartments, Development Review Conditions," dated July 29, 2008.
4. Approve Site Plan No. SPC-06-02 for development of the Tesoro Apartments project subject to the Development Review Conditions dated July 29, 2008.

Background:

The Tesoro Apartments project site is located at 1201 East Atherton Drive, which is immediately south of State Route 120 east of Van Ryn Avenue. The site is generally bounded by the highway to the north, the developing single-family residential portion of the Tesoro project to the south across Atherton Drive, the Paseo Villas Apartment complex to the west, and a Union Pacific Railroad track running parallel to Moffat Boulevard to the east.

The proposed project consists of site approval for a 300-unit apartment complex on a 15.37-acre parcel, and adoption of a Mitigated Negative Declaration. The apartment complex includes construction of 19 two- and three-story buildings with apartment units ranging in size from 737 square feet to 1,574 square feet. The complex also includes a 6,551 square-foot clubhouse for use by residents, a swimming pool, a small children's playground, a walled storage area, architecturally enhanced garages, carports, and open parking. The project is consistent with its Planned Development zoning and HDR, High-Density Residential General Plan land use designation.

At its regularly scheduled Public Hearing of July 29, 2008, the Planning Commission considered staff's recommendations to recommend approval of the requests. Based on

staff's presentation and positive public testimony, the Planning Commission unanimously recommended approval, subject to the Development Review Conditions.

PROJECT ANALYSIS:

Environmental Review:

The Initial Study (IS) for the Tesoro Apartment Project was prepared to assess potential environmental effects relating to development of the site, as required by the California Environmental Quality Act (CEQA). The Initial Study serves as a preliminary environmental analysis to determine whether an environmental impact report (EIR) or negative declaration (ND) is needed. The results of the Tesoro Apartment IS are that the environmental impacts can be mitigated to less-than-significant levels and that a mitigated negative declaration (MND) is warranted.

Included with this agenda report are the Initial Study and, the Mitigation Monitoring and Reporting Program (MMRP). The Initial Study is the main document including all of the analysis, and the MMRP is a consolidation of the mitigations identified in the IS, detailing who is responsible for their implementation, when the mitigation must be completed, and who is responsible for verifying the mitigation is complete.

In the recent past, most projects along the Highway 120 corridor have resulted in the need for the preparation of an environmental impact report primarily due to a project's impacts on neighboring traffic facilities. Even smaller projects would require an EIR because they contributed to the cumulative impacts on traffic facilities. In other words, the small project by itself does not have a big impact, but when combined with all of the existing and future projects in the area its small contribution tips the scale to an EIR. This project was one that initially tipped the scales because the IS identified cumulative impacts that were either not fully funded or significant and unavoidable, which required preparation of an EIR.

In an attempt to provide this project and other small projects in the future with potential relief from cumulative conditions triggering EIRs, staff met with the traffic consultants for the project and special CEQA legal counsel under contract to the City. The result of our meetings was the establishment of draft transportation impact analysis (TIA) guidelines that set thresholds of significance for impacts to the freeway, freeway ramps, and surface roads and intersections. These guidelines gave the traffic consultants the ability to exclude certain facilities from being analyzed because the project's impacts to these facilities were not large enough to be studied. CEQA defines these impacts as being not "cumulatively considerable." The guidelines also helped establish level of service (LOS) thresholds to determine if an impact is considered significant.

The IS summarizes on pages 3-55 through 3-57, the results of the Traffic Impact Study (Appendix B). The IS states that the LOS of all study intersections and freeway on and off ramps will operate at acceptable LOS C or better with the Tesoro Apartments project.

The IS further summarizes that development of the Tesoro Apartment project, in addition to the existing projects and future projects (cumulative plus project), creates impacts to the Main Street/Hwy 120 east and west bound ramps, the Main Street and Woodward intersection, the Van Ryan and Atherton intersection, Main Street itself between 120 and Woodward, and Bicycle and Pedestrian facilities on Atherton. Each of these traffic related impacts was found to be "less than significant with mitigations," which means the applicant has agreed to conditions and/or mitigations that install or contribute toward funding necessary improvements.

Payment of the Public Facilities Implementation Plan (PFIP) fees at the time building permits are issued is the main mitigation for the identified traffic impacts. Since it is likely the PFIP fee in place at the time building permits are issued will not fully fund the cost of the improvement, then the project applicant will also pay a fair share of the unfunded portion of the improvement. Mitigation of the impacts to less-than-significant levels allows for consideration of the proposed mitigated negative declaration.

The Tesoro Apartment project is found to not have a "cumulatively considerable" impact on the North & Southbound freeway segments of 99 south of Austin Road, and between Austin Road and 120 during AM and PM peak hours because the project's contribution to future traffic does not significantly contribute to degrading the predicted LOS. The same is found for the studied freeway ramp junctions including the northbound 99 off ramps at Austin Road and 120 in the morning peak hour, and the southbound 99 on and off ramps at Moffat Boulevard in the evening peak hour.

Other sections of the IS identifying impacts requiring mitigations include the Aesthetics and Visual Resources, Air Quality, Biological Resources, Geology, Public Services, Hazards, Noise, and Cultural Resources sections. Most of the listed mitigations are standard and expected with most projects including compliance with existing ordinances, payment of established fees, and obtaining required permits and approvals from outside agencies such as the San Joaquin Unified Air Pollution Control District and Council of Governments Habitat division.

A "notice of intent" to adopt the MND was advertised, posted, and mailed to the City's list of individuals and agencies that have requested to be notified of environmental actions of the City. The notice included the IS, and MND and requested comment within the required 20-day review period between July 8, 2008 and July 28, 2008. During this time the City received comment from the San Joaquin County Environmental Health Department and the State Department of Transportation for which a response was provided (see attached).

Site Plan and Architectural Review:

The project was designed as a luxury apartment complex with an enhanced architectural appearance, enclosed garages, attractive landscaping, and on-site amenities including a clubhouse, pool and tot lot. Of the 19 apartment buildings, there are 7 different variations of 3-story, 3-story flanked by 2-story, 2-story, and 2-story duplex. The three 3-story

buildings have been placed to the north, east, and west of the clubhouse and pool, so that the tallest and most prominent element is centered on the site and set back from Atherton Drive. The 3-story buildings also function as a sound barrier between the highway and the clubhouse courtyard and pool area. The other four 3-story buildings are less bulky in appearance because the roof lines taper down to 2-story on the ends. These buildings are equally spaced east and west of the 3-story group in the center. The remaining buildings are 2-story.

All of the structures including the clubhouse and garages have a well-appointed architectural appearance including arched entries, corbelled eaves, framed windows and shutters, tower features, decorative wrought iron railings and accents, steel trellises, and decorative light fixtures. The exterior elevations materials include primarily stucco, and stone, with wood accents, and scalloped barrel roof tile. The elevations are enhanced with articulated roof lines, arched breezeway entries flanked with stone columns, and changes in depth, color, and materials to help break up the long tall walls. The complex has a contemporary color scheme of alternating mustards, tans and browns. The overall appearance is attractive and has an upscale residential appeal.

The project's primary access is located at the center of the project site on Atherton Drive aligned with Sereno Drive to the south. There are secondary driveways at the east and west ends of the project at Van Ryn Avenue and Atherton Drive. Establishing the main entrance at the intersection of Atherton and Sereno Drives places all turning movements along this stretch of Atherton in one location. The main entrance also provides access to the Tesoro single-family residential subdivision and its future school and park sites to the south. The main entrance is enhanced with colored concrete paving, a fountain centered in the driveway, low walls on each side of the driveway, and decorative stone columns supporting steel trellises that add a pedestrian amenity. The clubhouse, being the most attractive building of the complex with its many towers and windows, is located at the end of the main entry and is visible from Atherton Road. Each of these enhancements is intended to provide an attractive and inviting gateway into the apartment complex for both motorists and pedestrians.

The driveways throughout the apartment complex are lined with garages, carports, and open parking stalls. Required off-street parking for the apartment complex is 2 parking stalls per dwelling unit plus $\frac{1}{4}$ of a stall per dwelling unit for guest parking which amounts to 675 stalls. Half of the parking stalls are required to be covered but the plan exceeds this requirement by providing 400 covered stalls with 100 garages and 300 carports.

Staff finds that landscaping is an important element to the project as it ties directly into the requirement to provide usable open space for the residents, and helps to define usable outdoor spaces between buildings and the courtyards along the walking paths throughout the complex. Staff finds that the landscaping is appropriately located in sufficient quantities throughout the site to soften building elevations, provide shade, and screen unattractive off-site views such as the highway to the north.

Staff finds that the project is well designed in all aspects including site access, internal circulation for cars, and pedestrians, provision of adequate parking for residents and guests, and that the proposed buildings and associated structures all have an enhanced architectural appearance.

The Planning Commission found that the project was reviewed and conditioned by the appropriate City departments and local agencies, and that as conditioned is in conformance with the City's General Plan, Zoning, and therefore meets the requirements for the development of this apartment project.

MM

Attachments:

Vicinity Map

Site Plan & Elevations

Development Review Conditions

Initial Study, Mitigated Negative Declaration

Mitigation Monitoring and Reporting Program

Comments and Responses

City Council Agenda
August 18, 2008
Public Hearings
Agenda Item No. B.3

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: August 12, 2008
Subject: Sixth Amendment to the Tesoro Development Agreement

Recommendation:

1. Adopt a resolution making a finding that the Sixth Amendment to the Tesoro Development Agreement is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15305 of Article 19;
2. Waive the first reading by substitution of the title of Ordinance No. 1412, an ordinance approving the Sixth Amendment to the Tesoro Development Agreement, modifying setback requirements for Standard Pacific's portion of the project; and
3. Introduce Ordinance No. 1412.

Background:

The proposed Development Agreement Amendment proposes the following modification:

- Modify minimum setbacks to provide more flexibility in developing the project. Setbacks may be reduced on one side of the lot, but must be added to the other side, thereby maintaining adequate distance between the homes. This amendment shall only apply to the portion of the Tesoro subdivision being developed by Standard Pacific Homes.

Subject to the Sixth Amendment to the Tesoro Development Agreement, staff found the project to be consistent with the Manteca General Plan. The Planning Commission considered this amendment at its July 29, 2008 meeting and recommended approval.

KLM

City Council Agenda
August 18, 2008
Public Hearings
Agenda Item No. B.4

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: August 12, 2008
Subject: Second Amendment to the Sundance Development Agreement

Recommendation:

1. Adopt a resolution making a finding that the Second Amendment to the Sundance Development Agreement is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15305 of Article 19;
2. Waive the first reading by substitution of the title of Ordinance No. 1413, an ordinance approving the Second Amendment to the Sundance Development Agreement extending the term of the agreement by two years; and
3. Introduce Ordinance No. 1413.

Background:

The proposed Development Agreement Amendment proposes the following modification:

- Modify the term (life) of the development agreement, extending it by two years. The agreement was approved for a period of eight years. However, in July 2008, the City Council approved an extension of the life of the sewer allocations, from three years to five. This amendment will now extend the overall term of the development agreement from eight to 10 years, to coincide with the life of the last year's allocation contained in the agreement.

Subject to the Second Amendment to the Sundance Development Agreement, staff found the project to be consistent with the Manteca General Plan. The Planning Commission considered this amendment at its July 29, 2008 meeting and recommended approval.

KLM

City Council Agenda
August 18, 2008
Public Hearings
Agenda Item No. B.5

Reviewed by
City Mgr's office: /s/SJP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: August 12, 2008
Subject: Second Amendment to the Oleander Estates Development Agreement

Recommendation:

1. Adopt a resolution making a finding that the Second Amendment to the Oleander Estates Development Agreement is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15305 of Article 19;
2. Waive the first reading by substitution of the title of Ordinance No. 1414, an ordinance approving the Second Amendment to the Oleander Estates Development Agreement extending the term of the agreement by two years; and
3. Introduce Ordinance No. 1414.

Background:

The proposed Development Agreement Amendment proposes the following modification:

- Modify the term (life) of the development agreement, extending it by two years. The agreement was approved for a period of eight years. However, in July 2008, the City Council approved an extension of the life of the sewer allocations, from three years to five. This amendment will now extend the overall term of the development agreement from 10 to 12 years, to coincide with the life of the last year's allocation contained in the agreement.

Subject to the Second Amendment to the Oleander Development Agreement, staff found the project to be consistent with the Manteca General Plan. The Planning Commission considered this amendment at its July 29, 2008 meeting and recommended approval.

KLM

City Council Agenda
August 18, 2008
Public Hearings
Agenda Item No. B.6

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: August 12, 2008
Subject: Second Amendment to the Villa Ticino West Development Agreement

Recommendation:

1. Adopt a resolution making a finding that the Second Amendment to the Villa Ticino West Development Agreement is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15305 of Article 19;
2. Waive the first reading by substitution of the title of Ordinance No. 1415, an ordinance approving the Second Amendment to the Villa Ticino West Development Agreement extending the term of the agreement by two years; and
3. Introduce Ordinance No. 1415.

Background:

The proposed Development Agreement Amendment proposes the following modification:

- Modify the term (life) of the development agreement, extending it by two years. The agreement was approved for a period of nine years. However, in February 2008, the City Council approved an extension of the life of the sewer allocations, from three years to five. This amendment will now extend the overall term of the development agreement from nine to 11 years, to coincide with the life of the last year's allocation contained in the agreement.

Subject to the Second Amendment to the Villa Ticino West Development Agreement, staff found the project to be consistent with the Manteca General Plan. The Planning Commission considered this amendment at its July 29, 2008 meeting and recommended approval.

City Council Agenda
August 18, 2008
Police
Agenda Item No. C.1

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Dave Bricker, Chief of Police
Date: July 28, 2008
Subject: Deployment of Red Light Enforcement Camera System

Recommendation:

Receive and file a report on the Nestor Traffic Systems study regarding red light violations at certain Manteca intersections and set a public hearing regarding the deployment and implementation of a red light enforcement camera system.

Background:

At the meeting of May 5, 2008, Council authorized Nestor Traffic Systems (NTS) to conduct a survey of selected intersections in the City of Manteca for red light violations. On May 18, 19, and 20, 2008, surveys were conducted at six intersections. Each intersection was monitored for 16 hours. The survey monitored through traffic, left, and right turn violations. The through and left turn violations are listed below.

Main St. and Center St.	29 violations
Main St. and Yosemite Ave.	47 violations
Main St. and Louise Ave.	12 violations
Louise Ave. and Union Rd.	2 violations
Lathrop Rd. and Union Rd.	11 violations
Union Rd. and Northgate Dr.	33 violations

Right turn violations at each of these intersections were so frequent that the survey evaluators stopped counting at 50 violations per intersection. At my direction, the evaluators tabulated the total number of right turn violations at Union Rd. and Northgate Dr. during the 16 hour survey period. There were 181 violations during this time period. It should be noted that the violations identified in this survey are based on the observations and opinion of the evaluator. Should Manteca decide to initiate a camera enforcement project, photographs and video of the violations will be reviewed by a trained member of the Police Department's Traffic Unit to determine if the violation has occurred before any citation is issued.

The Nestor Traffic System's automated traffic enforcement system utilizes a computerized camera control system. Unlike other red light camera systems that require significant roadway alterations to bury pressure or magnetic camera actuators, the NTS system uses computerized camera targeting system that requires no roadway modifications.

An additional benefit of the NTS system is its collision-avoidance technology. The NTS computer exercises limited control over the changing of the traffic signals. When the signal light turns yellow, the system analyzes the speed of approaching vehicles and determines if they will be able to stop prior to the light changing to red. If the computer determines that the vehicle is traveling too fast and will likely run the light, it will hold the light for cross traffic on red until the vehicle has safely stopped or cleared the intersection. It is difficult to determine how many collisions this technology would prevent, but this will clearly make those intersections safer.

The traffic control cameras are permanently affixed to supports or existing light poles. NTS will work with the City of Manteca to make the appearance of the cameras and poles consistent with the current aesthetics of the traffic lights installed at these intersections. The cameras are permanently directed to cover traffic lanes only. They cannot be remotely moved to look and any other direction but at the roadway. It will be possible for Police to access the cameras from the Police Department or from patrol cars to view the roadways monitored by the camera.

At the May 5, 2008 Council meeting, the Council expressed a desire for the Department to look at alternatives to accomplish red light enforcement and collision avoidance without the use of cameras. The following are the most common alternatives:

Traditional Enforcement:

Traditional enforcement methods commonly employed for speed and stop sign enforcement are significantly more difficult with red light violations. In order for the enforcing officer to view the violation, they must be behind the violator. This allows the officer to see the vehicle and the signal light at the same time. If the driver fails to stop at the signal light, the witnessing officer must then chase them through the cross traffic that now has the green light. This increases the danger to the enforcing officer and the public. The alternative is to have one officer view the violation and radio a second officer stationed on the opposite side of the intersection. The second officer then affects the stop and holds the violator until the witnessing officer can arrive to issue the citation. This requires twice the staffing to accomplish the enforcement task.

Extending the Yellow or "All Red" Lights:

Yellow lights at an intersection vary in duration depending on the speed limit for the through traffic and the general congestion of the intersection; however, the duration averages 4 seconds. While it is true that extending the duration of the yellow light will allow those drivers who intend to stop additional time to do so, the most common cause of significant injury collisions at signal controlled intersections is drivers attempting to "beat the light." These drivers actually speed up as the light changes to yellow in an

attempt to enter the intersection before it changes to red. Extending the duration of the yellow light increases the feeling that there is sufficient time to accomplish this instead of encouraging the driver to stop. The "all red" position occurs when the signal cycles from red to green. For a brief period, usually about 1.5 seconds, the signal will turn red in all directions. This is to allow the intersection to clear before allowing cross traffic to enter. Extending this station of the signal rotation could accomplish the same outcome as the collision avoidance technology. However, the NTS technology will only hold this station when it has been determined to be necessary to prevent a collision based on the speed of approaching vehicles. Programming existing systems to extend the "all red" station will cause this to occur between every light, slowing the flow of traffic and increasing congestion.

Improve Intersection Signage:

In some rural locations, the appearance of a signalized intersection can be unexpected, contributing to the likelihood of violations. In urban settings such as Manteca, signalized intersections are commonplace. All of the traffic signals at the intersections surveyed in this project are highly visible for several blocks prior to the intersection. There is no reason to expect that additional signage announcing the approach of a signalized intersection would decrease violations.

Recommendation:

Based on the NTS survey, staff feels there is sufficient evidence of ongoing traffic violations at the surveyed intersections to warrant the installation of an automated enforcement system at five of the six intersections. California Vehicle Code section 21455.6 requires a public hearing be conducted on the proposed use of an automated enforcement system prior to authorizing the City to contract for the use of the system. We recommend the Council set a date for a public hearing to receive the public's input on the implementation of this system.

City Council Agenda
August 18, 2008
Police
Agenda Item No. C.2

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Dave Bricker, Chief of Police
Date: August 1, 2008
Subject: Ordinance No.1416, adding Sections 6.10.010 through 6.10.150, regarding the mandatory spaying and neutering of pit bull breeds

Recommendation:

Consider waiving the first reading by substitution of the title and introducing ordinance No. 1416, an ordinance of the City Council of the City of Manteca, adding Sections 6.10.010 through 6.10.150, regarding the mandatory spaying and neutering of pit bull breeds.

Background:

In 2007 there were several incidents in which pit bull dogs bit citizens in Manteca resulting in severe injuries. As a result of these incidents, Council directed the department to review Manteca's existing ordinances regarding vicious and dangerous dogs and make recommendations as to modifications to those ordinances to increase public safety.

Manteca City Ordinance defines a vicious animal as follows:

6.04.030 Vicious animal-Designation.

A. Any animal, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior, is vicious within the meaning of this title:

1. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;
2. An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully;
3. An attack on another animal, livestock, or poultry which occurs on property other than that of the owner of the attacking animal;
4. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

B. For the purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the animal when he or she is on such property in the performance of any duty imposed on such person by state or local law or by the laws of postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied. (Ord. 766 (part), 1987: prior code § 3-14)

This definition is already broader than that provided under the Food and Agriculture Code. Once an animal meets the definition of being dangerous or vicious, current ordinances provide sufficient enforcement authority to the Department to address the actions of the animal and the accountability of its owner.

Current State law prohibits local ordinances from placing a ban on specific dog breeds, however breeds can be regulated. Health and Safety Code section 122331 and Food and Agriculture Code section 31683 allows local Governments to mandate that certain breeds be spayed or neutered. It is generally accepted that this procedure tends to reduce the aggressiveness in animals lessening the likelihood that they will act out violently without provocation.

Given the number and severity of dog bite incidents involving pit bull dogs we are recommending the Council adopt that attached ordinance regarding the spaying and neutering of those animals. The ordinance was reviewed by the City Attorney and approved as to form.

City Council Agenda
August 18, 2008
Public Works
Agenda Item No. D.1

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: David Vickers, Transportation Analyst
Date: August 7, 2008
Subject: Status Report for Landscaping of the SR99/SR120 Interchange Project

Recommendation:

1. Receive Status Report for the Landscaping of the SR99/SR120 Interchange Project; and
2. Provide direction to staff as appropriate.

Background:

As part of the improvements to the interchange at SR99/SR120 the City of Manteca, in partnership with the San Joaquin Council of Governments (SJCOG) and Caltrans, 90% plans were prepared to provide landscaping of the ramp areas and median islands, based on concepts presented at the public workshops prior to construction of the interchange.

The City Council directed staff to investigate the addition of landscaping in the outside strips along the northbound and southbound off-ramps, adding hardscape in the median island east of SR99 and up-lighting on the median island west of SR99. The sub-consultant (DCA) has prepared the attached revised concept drawings. The preliminary estimate for the adjustments to the original concept, including design, will add \$228,505.00, bringing the total estimated project cost to \$728,505.00.

As the Consultant and Sub-consultant are under contract with SJCOG, any adjustment to their scope of work must first be approved by SJCOG. Once the City Council approves the revised concept and the SJCOG approves an amendment to the scope of services, DCA will prepare the final plans, specifications and estimate. A call for bids could be ready by the fall of this year.

The current budget has \$192,000 in Measure K Funds and \$250,000 local funds for landscaping at the SR99/SR120 interchange, leaving an estimated budget shortfall of \$286,505. Staff will continue to work with SJCOG to identify additional funding

sources, and present the Council with funding options at the award of the construction contract.

Attachments:

- Lettered Signage Schematic Exhibit
- Schematic Planting Design – February 2002
- Schematic Planting Exhibit – July 2008
- Estimate for Quadrant Landscaping and Signage
- Revised Scope of Services

City Council Agenda
August 18, 2008
Mayor and Council
Agenda Item No. E.1

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: August 11, 2008
Subject: Public Safety Sales Tax Oversight Committee Annual Report and Bylaws

Recommendation:

It is recommended Council take the following actions:

1. Accept the Annual Report by the Public Safety Sales Tax Oversight Committee;
and
2. Approve the attached Bylaws for the Public Safety Sales Tax Oversight
Committee.

Background:

Attached is the annual report of the City Council-appointed Public Safety Sales Tax Oversight Committee. In addition to seeking acceptance of this report, the committee is also requesting Council approve the attached bylaws, which are consistent with the enabling ordinance that was presented to the voters as part of Measure M in 2006.

The annual report has also been posted on the City's website.

KLM

**City Council Agenda
August 18, 2008
Mayor and Council
Agenda Item No. E.2**

Reviewed by
City Manager's office: /s/ SJP

TO: Manteca City Council
FROM: Frederic M. Clark, Assistant Public Works Director
DATE: August 8, 2008
SUBJECT: **Islamic Center Off -Site Improvements**

Recommendations:

Approve reimbursement agreement with Tahir Mansoor for off-site improvements to the Islamic Center, 1058 South Union Road, and authorize Mayor to sign same.

Background:

Mayor Weatherford has requested that this item be brought for Council consideration. The City of Manteca recently widened South Union Road to its ultimate width, including curb, gutter, sidewalk, utility stubs, and either walls or fences where appropriate. As is typical of all road widening projects, utility stubs to adjoining properties are installed with the roadway so that the new asphalt does not have to be disturbed at a future date. Residential stubs are placed at no cost and non-residential stubs are paid for by the landowner. The original improvements for this property were negotiated for a residential site with a former owner. Specific to the current project, which is non-residential in nature, larger sewer, water and storm drainage stubs were placed. The reimbursement agreement will address these stubs and will require reimbursement to be paid prior to connection to the City's water system, which shall be interpreted to mean any action which physically would allow the delivery of City water to the site, e.g. installation of a water meter or connection of fire service or landscape service.

Representatives from the Manteca Islamic Center are contesting the City's requirement that the Developer reimburse the City for the \$28,784 in public improvements the City already constructed. They reference Condition C-2 in the site plan conditions, which states "Developer shall contact the City Public Works Department to coordinate the installation of utilities to serve this development." This condition in no way relieves the Developer of the requirement to pay for the improvements, whether by constructing them as part of the Center project or reimbursing the City for the work the City undertook. Since the utilities have already been installed by the City, the Developer is simply being required to reimburse the City for these costs. Center officials are requesting they be allowed to pull a building permit for the new center while they dispute this issue.

Attachments:

Reimbursement Agreement

City Council Agenda
August 18, 2008
Mayor and Council
Agenda Item No. E.3

Reviewed by
City Mgr's office: /s/ SJP

Memo to: Manteca City Council
From: Karen L. McLaughlin, Assistant City Manager
Date: August 13, 2008
Subject: Resolutions Establishing City's Position on Four Resolutions to be Presented to the League of California Cities

Recommendation:

Consider adopting the following resolutions, and authorize Councilman Hernandez, as the City's voting delegate, to present the City's position on these issues to the League of California Cities at the annual conference in September:

1. Resolution Relating to League Bylaws Amendments;
2. Resolution Relating to the 2-1-1 California Telephone Service;
3. Resolution in Support of Extension of the Federal Section 45 Production Tax Credit; and
4. Resolution Relating to Comprehensive Statewide Water Infrastructure Plan.

Background:

At the July 21, 2008 meeting, the Council appointed Councilman Hernandez to represent the City of Manteca as voting delegate at the 2008 Annual League of California Cities Conference, to be held in September in Long Beach.

At that conference, the League will be presented with four resolutions. Council is being asked to take a position on these resolutions, so that Councilman Hernandez can represent the City's interest. The following is a brief summary of these four resolutions:

1. Resolution Relating to League Bylaws Amendments
In response to requests received from the chairs of the League's four diversity groups, the League Executive Committee, with the concurrence of the League's Board of Directors, is recommending the League's bylaws be amended to authorize one Director from each League diversity group (or "caucus") for a two-year term. The League has had caucuses

since the early 1990s. However, the caucuses are only subunits of the League and are not represented on the Board of Directors. This amendment to the bylaws would provide such representation. The amended bylaws also contain a number of technical amendments that have been accruing since they were last amended in 2007.

2. Resolution Relating to the 2-1-1 California Telephone Service;

The 2-1-1 California system diverts non-emergency calls from 9-1-1 during times of disaster and emergency response. It currently exists on a County-by-County basis, with 18 active systems operating. Nationally, it covers all or part of 40 states plus Washington, D.C. During the 2007 San Diego area firestorms, the 2-1-1 Southern California system handled more than 130,000 calls in the five days following the outbreak of the fires. This resolution endorses the 2-1-1 system, and authorizes the League to collaborate with State and regional partners to continue to promote the service throughout the State.

3. Resolution in Support of Extension of the Federal Section 45 Production Tax Credit; and

Federal Section 45 Production Tax Credits are currently available to attract capital necessary to develop biomass power plants. Biomass power plants create electric power from renewable sources such as forestry practices, timber product manufacturing, agricultural trimmings and urban wood waste. However, those tax credits are scheduled to expire December 31, 2008. This resolution would urge Congress and the President to extend the Section 45 Production Tax Credit, as has been done five times in past years.

4. Resolution Relating to Comprehensive Statewide Water Infrastructure Plan.

This resolution would urge the State to implement a comprehensive statewide water infrastructure improvement plan, as is being proposed by Governor Schwarzenegger and Senator Feinstein. The plan would provide much of the funding necessary for crucially needed infrastructure repairs and improvements, environmental solutions and habitat improvements, enhanced conservation, development of needed water supplies, and, thus, restore water supply certainty for Californians.

Additional details, including the text of the resolutions, are attached.

KLM