

RESOLUTION NO. R8459

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MANTECA
ADOPTING BY-LAWS OF THE
CITY OF MANTECA
PLANNING COMMISSION

BE IT RESOLVED, the City Council of the City of Manteca does hereby adopt the By-Laws of the City of Manteca Planning Commission as attached in Exhibit "A".

DATED: April 3, 1989

ROLL CALL

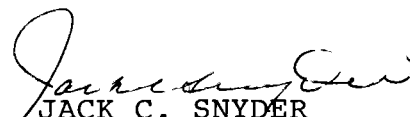
AYES: Council Members Balsinger, Flores, Mezzetti,
Perry and Snyder

NOES: None

ABSENT: None

ATTEST:


JOANN TILTON
CITY CLERK


JACK C. SNYDER
MAYOR

"EXHIBIT A"

BY-LAWS
OF THE
CITY PLANNING COMMISSION
CITY OF MANTECA, CALIFORNIA

ADOPTED THIS DAY OF _____, 1967, UNDER
AUTHORITY OF ORDINANCE NUMBER 271 AND THE GOVERN-
MENT CODE OF THE STATE OF CALIFORNIA AUTHORIZING
THE ESTABLISHMENT OF RULES AND REGULATIONS GOVERNI-
NG THE ORGANIZATION AND PROCEDURE OF THE PLANNING
COMMISSION OF THE CITY OF MANTECA, CALIFORNIA.

ARTICLE I

NAME

1. The name of this Organization shall be the City Planning Commission of the City of Manteca, California; hereinafter referred to as the Planning Commission or the Commission.

ARTICLE II

MEMBERSHIP AND TERM OF OFFICE

1. Membership, term of office and procedures for removal of members and the filling of vacancies shall be as established by Ordinance No. 271 of the City of Manteca.

ARTICLE III

OFFICERS

1. There shall be annually elected, on the first meeting in January of each year, from the membership of the Commission, a Chairman, Vice Chairman and Secretary. The Planning Director of the City of Manteca, may, at the option of the Commission, be appointed as Secretary.
2. Should the membership term of an officer expire prior to the next annual election of officers, a special election shall be held to fill that office for the duration of the term.

ARTICLE IV

DUTIES OF OFFICERS

1. The Chairman shall preside at all regular meetings and shall call all special meetings.
2. The Vice Chairman shall assume all duties of the Chairman in his or her absence or disability.
3. In case of the absence of both the Chairman and Vice Chairman from any meeting, an acting Chairman shall be elected from among the members present.
4. The Chairman shall establish all standing and special committees of the Commission which may be deemed necessary for carrying out the functions and purposes of the Commission.
5. The Chairman shall decide on all points of order and procedure during meetings, and his decisions shall be final unless over-ruled by a majority of the members present.
6. The Chairman shall sign all official copies of minutes of meetings upon approval of same.

7. The Secretary shall receive and record all exhibits, petitions, documents or other materials presented to the Commission in support of, or in opposition to any question before the Commission.
8. The Secretary shall sign all notices prepared in connection with Commission business and shall attest to such records of actions, transmittals, and referrals as may be necessary or required by law.

ARTICLE V

STAFF

1. It shall be the duty of the Planning Director to transact official business of the Commission, carry out its policies and directives, prepare, supervise and administer the Planning program subject to the approval of the City Manager.
2. The Planning Director shall be responsible for the maintenance of proper records and files having to do with Commission business.
3. The Planning Director shall prepare not less frequently than ~~quarterly~~ ^{yearly (Res. 670)} a report of the activities of the Planning Commission for its adoption and report to the City Council.

ARTICLE VI

COMMITTEES

1. The Chairman of the Planning Commission shall make all committee assignments and appoint the Chairman of each committee.
2. The Chairman shall serve as an ex-officio member of all committees.
3. Committee meetings shall be held upon call of the Chairman of the Committee.
4. A verbal or written report may be made at any meeting of the Commission by the Chairman or member of a Committee on any subject under consideration by such Committee, or such report may be requested by the Chairman of the Commission.

ARTICLE VII

MEETINGS

1. Regular meeting of the Commission shall be held on the ~~first~~ ^{second} and ~~fourth~~ ^{fourth} (Res. 674) Tuesdays of each month beginning at ~~8:00~~ ^{7:30} P.M. at the Council Chambers, City Hall of the City of Manteca. (Res. 669)
2. In the event that the scheduled date for a regular meeting falls on a holiday, such meeting shall be held on the next business day.
3. Any regular meeting may be adjourned, or any item on the agenda continued to the next or any subsequent regular meeting of the Commission. If a meeting be adjourned, or an item continued to a special meeting to be held on other than a regular meeting date, the time, place and date of such special meeting shall be specified in the order of adjournment or continuance.
4. A special meeting may be called by the Chairman of the Commission or a majority of the membership. Notice of such special meetings shall be given as required by law, and the purpose of, or the business to be transacted during such special meeting shall be stated in the notice.
5. All meetings of the Commission shall be open, public meetings.

A M E N D M E N T

At the regular meeting of the Planning Commission held on Tuesday, December 17, 1968 the following resolution was introduced:

RESOLUTION PCR NO. 663

A RESOLUTION OF THE MANTECA CITY PLANNING COMMISSION CHANGING THE BYLAWS OF THE COMMISSION MAKING A QUORUM TO CONSIST OF THREE (3) MEMBERS INSTEAD OF FOUR (4)

WHEREAS, all meetings concerned with Public Hearings dealing with the review, adoption or amendment of the General Plan or parts thereof, including zoning, set-back or subdivision ordinance considerations forwarded to the City Council for their approval and adoption, and;

WHEREAS, the provision of requiring a quorum of four (4) members to consider these matters restricts the activity of conducting the meetings of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does amend Article 8, Section 2 of the Bylaws to require a simple quorum of three (3) on these matters.

The foregoing Resolution was passed and adopted by the following vote:

AYES: Commissioners Gould, Dr. Johnson and Mortensen.

NOES: None.

ABSENT: Commissioners Dr. Henry and Phillips.

The current By-laws now read:

"Article VIII, Section 2

For public hearings dealing with the review, adoption or amendment of the General Plan or parts thereof, including zoning, set-back or subdivision ordinance considerations, a quorum shall consist of three (3) members."

A M E N D M E N T

At the regular meeting of the Planning Commission held on Tuesday, August 4, 1970 the following resolution was introduced:

RESOLUTION PCR NO. 668

A RESOLUTION OF THE MANTECA CITY
PLANNING COMMISSION AMENDING THE
BYLAWS TO ESTABLISH 7:30 P.M. IN
LIEU OF 8:00 P.M. AS THE NEW
MEETING HOUR FOR THE REGULAR
PLANNING COMMISSION MEETINGS.

WHEREAS, there has been an increase in matters brought before the Planning Commission requiring more lengthy meetings; and

WHEREAS, the City Council has changed the starting time of their meetings to 7:30 P.M.

NOW, THEREFORE, BE IT RESOLVED that the Commission Bylaws be amended to establish the regular meeting of the Manteca City Planning Commission at 7:30 P.M. on the first and third Tuesdays of each month.

The foregoing resolution was passed and adopted by the following vote;

AYES: Commissioners Phillips, Dr. Henry and Mortensen

NOES: None

ABSENT: Commissioners Gould and Lancaster

ABSTAIN: None

Dated: August 4, 1970



Stanley Mortensen, Chairman

The current By-laws now read:

"Article VII, Section 1

Regular meeting of the Commission shall be held on the first and third Tuesdays of each month beginning at 7:30 P.M. at the Council Chambers, City Hall of the City of Manteca."

6. Any Planning Commissioner arriving at a meeting later than ^{18:00 (Res. 669)} ~~4:30~~ P.M. shall be deemed to have an unexcused absence for the purpose of remuneration.

ARTICLE VIII

QUORUM

1. A quorum shall consist of three (3) members of the Planning Commission for all matters of routine nature.
2. For public hearings dealing with the review, adoption or amendment of the General Plan or parts thereof, including zoning, set-back or subdivision ordinance considerations, a quorum shall consist of ~~four~~ ^{(X) three} members.
9 (Res. 663)
3. In the event of a vacancy or vacancies on the Commission, a quorum for routine items shall consist of a majority of the existing membership; for Public Hearings a quorum shall consist of a majority of the existing membership plus one (1).
4. In the absence of a quorum at any meeting, such meeting may be adjourned by any member present, or, if no member be present, by the Secretary of the Commission, or, if the Secretary be not present, by the clerk, to the next regular meeting.

ARTICLE IX

CONDUCT OF MEETINGS

1. At the time and place established for meeting, and with a quorum present, the Chairman shall call the meeting to order.
2. Order of presentation during public hearings and petitions for variances or use permits shall be as follows:
 - a. Explanation of staff and committees. Report on formalities of notice.
 - b. Presentation by applicant.
 - c. Statements of witnesses supporting request.
 - d. Statements of witnesses protesting application.
 - e. Rebuttal by applicant or his witnesses.
 - f. Questions by members of Commission and staff to applicant or opponent.
 - g. Hearing closed.
 - h. Discussion amongst members of the Planning Commission.
 - i. Motions and roll call, vote of the Planning Commission.

ARTICLE X

MOTIONS

1. Upon conclusion of discussion on a matter, or at such time as any member may feel that all points have been sufficiently reviewed, the Chairman may call for a motion or one may be offered by a member. In the event no motion is offered, the Chairman may offer a motion.
2. The Chairman shall receive all motions and shall call for a second to the motion if none has been made.
3. If, after a reasonable time, no second has been made, a motion shall be declared dead for lack of a second and this shall be so stated by the Chairman.
4. After a motion has been made and seconded, further discussion shall be limited to that of the motion only.

5. Persons having made a motion may accept amendment to it only after approval of the second. Should the second not approve a proposed amendment to the motion he may withdraw his second and the motion, as amended, shall be restated as a new motion. Should the second refuse to withdraw, the Chairman shall call for a vote on the original motion.
6. When required, the reasons for moving the proposed action shall be stated as a part of the motion.
7. At such time as any member of the Commission shall call for the question, the Chairman shall close discussion. Any member shall have the opportunity to make a statement, then the Chairman shall immediately put the matter to a vote.
8. Should a motion fail to pass, the Chairman shall so state, and call for a new motion in the matter.

ARTICLE XI

VOTING

1. Upon acceptance of a motion and completion of discussion on same, the Chairman shall instruct the Secretary to read the motion and to poll the membership for the vote.
2. All votes shall be verbally stated as "Aye", "No" or "Abstain". Should he so desire, a member shall be given an opportunity to state the reasons for his vote, which reasons shall be entered into the minutes of the meeting.
3. Except where the By-Laws otherwise require, adoption of a motion shall be by a simple majority of the members present.
4. The Chairman shall vote on all matters.
5. A tie vote shall automatically ~~continue any item to the next meeting.~~ ^{deny any simple majority motion.} *
Re: 6/5
6. The membership shall be polled in the order of the person making a motion, then the second, then the remainder of the membership alphabetically.

ARTICLE XII

AMENDMENT

1. ~~These By-Laws may be amended from time to time as the needs may arise,~~ by resolution adopted by the favorable vote of a majority of the full membership of the Planning Commission.

• Immediately upon favorable vote of not less than four-fifths (4/5ths) of the full voting membership of the Planning Commission of the City of Manteca, Manteca, California, these By-Laws shall become in full force and effect, thereby invalidating any and all provisions of previously adopted By-Laws, policies or procedures which may be, in total or in part, in conflict herewith. These By-Laws, however, shall not be considered or construed as superseding any Ordinance or directive of the City Council of the City of Manteca, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Commission may direct its activities.

PASSED AND ADOPTED BY THE FOLLOWING VOTE:

PLANNING COMMISSION RESOLUTION
#677

A RESOLUTION OF THE MANTECA CITY PLANNING
COMMISSION TO AMEND THE BYLAWS BY ADDING
SECTION 7, TO ARTICLE VII (MEETINGS)

WHEREAS, the Planning Commission regularly meets on the
second (2nd) and fourth (4th) Tuesdays of each calendar
month at 7:30 p.m.; and

WHEREAS, it is being proposed to avoid those calendar
months which result in scheduled back to back meeting
dates of the City Council and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Planning
Commission ByLaws, Article 7 (Meetings) be amended to
add Section 7 to read as follows:

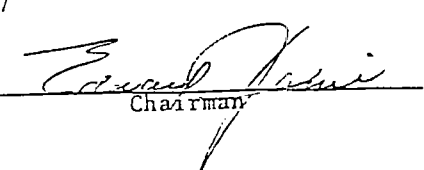
7. Months in which the first day is a Tuesday
and is followed in succession with four (4)
Tuesdays or a total of five (5) Tuesdays
shall cause the Planning Commission to hold
their regularly scheduled meetings on the
third (3rd) and fifth (5th) Tuesdays of such
months.

The foregoing resolution was passed and adopted by
the following vote:

AYES: Commissioners Marliani, Mortensen, Janis,
Laberdee.

NOES: Commissioner Johnson.

Dated: September 27, 1977


Chairman

PLANNING COMMISSION RESOLUTION #695

A RESOLUTION TO MODIFY ARTICLE XI-5,
VOTING, OF THE PLANNING COMMISSION
BYLAWS AS ADOPTED UNDER AUTHORITY
OF ORDINANCE #271

WHEREAS, adoption of a motion shall be made by a simple majority of Planning Commission members present, and;

WHEREAS, a tie vote has automatically continued an agenda item to the next meeting;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby amend Article XI, Section 5 of the Bylaws to require that a tie vote shall automatically deny any agenda item that otherwise requires a simple majority of a quorum to adopt a motion.

The foregoing resolution was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: September 26, 1978

Polly Marliani, Chairwoman

RESOLUTION PCR NO. 669

A RESOLUTION OF THE MANTECA CITY
PLANNING COMMISSION AMENDING THE
BYLAWS

WHEREAS, by recent resolution the Planning Commission amended the bylaws establishing the starting time of the regular meetings to 7:30 P.M.; and

WHEREAS, Paragraph 6 of Article VII specifies an arrival later than 8:30 as an unexcused absence for the purpose of remuneration.

NOW, THEREFORE, BE IT RESOLVED that the Commission Bylaws be amended to read "Any Planning Commissioner arriving at a meeting later than 8:00 P.M. shall be deemed to have an unexcused absence for the purpose of remuneration".

The foregoing resolution was passed and adopted by the following vote:

AYES: Commissioners Gould, Dr. Henry, Lancaster, Mortensen and Phillips

NOES: None

ABSENT: None

ABSTAIN: None

Dated: September 1, 1970


Stanley Mortensen, Chairman

RESOLUTION PCR NO. 670

A RESOLUTION OF THE MANTECA CITY
PLANNING COMMISSION AMENDING
ARTICLE V, PARAGRAPH 3

WHEREAS, the Planning Commission considers the quarterly statistical report without a supplement of little value; and

WHEREAS, preparation of a quarterly supplement would take time away from more pressing needs.


NOW, THEREFORE, BE IT RESOLVED that the Planning Commission Bylaws be amended to require an annual report in lieu of a quarterly report of the activities of the Planning Commission for its adoption and report to the City Council.

BE IT FURTHER RESOLVED that this report, to cover the activities of the preceding year, shall be submitted at the second regular meeting in January.

The foregoing resolution was passed and adopted by the following vote:

AYES: Commissioners Gould, Dr. Henry, Mortensen, Oliver
and Phillips
NOES: None
ABSENT: None
ABSTAIN: None

Dated: December 1, 1970


Stanley Mortensen, Chairman

The current By-laws now read:

"Article V, Paragraph 3

The Planning Director shall prepare not less frequently than annually a report of the activities of the Planning Commission. This report covering the activities of the preceding year shall be submitted at the second regular meeting in January for its adoption and report to the City Council."

John Frederick

RESOLUTION PCR #768

A RESOLUTION OF THE MANTECA CITY
PLANNING COMMISSION AMENDING THE
BYLAWS TO ESTABLISH 7:00 P.M. IN
LIEU OF 7:30 P.M. AS THE NEW
MEETING HOUR FOR THE REGULAR
PLANNING COMMISSION MEETINGS.

WHEREAS, there has been an increase in matters brought before the
Planning Commission requiring more lengthy meetings.

NOW, THEREFORE, BE IT RESOLVED that the Commission Bylaws be amended
to establish the regular meeting of the Manteca City Planning
Commission at 7:00 P.M. on the second and fourth Tuesdays of each
month and,

WHEREAS, Paragraph 6 of Article VII specifies an arrival later than
8:00 P.M. shall be deemed to have an unexcused absence for the
purpose of remuneration.

NOW, THEREFORE, BE IT RESOLVED that the Commission Bylaws be amended
to read "Any Planning Commissioner arriving at a meeting later than
7:30 P.M., or after meeting is adjourned whichever is earlier, shall
be deemed to have an unexcused absence for the purpose of remuneration.

The foregoing resolution was passed and adopted by the following vote:

AYES: Commissioners Moyer, Wegener, Elliott, Nunes, Blahnik

NOES: None

ABSENT: None

ABSTAIN: None

Dated March 11, 1986


Dave Blahnik, Chairman

this particular property had come into the City by Annexation after having been developed Commercially in the County. Automatically the property had been zoned R-1 at annexation and Mr. Dale now wishes to rezone the property Commercial. A Hearing was set for this matter on April 4, 1967.

REFERRAL FROM COUNTY:
RECLASSIFICATION
PETITION FROM S. J.
COUNTY PLANNING COM.

There was presented to the Commission a referral from the County in the form of Reclassification Petition ZA-850-402 wherein the San Joaquin County Planning Commission seeks to rezone property located in the general area of McKinley Avenue and Louise Avenue (In the general vicinity of Best Fertilizer and Libby-Owens-Ford) from a District I-A, Interim Agriculture to Districts R-M, Restricted Manufacturing, and RI-10, Residential. The Planner noted that this area has very good rail access as well as highway access and he felt it was an appropriate area within which to permit industrial development. The Commissioners also felt that the zoning suggested was appropriate for the area. Therefore, upon motion being made and seconded (Dr. Henry-Steigenga) It was unanimously voted to recommend approval of this Reclassification Petition to the County Planning Commission.

REPORTS:
BY-LAWS

The By-Laws were presented in final form to the Commissioner, and upon motion of Commissioner Dr. Johnson, seconded by Commissioner Dr. Henry, It was unanimously voted to approve same and send them on to Council for their information.

There being no further business before the Commission, upon motion being made and seconded (Dr. Johnson-Steigenga) it was unanimously voted to adjourn.

The next regular meeting of the Manteca City Planning Commission will be held on Tuesday, March 21, 1967 at 8 o'clock P.M. in the Council Chambers of the City Hall, Manteca, California.

Virgil Adams
Secretary

Stanley Mortensen
Chairman



MINUTES OF THE REGULAR MEETING OF THE
MANTECA CITY PLANNING COMMISSION HELD
ON TUESDAY, MARCH 21, 1967 AT 8 O'CLOCK P.M.

The regular meeting of the Manteca City Planning Commission held on Tuesday, March 21, 1967 at 8 o'clock P.M. was called to order in the Council Chambers of the City Hall, Manteca, California by the Chairman.

There were present the following Commissioners, to wit: Commissioners Baker (8:09 p.m.), Dr. Henry, Dr. Johnson, Mortensen, Steigenga. Upon roll call the Chairman declared a quorum present. Mr. John Burnett, Mr. Tom Coffey, ex-officio members, and Mr. Virgil Adams, Planning Director, were also present.

Upon motion being made and seconded (Steigenga-Dr. Henry) the minutes of the meeting of March 7, 1967, having been delivered by mail to all Commissioners, were unanimously approved.

USE PERMIT A-304:
LEON HAYES.

There was presented to the Commission an application for Use Permit submitted by Leon Hayes for permission to relocate existing sign structure north of the liquor store adjacent to 411 N. Main Street, some 50 feet north of its present location. Mr. Harvey Berglund of Ryan Advertising, Inc. was present to represent the applicant. He stated that his company proposed to remove the old structure and to replace at the new location with steel and fiberglass construction. He noted that the sign would be 24 ft.

REFE
LHEL
PERMIT

REPORTS