

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, OCTOBER 12, 2020
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

Pursuant to the Governor's Executive Order N-25-20

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allowed the option to attend public meetings telephonically/teleconference during the COVID-19 pandemic. In accordance with the Executive Order N-25-20, guidance from the California Department of Public Health on gatherings, and to protect our employees and the public, remote public participation was allowed, but not mandatory. The meeting was available by Cisco Webex teleconference to the public, as well as reduced capacity in-person participation in accordance with social distancing guidelines.

PLEASE NOTE: There was a Closed Session, which commenced at 6:04 p.m. The Regular Meeting reconvened at 7:10 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:04 p.m.

1.2 CLOSED SESSION

1.2.1 CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation - Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)

- 4 Potential Case(s)

1.2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8
Property: APN 192-04-57 (Address Not Available)
Agency Negotiator: Stephen J. Salvatore, City Manager
Negotiating Parties: Muhammad Bilal & Aasim Ashraf Ali
Under Negotiation: Price and Terms of Negotiations

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:10 p.m.

1.2.3 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that direction was received in regards to Item 1.2.1; in regards to Item 1.2.2, the City Council

authorized the purchase of approximately .72 acres from APN 192-04-57, at a price of \$23/sf based on a May 2020 appraisal of \$22.10/sf, and recent sales of adjacent property at prices of \$36.57/sf and \$33.33/sf. Furthermore, with the approval related to Item 1.2.2, the City Council authorized the City Attorney to draft the appropriate documents to complete the purchase, authorized the City Manager to execute all necessary documents to complete the purchase, and authorized the City Clerk to execute a Certificate of Acceptance for the property upon acquisition.

1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Salcedo;
Councilmembers: Akinjo, Lazard and
Torres-O'Callaghan

Absent: None

1.4 INVOCATION – Mayor Dhaliwal led a moment of silence in honor of public safety officers.

1.5 PLEDGE OF ALLEGIANCE – Councilmember Lazard led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Manager Stephen Salvatore announced construction activity and road detours related to the widening and reconstruction of Louise Avenue, from New Harlan Road to 5th Street, and Louise Avenue, west of I-5.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Councilmember Lazard declared conflict of interest with Items 4.7 and 4.8, due to her employment with Dell'Osso Farms.

2. PRESENTATIONS

2.1 ECONOMIC DEVELOPMENT UPDATE

Economic Development Administrator Shelley Burcham provided a presentation related to the economic development activity for the period of July 1, 2020 to September 30, 2020.

2.2 MAYOR'S COMMITTEE REPORT(S)

Parks and Recreation Director Zach Jones reported the following past and upcoming events and programs:

- *Virtual Recreation Classes*

Announced virtual leisure classes offered to the public, such as: Adult & Family Paint Nights, Skyhawks PhysEd Fun, Kidz Love Soccer, Code Ninjas and Karate.

- *Youth Development Programs*

Announced virtual youth development programs offered to the public, such as: Monthly Craft Kits delivered to Lathrop residents (must register to participate) and S.T.E.A.M Grab Bags for Fall Break.

- *Virtual Sports*

Reported on the "Half Dome from your Home" event, a virtual bike challenge with parks staff to Yosemite; over 35 registered participants!

- *Past Special Events*

Reported on the "Teen Movie Night @ the GRIND" event, held September 25th, participants received a pre-packed snack and trivia game; and the "@ Home BBQ Cook-off" virtual event held October 3rd, 27 registered residents; each received a free BBQ kit for participating.

- *Upcoming Virtual Events*

Announced future events: Howl-O-Ween Pet Photo Contest; Veterans Day - Drive-In Event; Virtual Family Game Nights; and Christmas Shoebox Parade- Home for the Holidays.

3. CITIZEN'S FORUM

City Clerk Teresa Vargas announced the following:

Public comment letter provided by Nellie Zavala (San Joaquin Commission on Aging) reporting her attendance to the San Joaquin Commission on Aging teleconference meeting held October 5, 2020.

Public comment email/letter received October 12, 2020, submitted by Christine Mendes regarding various concerns affecting her property on McKinley Avenue.

Public comment letter, dated October 7, 2020, addressing general comments regarding flood control and water infrastructure projects; and public comment letter, dated October 12, 2020, addressing Items 4.5, 4.7, and 5.1, submitted by Martin Harris with Terra Land Group, LLC.

All letters/emails were distributed to the City Council (via their tablets; same process as the agenda) and copies were made available to the public.

4. CONSENT CALENDAR

On a motion by Councilmember Torres-O'Callaghan, seconded by Vice Mayor Salcedo, the City Council approved the Consent Calendar, except Items 4.7 and 4.8, by the following roll call vote, unless otherwise indicated:

Ayes: Akinjo, Lazard, Salcedo, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: None
Abstain: **Dhaliwal (Item 4.2 only)

**City Clerk Teresa Vargas announced (under Item 3) public comment letter, dated October 12, 2020, 2020, addressing Consent Items 4.5 and 4.7, and Scheduled Item 5.1, submitted by Martin Harris with Terra Land Group, LLC.*

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

Waived the reading in full of ordinances and resolutions on agenda and adopt by reading of title only, unless otherwise requested by the Mayor or a Councilmember.

4.2 APPROVAL OF MINUTES

**Mayor Dhaliwal abstained, stated absence to prior meeting.

Approved Minutes for the Regular Council Meeting of July 13, 2020.

4.3 SECOND READING AND ADOPTION OF ORDINANCE 20-415 BY TITLE ONLY ADDING SECTION 13.26.170 DENTAL AMALGAM-MERCURY SOURCE CONTROL PROGRAM TO CHAPTER 13.26 SEWER USE AND INDUSTRIAL WASTEWATER REGULATIONS OF THE CITY OF LATHROP MUNICIPAL CODE

Waived full reading and adopted **Ordinance 20-415** by title only adding Section 13.26.170 Dental Amalgam-Mercury Source Control Program to Chapter 13.26 Sewer Use and Industrial Wastewater Regulations of the City of Lathrop Municipal Code.

4.4 RATIFY CONTRACT AMENDMENT NO. 3, APPROVE CONTRACT AMENDMENT NO. 4 WITH FRUIT GROWERS LABORATORY, INC., (FGL) FOR GROUNDWATER TREATMENT IMPROVEMENTS CIP PW 20-16, AND APPROVE ASSOCIATED BUDGET AMENDMENT

Adopted **Resolution 20-4787** ratifying Contract Amendment No. 3 and approving Contract Amendment No. 4 with Fruit Growers Laboratory, Inc., (FGL) for groundwater treatment improvements CIP PW 20-16, and associated budget amendment.

4.5 *APPROVE CONSTRUCTION CONTRACT FOR GENERATIONS CENTER LANDSCAPE CIP PK 20-23

Adopted **Resolution 20-4788** approving a Construction Contract with Taylor Backhoe Service dba TBS Contractors for the construction of the Generations Center landscape CIP PK 20-23, and related budget amendment.

4.6 APPROVE TASK ORDER NO. 17 WITH 4LEAF, INC., FOR INTERIM CHIEF BUILDING OFFICIAL PROFESSIONAL CONSULTING SERVICES

Adopted **Resolution 20-4789** approving Task Order No. 17 Pursuant to Master Professional Services Consulting Agreement dated September 21, 2015, with 4Leaf, Inc., to provide Interim Chief Building Official Professional Consulting Services.

RIVER ISLANDS CONSENT ITEM(S)

Councilmember Lazard recused herself, following the vote of the consent calendar (Items 4.1 to 4.6), and left the chamber at 7:36 p.m., prior to the vote of Items 4.7 and 4.8, due to declared conflict of interest as noted in Item 1.8.

On a motion by Vice Mayor Salcedo, seconded simultaneously by Councilmembers Akinjo and Torres-O'Callaghan, the City Council approved Items 4.7 and 4.8, by the following roll call vote, unless otherwise indicated:

Ayes:	Akinjo, Salcedo, Torres-O'Callaghan, and Dhaliwal
Noes:	None
Absent:	None
Abstain:	Lazard

4.7 *ADEQUATE PROGRESS FINDING TOWARD PROVISION OF 200-YEAR URBAN LEVEL OF FLOOD PROTECTION FOR RECLAMATION DISTRICT 2062 (RIVER ISLANDS PHASE 2)

Adopted **Resolution 20-4790**, acting as the Land Use Agency, adopting adequate progress findings toward providing a 200-Year Urban Level of Flood Protection in Phase 2 Levees of Reclamation District 2062 by the Year 2025.

4.8 ACCEPTANCE AND TRANSFER OF REAL PROPERTY FOR FUTURE NEIGHBORHOOD PARK MONUMENT

Adopted **Resolution 20-4791** accepting real property from River Islands Stage 2A, LLC for future Neighborhood Park Monument to be dedicated by City to the most likely Descendant, the Northern Valley Yokut Tribe.

5. SCHEDULED ITEMS

Councilmember Lazard returned to the chamber/dais after the vote of Items 4.7 and 4.8, at 7:38 p.m. for the remainder of the meeting.

5.1 *2021 SJMSCP DEVELOPMENT FEES ANNUAL ADJUSTMENT

Community Development Director Mark Meissner provided the presentation. A question and answer period followed. City Manager Stephen Salvatore provided additional information.

Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Vice Mayor Salcedo, seconded by Councilmember Lazard, the City Council:

1. Held a Public Hearing; and
2. Adopted **Resolution 20-4792** approving an annual adjustment to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees for 2021.

Ayes: Akinjo, Lazard, Salcedo, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: None
Abstain: None

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN ORDINANCE AMENDING CHAPTER 17.04, GENERAL PROVISIONS, AND CHAPTER 17.80, ACCESSORY DWELLING UNITS OF THE LATHROP MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (TA-20-103)

Community Development Director Mark Meissner introduced City Planning Consultant David Niskanen (JB Anderson Planning). Mr. Niskanen provided the presentation. A question and answer period followed. City Manager Stephen Salvatore and Community Development Director Mark Meissner provided additional information. Councilmembers expressed concern with insufficient parking areas and utilities. Councilmember Akinjo requested that the City Clerk circulate the "Housing and Land Use Legislative Update", authored by Lauren Langer & Todd Leishman with Best Best & Krieger, LLP, provided at the 2020 League of California Cities Virtual Annual Meeting. The presentation was provided to the City Council and was made available to the public.

Mayor Dhaliwal opened the public hearing. There were no speakers at the time of the public hearing. Mayor Dhaliwal closed the public hearing. Lathrop Police Services Sergeant Barbara Leeper commented on the matter after the public hearing. The questions and answer period continued. Mr. Niskanen, Mr. Salvatore and Principal Planner Rick Caguiat responded to additional questions of the City Council.

On a motion by Councilmember Lazard, seconded by Councilmember Akinjo, the City Council:

1. Held a Public Hearing; and
2. Held first reading and introduced an ordinance amending Chapter 17.04, General Provisions, and Chapter 17.80, Accessory Dwelling Units of the Lathrop Municipal Code related to accessory dwelling units and junior accessory dwelling units. The amendments to the Municipal Code included the following:
 - a. Chapter 17.04 (General Provisions): Amend Section 17.04.080, Definitions, to include definitions for Efficiency Kitchen, Junior Accessory Dwelling Unit, Public Transit, Tandem Parking and Amend the definitions for existing Accessory Dwelling Unit and Accessory Structure.
 - b. Chapter 17.80 (Accessory Dwelling Unit): Amend Chapter 17.80 to be consistent with new State law. The amendment will also include provisions for the creation of Junior Accessory Dwelling Units.

Ayes: Akinjo, Lazard, Salcedo, Torres-O’Callaghan, and Dhaliwal
 Noes: None
 Absent: None
 Abstain: None

5.3 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AMENDING TITLE 10, CHAPTER 10.24, SECTION 10.24.030, PUBLIC WORKS DIRECTOR TO PLACE SIGN INDICATING NO PARKING AREAS, AND SECTION 10.24.070, RESTRICTED PARKING; OF THE LATHROP MUNICIPAL CODE

Public Works Director Michael King provided the presentation. A question and answer period followed. City Manager Stephen Salvatore provided additional information.

Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Councilmember Torres-O’Callaghan, seconded by Vice Mayor Salcedo, the City Council:

1. Held a Public Hearing; and
2. Held first reading and introduced an ordinance amending Title 10, Chapter 10.24, Section 10.24.030, Public Works Director to Place Sign Indicating No Parking Areas, and Section 10.24.070, Restricted Parking; of the Lathrop Municipal Code.

Ayes: Akinjo, Lazard, Salcedo, Torres-O’Callaghan, and Dhaliwal
 Noes: None
 Absent: None
 Abstain: None

5.4 CREATE CIP PK 21-05 FOR PARK IMPROVEMENTS AT PARK WEST AND CRESCENT PARK

Parks and Recreation Director Zach Jones provided the presentation. A question and answer period followed.

Council consensus directed staff to bring back an item for consideration at the next Council meeting approving the placement of additional outdoor equipment at Crescent Park, not listed in the proposed item.

On a motion by Councilmember Lazard, seconded by Mayor Dhaliwal, the City Council adopted **Resolution 20-4793** approving the creation of CIP PK 21-05 for the installation of outdoor fitness equipment at Park West and Crescent Park.

Ayes: Akinjo, Lazard, Salcedo, Torres-O'Callaghan, and Dhaliwal
Noes: None
Absent: None
Abstain: None

6. COUNCIL COMMUNICATIONS

6.1 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Councilmember Akinjo reported his attendance to the Annual League of California Cities Conference and provided a brief overview of the legislative updates presented during the conference.

6.2 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Torres-O'Callaghan wished everyone a happy fall break; encouraged COVID-19 health guidelines during social outings. Councilmembers Akinjo and Lazard echoes similar sentiments. Vice Mayor Salcedo thanked those in attendance. Mayor Dhaliwal urged the public to vote on November 3rd and encouraged the public to continue practicing COVID-19 health guidelines.

7. ADJOURNMENT – There being no further business, Mayor Dhaliwal adjourned the meeting at 9:07 p.m.


Teresa Vargas, CMC,
City Clerk