

**CITY OF LATHROP  
CITY COUNCIL REGULAR MEETING  
MONDAY, NOVEMBER 8, 2021  
7:00 P.M.  
COUNCIL CHAMBER, CITY HALL  
390 Towne Centre Drive  
Lathrop, CA 95330**

**MINUTES**

**PLEASE NOTE: There was a Closed Session, which commenced at 6:03 p.m. The Regular Meeting reconvened at 7:04 p.m.**

**1. PRELIMINARY**

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:03 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)

- 2 Potential Case(s)

The following facts and circumstances known to plaintiff or plaintiffs regarding (Gov. Code § 54956.9(e)(2))

- Complaints by Councilmember Minnie Diallo Regarding Communications with City Manager Stephen J. Salvatore.
- Dispute with San Joaquin County Regarding Overhead Charges on Contract for Law Enforcement Services.

**RECONVENE** – Mayor Dhaliwal reconvened the meeting at 7:04 p.m.

1.2.2 REPORT FROM CLOSED SESSION

Special Counsel Michael Colantuono reported that the City Council met in Closed Session on two items.

Regarding the first matter related to the claim made by Councilmember Diallo the City Council approved two actions:

1. Retention of the law firm of Jackson Lewis to act as Employment Counsel to the City at the recommendation of the City’s Employment Risk Management Authority; and
2. At the recommendation of Employment Counsel Jackson Lewis, the City Council approved the hiring of an independent investigator to investigate the claim made by Councilmember Diallo.

Regarding the second matter related to the dispute with San Joaquin County regarding overhead charges on contract for law enforcement services, the City Council held discussions and is moving forward progressively, pending a signed and sealed agreement from San Joaquin County. Once the final executed agreement is received, the agreement will be made public. There was no other reportable action.

1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Torres-O’Callaghan; Councilmembers: Akinjo, Diallo and Lazard.

Absent: None

1.4 INVOCATION – Pastor Don Britton, Grace Community Church, provided the invocation.

1.5 PLEDGE OF ALLEGIANCE – Pastor Don Britton led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

Mayor Dhaliwal announced public comment letter received by newly appointed Measure C Oversight Committee Member Gene Neely, declining his appointment to the Measure C Oversight Committee on October 11, 2021.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST – None

## 2. PRESENTATIONS

2.1 MAYOR’S COMMITTEE REPORT(S)

- Parks, Recreation & Maintenance Services Update on Committee Events and Programs

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

- *Past Special Event(s)*

Reported on past special event: Trunk or Treat and Movie in the Park, held October 23, 2021, at the Generations Center.

- *Upcoming Special Events*

Provided an overview on various upcoming events: Veterans Day Celebration scheduled for November 11, 2021 at the Veterans Memorial at 11:00 a.m.; and Christmas Tree Lighting scheduled for December 1, 2021 at Valverde Park at 6:30 p.m.; Donuts with Santa, scheduled for December 4, 2021; and Christmas Parade on 5<sup>th</sup> & J Street scheduled for December 11, 2021, at 11:00 a.m.

- *Senior Center Programs*

Provided an overview on various upcoming events: Thanksgiving Day Drive-Thru Dinner scheduled from 11:00 – 11:30 a.m.; Christmas Deck the Hall event scheduled for December 7, 2021; and Monthly Cooking Class held on the 1<sup>st</sup> Tuesday of the month.

- *Leisure Classes*

Provided an overview on upcoming classes, which included Adult Self Defense classes, Karate, Paint Night, Tennis Camp, Basic Dog & Puppy Training, Zumba Fitness, and Zumba & Yoga Fitness.

- *Teens*

Provided an overview on upcoming teen events and workshops, which included Saturdays @ the GRIND for Grades 7<sup>th</sup> thru 9<sup>th</sup>; and Teen Chopped Challenge, Grades 7<sup>th</sup> thru 12<sup>th</sup>, pre-registration required.

- *Maintenance Services*

Provided an overview on various Maintenance Services activities, which included storm preparedness, irrigation adjustments and tree maintenance.

- *Solid Waste & Recycling*

Provided an overview on Solid Waste & Recycling activities, which included how to schedule bulk trash pick-up by appointment, information on proper disposal of acceptable bulk items, and the City's new Ordinance on organic was recycling.

### **3. CITIZEN'S FORUM**

*Director of Government Services / City Clerk (City Clerk) Teresa Vargas provided an overview on ZoomGov login instructions for those joining virtually.*

City Clerk Teresa Vargas read public comment letters submitted by Frank Gayaldo, Mike Smith, Rosita Jennings, and Kim Crockett regarding employment of the City Manager and the recent appointment to the Measure C Oversight Committee. Mayor Dhaliwal read public comment letter submitted by Gene Neely under Item 1.6. Paul Childs (in person speaker) expressed concern with property tax exemptions for veterans living in the City of Lathrop. City Attorney Salvador Navarrete and Finance Director Cari James provided additional information. Mayor Dhaliwal requested that staff meet with Mr. Childs to further discuss the matter. Steve Dresser (in person speaker) expressed appreciation to staff for resolving an ongoing maintenance issue near his community. Reverend Lucius Davis (in person speaker) commented on past conversations from prior Councils on establishing the City's own Police Department, commented on his time as a Measure C Oversight Committee Member and expressed appreciation to staff for their work on achieving financial stability. Bobby Bivens (in person speaker, NAACP President) commented on a complaint received by the NAACP and expressed interest in working with the City.

Irene Torres (zoom speaker) expressed concern with continued commercial truck traffic and lack of traffic enforcement on Lathrop Road (near Avon Avenue). Acting Police Chief Alagna responded to questions presented by Ms. Torres.

#### 4. CONSENT CALENDAR

On a motion by Councilmember Akinjo, seconded by Councilmember Lazard, the City Council approved the Consent Calendar, by the following roll call vote, unless otherwise indicated:

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

##### 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

Approved Minutes for the Regular Council Meeting of September 13, 2021, and Regular Council Meeting of October 11, 2021.

##### 4.3 CREATION OF CIP PW 22-37 FOR WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, AND APPROVAL OF CONTRACT AMENDMENT NO. 2 WITH LUHDORFF & SCALMANINI CONSULTING ENGINEERS, INC., AND RELATED BUDGET AMENDMENT

Pulled by Vice Mayor Torres-O'Callaghan. A question and answer period ensued. Public Works Director Michael King provided the information.

Adopted **Resolution 21-4977** approving Capital Improvement Project (CIP) PW 22-37 for the Well 10 Testing, Analysis and Modifications, Contract Amendment No. 2 with Luhdorff & Scalmanini Consulting Engineers, and related budget amendment.

##### 4.4 CREATION OF CIP WW 22-38 LATHROP CONSOLIDATED TREATMENT FACILITY PHASE 3 EXPANSION, AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH PACIFIC ADVANCED CIVIL ENGINEERING, INC. AND RELATED BUDGET AMENDMENT

Pulled by Vice Councilmember Akinjo. A question and answer period ensued. Public Works Director Michael King provided the information.

Adopted **Resolution 21-4978** approving Capital Improvement Project WW 22-38 Lathrop Consolidated Treatment Facility Phase 3 Expansion, Professional Services Agreement with Pacific Advanced Civil Engineering, Inc., and related budget amendment.

4.5 APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH ROBERTSON-BRYAN INC. FOR CIP WW 20-17 SURFACE WATER DISCHARGE PROJECT

Pulled by Vice Councilmember Akinjo. A question and answer period ensued. Public Works Director provided the information.

Adopted **Resolution 21-4979** approving Professional Services Agreement with Robertson-Bryan Inc., for NPDES Permit Compliance for the Consolidated Treatment Facility Surface Water Discharge Project, CIP WW 20-17.

4.6 APPROVAL OF TASK ORDER NO. 7 WITH ENGEO INC. AND AMENDMENTS NO. 2 AND 3 WITH PACIFIC ADVANCED CIVIL ENGINEERING, INC. FOR CIP WW 20-17 SURFACE WATER DISCHARGE

Pulled by Vice Councilmember Akinjo. A question and answer period ensued. Public Works Director provided the information.

Adopted **Resolution 21-4980** approving Task Order No. 7 with ENGEO Inc., and Amendments No. 2 and 3 with Pacific Advanced Civil Engineering, Inc. for Construction Engineering Services for CIP WW 20-17 Surface Water Discharge.

4.7 APPROVAL OF GRANT DEED TO REVERT REAL PROPERTY TO SCANNELL PROPERTIES LLC

Pulled by Vice Councilmember Diallo. A question and answer period ensued. Public Works Director, City Manager Stephen Salvatore and City Engineer Glenn Gebhardt provided the information. Special Counsel for Scannell Properties Alicia Guerra, Buchalter, provided additional project information.

Adopted **Resolution 21-4981** approving a Grant Deed to revert real property (APN 198-040-14) to Scannell Properties LLC.

4.8 APPROVAL OF AGREEMENT AND LEASE BETWEEN TESLA, INC. AND THE CITY OF LATHROP FOR CROSSROADS PARKING

Adopted **Resolution 21-4982** approving an Agreement and Lease between Tesla, Inc. and the City of Lathrop for Crossroads parking.

## 5. SCHEDULED ITEMS

*Council consensus directed staff to provide the presentation for Item 5.4 (Retail Commercial Cannabis Activities) before Item 5.1 (2022 SJMSCP Development Fees Annual Adjustment).*

*Discussions on Item 5.4 ended after 10:30 p.m., City Council consensus directed staff to continue with the remainder of the agenda, as required per the Handbook of Rules and Regulation of the City Council, Chapter II Section L. Zoom audio was restored shortly thereafter.*

### 5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER 2022 SJMSCP DEVELOPMENT FEES ANNUAL ADJUSTMENT

Community Development Director Mark Meissner and Principal Planner Ricardo Caguiat provided the presentation. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Vice Mayor Torres-O'Callaghan, seconded by Councilmember Lazard, the City Council considered the following:

1. Held a public hearing; and
2. Adopted **Resolution 21-4984** approving an annual adjustment to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees for 2022; by the following roll call vote, unless otherwise indicated:

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

### 5.2 CONTINUED DISCUSSION FROM OCTOBER 11, 2021, REGULAR MEETING REGARDING CONSIDERATION OF THE SCANNELL PROPERTIES INDUSTRIAL PROJECT GENERAL PLAN AMENDMENT NO. GPA-20-139, REZONE NO. REZ-20-140, SITE PLAN REVIEW NO. SPR-20-141, AND TENTATIVE PARCEL MAP NO. TPM-20-142

Community Development Director Mark Meissner and Principal Planner Ricardo Caguiat provided a summary of the continued item and previous discussions. A questions and answer period followed. City Attorney Salvador Navarrete and City Clerk Teresa Vargas provided additional information. City Traffic Consultant Fred Choa (Fehr and Peers) provided additional project information via zoom.

Mayor Dhaliwal allowed additional public comment. In person speakers: Adriana Lopez expressed concern with the traffic study referencing a City of Manteca project, grand deeds related to the project, land use changes, and potential commercial truck traffic. Mary Meninga expressed concern with the project, and potential commercial truck traffic. City Attorney Salvador Navarrete provided additional information. Zoom speaker: Special Counsel for Scannell Properties Alicia Guerra, Buchalter, provided additional project information. There were no other speakers.

A motion was made by Councilmember Diallo to deny Item 5.2. There was no second. MOTION FAILED DUE TO LACK OF SECOND.

On a motion by Councilmember Akinjo, seconded by Vice Mayor Torres-O'Callaghan, the City Council held continued discussion on the matter and considered the following:

1. Testimony presented during the Public Hearing held October 11, 2021;
2. Adopted Resolution **21-4985** adopting the Initial Study and Mitigated Negative Declaration for the Scannell Properties Industrial Project;
3. Adopted Resolution **21-4986** approving a General Plan Amendment from SC, Service Commercial to GI, General Industrial;
4. First reading and introduction of ordinance approving a Zoning Map Amendment from CS, Service Commercial to IG, General Industrial;
5. Adopted Resolution **21-4987** approving the site plan review for the Scannell Properties Industrial Project to construct three (3) Industrial Warehouse Buildings Totaling 191,160 sq. ft. in Size; and
3. Adopted Resolution **21-4988** approving a Vesting Tentative Parcel Map to Subdivide an Existing 18.2 Acre Parcel into Four (4) Parcels: Parcel 1 is 6.54-acres, Parcel 2 is 5.58-acres, Parcel 3 is 3.50-acres, and Parcel 4 is 2.52-acres; by the following roll call vote, unless otherwise indicated:

Ayes: Akinjo, Torres-O'Callaghan, and Dhaliwal

Noes: Diallo and Lazard

Absent: None

Abstain: None

- 5.3 ADOPT RESOLUTION REQUIRED BY THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) TO ESTABLISH THE LATHROP POLICE DEPARTMENT, APPROVE AND RATIFY VARIOUS AGREEMENTS FOR THE LATHROP POLICE DEPARTMENT TRANSITION PROJECT, CREATE A PROPERTY AND EVIDENCE TECHNICIAN POSITION AND APPROVE THE AMENDED POSITION CONTROL ROSTER

City Consultants Michael Oliver and Dan Drummond (Municipal Resource Consulting Group) and Finance Director Cari James provided the presentation.

A question and answer period ensued throughout the presentation. City Attorney Salvador Navarrete provided additional information.

On a motion by Councilmember Akinjo, seconded by Mayor Dhaliwal, the City Council discussed the matter and considered the following:

1. Adopted **Resolution 21-4989** establishing the Lathrop Police Department as required by the California Commission on Peace Officer Standards and Training (POST); and
2. Adopted **Resolution 21-4990** approving Task Order No. 3 with Municipal Resource Group, LLC to continue to assist with the City's transition of the new Police Department; and
3. Adopted **Resolution 21-4991** ratifying an Agreement with Sun Ridge Systems, Inc. to provide computer aided dispatch and records software and services for expansion of the Ripon Dispatch Center to serve the new Lathrop Police Department; and
4. Adopted **Resolution 21-4992** ratifying an Agreement with Axon Enterprise, Inc. for purchase of body cameras and tasers for new Police Department; and
5. Adopted **Resolution 21-4993** ratifying an Agreement with Axon Enterprise, Inc. for purchase of in-car video equipment, licenses and storage; and
6. Adopted **Resolution 21-4994** ratifying an Agreement with Emergency Vehicle Outfitters (EVO) for the purchase and installation of police equipment in the new Lathrop Police Department fleet; and
7. Adopted **Resolution 21-4995** ratifying an Agreement with Wave Business Solutions, LLC to provide communication for dispatch services between the City of Lathrop Police Department and the Ripon Police Department and to provide internet access at the new Lathrop Police Department; and
8. Adopted **Resolution 21-4996** creating a Property & Evidence Technician position and approving the amended Position Control Roster; by the following roll call vote, unless otherwise indicated:

Ayes: Akinjo, Diallo (\*#1 and #8 only), Lazard, Torres-O'Callaghan, and Dhaliwal

Noes: Diallo (\*#2, #3, #4, #5, #6 and #7 only)

Absent: None

Abstain: None

*\*Councilmember Diallo stated that she voted no on bullet points #2-7 of Item 5.3, and voted yes on bullet points #1 and #8 of Item 5.3 due to lack information previously requested.*

#### 5.4 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER MUNICIPAL CODE AMENDMENT TO ALLOW RETAIL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF LATHROP (TA-21-116)



Pulled by Councilmember Akinjo prior to the presentation. A question and answer period ensued regarding the return of the item on the agenda from the September 2021 Regular Meeting.

City Attorney Salvador Navarrete provided additional information regarding placing items on the agenda. Community Development Director Mark Meissner provided the presentation. A question and answer period followed.

Mayor Dhaliwal opened the public hearing. In person speakers: Grant Cook, Lavon Tindell, Steve Dresser, Robert Klingman, Pastor Troy Stein (New Life Church), Craig Thompson, Reverend Lucius Davis, Pastor Trinity Neilson (New Life Church), and Pastor Luis Jara (Thrive Church) all spoke in opposition of approving the proposed ordinance. In person speakers: Chris Hester, Donald Jimenez, Michael Bitton, Francisco Salinas, Bobby Bivens, Johnny Lopez, and Albert Javar all spoke in support of approving the proposed ordinance. In person speaker: Pastor Jason Tacderan (Thrive Church) spoken on the pros and cons of the subject matter. City Clerk Teresa Vargas announced public comment letters submitted by Joyce Dresser opposing the approval of the proposed ordinance.

*Mayor Dhaliwal recessed the meeting at 9:57 p.m. to 10:13 p.m. due to technical difficulties. (Initially the technical difficulties were believed to be Zoom related, however, the problem was due to an internet service outage in the area.)*

The public hearing continued. Due to the service outage and inability to continue with Zoom audio, City Clerk Teresa Vargas provided a city cell phone line for those wishing to provide public testimony remotely. In person speaker: Matt Loscavio spoke in opposition of approving the proposed ordinance. Caller: Chris Stokes spoke in support of approving the proposed ordinance. In person speakers: Aubrey Gibson and Dolores Brown spoke in support of approving the proposed ordinance. In person speaker: Adriana Lopez requested information about proposed locations. There were no other speakers. Mayor Dhaliwal closed the public hearing.

The City Council continued their discussions. City Attorney Salvador Navarrete provided additional information.

On a motion by Councilmember Diallo, seconded by Vice Mayor Torres-O'Callaghan, the City Council discussed and considered the following:

1. Held a public hearing; and
2. Held first reading and introduction of an ordinance amending Chapter 5.04, Business Licenses Generally, Chapter 5.26, Prohibition Against Commercial Cannabis, and Chapter 17.18, Prohibited Cannabis Activities; and
3. Adopted **Resolution 21-4983** establishing merit based selection criteria, by the following roll call vote, unless otherwise indicated:

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

**6. COUNCIL COMMUNICATIONS**

6.1 VICE MAYOR TORRES-O'CALLAGHAN REFERRAL - Update to the City Council Handbook of Rules and Regulations

Vice Mayor Torres-O'Callaghan provided an overview on the item. A question and answer period ensued. City Attorney Salvador Navarrete responded to questions of the Council. Council consensus directed staff to bring the matter for further discussion.

6.2 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) - None

6.3 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmembers thanked those in attendance and wished everyone a Happy Thanksgiving.

**7. ADJOURNMENT** - There being no further business, Mayor Dhaliwal adjourned the meeting at 12:45 a.m. on November 9, 2021.



Teresa Vargas, CMC  
City Clerk