

November 8, 2021 – City Council Regular Meeting – 7:00 p.m.



City Council Chamber
390 Towne Centre Drive
Lathrop, California
(209) 941-7200
www.ci.lathrop.ca.us

City Council

Sonny Dhaliwal, Mayor
Jennifer Torres-O'Callaghan, Vice Mayor
Paul Akinjo
Minnie Diallo
Diane Lazard

City Staff

Stephen Salvatore, City Manager
Salvador Navarrete, City Attorney
Teresa Vargas, Government Services
Director / City Clerk
Glenn Gebhardt, City Engineer
Michael King, Public Works Director
Cari James, Finance Director
Mark Meissner, Community Development
Director
Zachary Jones, Parks, Recreation and
Maintenance Services Director
Raymond Bechler, Chief of Police
(Commission Start Date 7/1/2022)
Lieutenant Michael Alagna, Acting Chief
of Police

General Order of Business

1. Preliminary
 - Call to Order
 - Closed Session
 - Roll Call
 - Invocation
 - Pledge of Allegiance
 - Announcements by Mayor/City Mgr.
 - Informational Items
 - Declaration of Conflict of Interest
2. Presentations
3. Citizen's Forum
4. Consent Calendar
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Referrals and Reports from Commissions and Committees
 - All Other Staff Reports and/or Action Items
 - Study Sessions
6. Council Communications
7. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested residents, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken.

Consent Calendar

Items on the Consent Calendar are considered routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or interested resident so requests, in which case the item will be removed from the Consent Calendar and considered separately.



NOVEMBER 8, 2021 – Regular Meeting Agenda – 7:00 p.m.



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See Reverse

IMPORTANT NOTICE REGARDING THIS MEETING & COVID-19

Executive Order N-29-20, issued by the Governor on March 17, 2020, set provisions which relaxed the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency, said provisions expired after September 30, 2021.

This public meeting will be conducted in person; all members of the City Council will attend in person. Members of the public are welcomed in person. COVID-19 and social distancing guidelines will be enforced. As a courtesy, this meeting will be available for public participation by teleconference via ZoomGov at the following link:

<https://www.zoomgov.com/j/1606901501?pwd=K2NsN2t1TXhaM3Y0OWtiINDF4ZWdXUT09>

- ✦ During the meeting, those joining by ZoomGov, will be allowed to speak prior to the close of public comment on an item. If you are using this method, please "raise the hand" feature to inform the City Clerk (meeting host) you wish to speak on the matter. Please ensure your computer speaker and microphone are fully functional.
- ✦ For audio / calling in only, dial: +1 (669) 254 5252
 - To request to speak (same as the "raise hand" feature) press *9 / When the City Clerk calls your name, press *6 to unmute.
- ✦ Meeting Webinar ID: 160 690 1501 / Passcode: 693382
- ✦ If you are not able to attend the meeting in person or virtually - Public comment/questions will be accepted by email to City Clerk Teresa Vargas at website_cco@ci.lathrop.ca.us or by calling (209) 941-7230
- ✦ Questions or comments must be submitted by 4:00 p.m., on the day of the meeting.
- ✦ To address City Council in person, please submit a purple card to the City Clerk indicating name, address, and number of the item upon which a person wishes to speak.

Council Meetings are live-streamed (with Closed Captioning) on Comcast Cable Channel 97, and on the City Council Webpage: <https://www.ci.lathrop.ca.us/citycouncil/page/live-stream>

Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Purple speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name and address. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker form). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said. If you challenge the nature of a proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Citizen's Forum

Any person desiring to speak on a matter, which is not scheduled on this agenda, may do so under the Citizen's Forum section. Please submit your purple speaker card to the City Clerk prior to the commencement of Citizen's Forum, or submit your request to speak via the "raise hand" feature in ZoomGov. Only those who have submitted speaker cards, or have expressed an interest to speak, prior to the conclusion of Citizen's Forum will be called upon to speak. Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item, which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker form) and each speaker may only speak once on this agenda item. Please note, the Council Chamber has limited occupancy due to social distancing.

To leave a voice message for all Councilmembers simultaneously, dial (209) 941-7230. To send an e-mail for Councilmembers simultaneously email: citycouncil@ci.lathrop.ca.us. This City Council Agenda and meeting materials can be accessed by computer or any smart device at: <https://www.ci.lathrop.ca.us/meetings>

General Information

For reports citing supplemental documents relating to specific agenda items, these are available for review in the City Clerk's Office. This agenda was posted at the following locations: City Hall, Community Center, Generations Center, Senior Center, and the Lathrop-Manteca Fire District "J" Street and Somerston Parkway Offices. The meetings of the Lathrop City Council are broadcast on Lathrop Comcast Cable Television Channel 97 and live streamed on the City's website.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility and/or accommodations to this meeting. [28 CFR 35.102-35.104 ADA Title II] Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (209) 941-7230. Information about the City or items scheduled on the Agenda may be referred to:

Teresa Vargas
Government Services Director / City Clerk
390 Towne Centre Drive
Lathrop, CA 95330
Telephone: (209) 941-7230

**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**

AGENDA

PLEASE NOTE: There will be a Closed Session commencing at 6:00 p.m. The Regular Meeting will reconvene at 7:00 p.m., or immediately following the Closed Session, whichever is later.

1. PRELIMINARY

1.1 CALL TO ORDER

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 Overheard Charges on Contract for Law Enforcement Services.

RECONVENE

1.2.2 REPORT FROM CLOSED SESSION

1.3 ROLL CALL

1.4 INVOCATION

1.5 PLEDGE OF ALLEGIANCE

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

2. PRESENTATIONS

2.1 MAYOR'S COMMITTEE REPORT(S)

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

3. CITIZEN'S FORUM

Any person desiring to speak on a matter, which is not scheduled on this agenda, may do so under Citizen's Forum. Please submit a purple speaker card to the City Clerk prior to the commencement of Citizen's Forum. Only those who have submitted speaker cards, or have expressed an interest to speak, prior to the conclusion of Citizen's Forum will be called upon to speak. Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item, which does not appear on the agenda, unless the item meets stringent statutory requirements. The City Council can, however, allow its members or staff to briefly (no more than five (5) minutes) respond to statements made, to ask questions for clarification, make a brief announcement or report on his or her own activities. (See California Government Code Section 54954.2(a)). Unless directed otherwise by a majority of the City Council, all questions asked and not answered at the meeting will be responded to in writing within 10 business days. ALL PUBLIC COMMENTS MUST BE MADE IN COMPLIANCE WITH THE LATHROP CITY COUNCIL HANDBOOK OF RULES AND PROCEDURES!

4. CONSENT CALENDAR

Items on the Consent Calendar are considered routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless the Mayor, Councilmember, or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately.

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

Waive 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

Approve 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

Adopt Resolution Approving the Creation of Capital Improvement Project (CIP) PW 22-37 for the Well 10 Testing, Analysis and Modifications, and Approve Contract Amendment No. 2 with Luhdorff & Scalmanini Consulting Engineers, and Approve 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
Adopt Resolution Approving the Creation of Capital Improvement Project WW 22-38 Lathrop Consolidated Treatment Facility Phase 3 Expansion, a 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
Adopt Resolution Approving Professional Services Agreement with Robertson-Bryan Inc. to Assist City with 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
Adopt Resolution 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
Adopt Resolution 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
Adopt Resolution Approving an Agreement and Lease between Tesla, Inc. and the City of Lathrop for Crossroads Parking

5. SCHEDULED ITEMS

- 5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER 2022 SJMSCP DEVELOPMENT FEES ANNUAL ADJUSTMENT
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Adopt a Resolution Approving an Annual Adjustment to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees for 2022
- 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

Council to Continue Their Discussion and Consideration of the Following:

1. Testimony presented during the Public Hearing held October 11, 2021;
2. Adopt a Resolution Adopting the Initial Study and Mitigated Negative Declaration for the Scannell Properties Industrial Project;
3. Adopt a Resolution Approving a General Plan Amendment from SC, Service Commercial to GI, General Industrial;
4. First Reading and Introduce an Ordinance to Approve a Zoning Map Amendment from CS, Service Commercial to IG, General Industrial;
5. Adopt a Resolution 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
6. Adopt a Resolution 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

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

Council to Consider the Following:

1. Adopt Resolution Establishing the Lathrop Police Department as Required by the California Commission on Peace Officer Standards and Training (POST); and
2. Adopt Resolution Approving Task Order No. 3 with Municipal Resource Group, LLC to Continue to Assist with the Transition to the New City of Lathrop Police Department; and
3. Adopt Resolution 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. Adopt Resolution Ratifying Agreement with Axon Enterprise, Inc. for Purchase of Body Cameras and Tasers for New Police Department; and
5. Adopt Resolution Ratifying Agreement with Axon Enterprise, Inc. for Purchase of In-Car Video Equipment, Licenses and Storage; and
6. Adopt Resolution Ratifying Agreement with Emergency Vehicle Outfitters (EVO) for the Purchase and Installation of Police Equipment in the New Lathrop Police Department Fleet; and
7. Adopt Resolution Ratifying 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 Police Department; and
8. Adopt Resolution Creating a Property & Evidence Technician Position and Approving the Amended Position Control Roster

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)

Council to Discuss and Consider the Following:

1. Hold a Public Hearing; and
2. First Reading and Introduce an Ordinance Amending Chapter 5.04, Business Licenses Generally, Chapter 5.26, Prohibition Against Commercial Cannabis, and Chapter 17.18, Prohibited Cannabis Activities
3. Adopt a Resolution Establishing Merit Based Selection Criteria

6. COUNCIL COMMUNICATIONS

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

6.2 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

- *Central Valley Executive Committee/LOCC (Akinjo/Diallo)*
- *Council of Governments (Lazard/Diallo)*
- *Integrated Waste Management Solid Waste Division (Akinjo/Torres-O'Callaghan)*
- *Reclamation District 17 Joint Powers Authority (Salvatore)*
- *San Joaquin Partnership Board of Directors (Salvatore)*
- *San Joaquin County Commission on Aging (Zavala)*
- *San Joaquin Valley Air Pollution Control District (Akinjo/Dhaliwal)*
- *Water Advisory Board (Torres-O'Callaghan/Lazard)*
- *Tri Valley-San Joaquin Valley Regional Rail Authority (Akinjo)*
- *San Joaquin Area Flood Control Agency (Akinjo & Lazard)*
- *LAFCo (Diallo)*

6.3 MAYOR & COUNCILMEMBER COMMENT(S)

7. ADJOURNMENT

/Teresa Vargas/

Teresa Vargas, CMC, City Clerk