

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, DECEMBER 13, 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 6:15 p.m. The Regular Meeting reconvened at 7:02 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:15 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)

- 3 Potential Case(s)

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:02 p.m.

1.2.2 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that direction was provided to staff in regards to Item 1.2, no other reportable action was taken.

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

1.4 INVOCATION – Pastor Troy Stein, New Life Church, provided the invocation.

1.5 PLEDGE OF ALLEGIANCE – Pastor Troy Stein led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Manager Stephen Salvatore advised the City Council on an upcoming item related to the 200-year urban level of flood protection, and the Mossdale Tract Enhanced Infrastructure Financing District’s intent on creating a Public Financing Authority. City Engineer Glenn Gebhardt provided additional information regarding the public membership recruitment.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Councilmember Lazard declared a conflict of interest with Items 4.16 through 4.19, due to her employment with Dell’Osso Farms.

2. PRESENTATIONS

2.1 PROCLAMATION DECLARING DECEMBER 9, 2021, AS COACH PHILLY BAIRD DAY

Mayor Dhaliwal read the proclamation declaring December 9, 2021, as Coach Philly Baird Day, in commemoration of his birthday. The proclamation was received by the Baird Family. Ernesto Rodriguez (in person speaker) provided remarks on his memories of Coach Baird.

2.2 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 Events*

Reported on past special events: Veterans Day Celebration held November 11, 2021 at the Veterans Memorial; Christmas Tree Lighting Event, held December 1, 2021 with approximately 400 attendees; Donuts with Santa, held December 4, 2021 with approximately 70 families in attendance; and the Christmas Parade, held December 11, 2021.

- *Senior Center Programs*

Provided an overview on various upcoming events: “Age Well Drive Smart” with CHP Officer James Smith as November Guest Speaker, scheduled for November 9, 2021; and the 2022 Noon Years Luncheon, scheduled for December 17, 2021 at 11:30 a.m.

- *Youth Development*

Provided an overview on upcoming youth workshops, which included The Polar Express Kids’ Night Out, scheduled for December 17, 2021 for ages 5-12; and Winter Camp, scheduled for December 20-22, 2021 for ages K-6th.

- *Sports Programs*

Provided an overview on upcoming sports programs, which included The Reindeer Dash Virtual Run, scheduled for December 23-26, 2021.

- *Maintenance Services*

Provided an overview on various Maintenance Services activities, which included an 8-week Weed Abatement Program that would include over 27 miles of right-of-ways, over 200 acres of open space, including storm drains and retention ponds.

- *Solid Waste & Recycling*

Provided an overview of the Christmas tree and leaf pick-up scheduled for the first 2 weeks in January; and upcoming changes to the garbage collection days commencing January 10, 2022.

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.

Jim Hilson (in person speaker) commented on various matters including his participation as a public member to the San Joaquin Council of Governments, utilizing Measure K funds for transportation improvements, and recent social media posts. John Steiner (in person speaker) expressed concern with a prior trucking business located at 11500 Harlan Road. James Cadell (in person speaker) spoke on various matters related to code compliance, and code compliance fees assessed on his property. City Clerk Teresa Vargas announced various public comment emails/letters submitted by CJ Laughlin dated December 13, 2021.

4. CONSENT CALENDAR

On a motion by Councilmember Akinjo, seconded by Councilmember Lazard, the City Council approved the Consent Calendar, except *Items 4.3, 4.16, 4.17, 4.18, and 4.19, by the following roll call vote, unless otherwise indicated:

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

**Items 4.3, 4.16, 4.17, 4.18, and 4.19 were voted on separately from the Consent Calendar.*

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 November 8, 2021.

4.3 SECOND READING AND ADOPTION OF ORDINANCE 21-428 AMENDING TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04, BUSINESS LICENSES GENERALLY, CHAPTER 5.26, PROHIBITION AGAINST COMMERCIAL CANNABIS, AND TITLE 17, ZONING, CHAPTER 17.18, PROHIBITED CANNABIS ACTIVITIES (TA-21-116)

Pulled by Councilmember Diallo. A question and answer period ensued. City Attorney Salvador Navarrete, Principal Planner Rick Caguiat, Acting Chief Alagna responded to questions of the Council. Councilmember Diallo commented on several sections and requested language changes on the proposed ordinance; removal of paragraph A & C of Section 5.26.150, revisions to paragraph J of Section 5.26.100, revisions to paragraph A of Section 5.26.040, revisions to paragraph 1 of Section 5.26.050, and revisions to paragraph 21. B & C of Section 5.04.190. Councilmember Lazard requested a workshop to reopen the item for public discussion. Councilmember Akinjo expressed concern on the proposed changes. Vice Mayor Torres-O'Callaghan requested additional information regarding the track and trace system, and criminal history information on applications. Mark Elliott (in person speaker) expressed concern with the matter and the proposed changes. Donald Jimenez (in person speaker) spoke in support of the matter. Michael B. (zoom speaker) spoke in support of the matter.

On a motion by Councilmember Diallo, seconded by Vice Mayor Torres-O'Callaghan, the City Council waived full reading and adopted **Ordinance 21-428**, as amended by Council during their discussions, amending Title 5, Business Licenses and Regulations, Chapter 5.04, Business Licenses Generally, Chapter 5.26, Prohibition Against Commercial Cannabis, And Title 17, Zoning, Chapter 17.18, Prohibited Cannabis Activities (TA-21-116), by the following roll call vote:

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

4.4 SECOND READING AND ADOPTION OF ORDINANCE 21-429 APPROVING THE ZONING MAP AMENDMENT FOR THE SCANNELL PROPERTIES INDUSTRIAL PROJECT (REZ-20-140)

Waived full reading and adopted **Ordinance 21-429** by title only approving the Zoning Map Amendment for the Scannell Properties Industrial Project (REZ-20-140).

4.5 TREASURER'S REPORT FOR SEPTEMBER 2021

Pulled by Councilmember Akinjo. A question and answer period ensued. Deputy Finance Director Thomas Hedegard provided additional information.

Approved Quarterly Treasurer's Report for September 2021.

4.6 COMMUNITY FACILITIES DISTRICTS ANNUAL BOND ACCOUNTABILITY REPORT FOR FY 2020/21

Pulled by Councilmember Akinjo. A question and answer period ensued. Finance Director Cari James provided additional information.

Received and approved Report for Bonded and Non Bonded Community Facilities Districts.

4.7 RATIFY THE PURCHASE OF MOBILE AND PORTABLE COMMUNICATION RADIOS FOR CIP GG 21-11 LATHROP POLICE DEPARTMENT

Adopted **Resolution 21-4997** ratifying the Purchase of Mobile and Portable Communication Radios from La Rue Communications for CIP GG 21-11 Lathrop Police Department.

4.8 APPROVE UPDATED SALARY SCHEDULE FOR FISCAL YEAR 2021/22 AND JOB CLASSIFICATION FOR UTILITY OPERATIONS SUPERINTENDENT

Adopted **Resolution 21-4998** approving the City of Lathrop Salary Schedule as of January 1, 2022, in accordance with California Code of Regulations, Title 2, Section 570.5, and approving an update to the job classification for the Utility Operations Superintendent.

4.9 APPROVE SERVICE AGREEMENT WITH WAVE BUSINESS SOLUTION, LLC FOR TELECOMMUNICATION AND INTERNET SERVICES

Pulled by Councilmember Akinjo. A question and answer period ensued. Chief Information Officer Tony Fernandes provided additional information.

Adopted **Resolution 21-4999** approving a Service Agreement with Wave Business Solution, LLC to provide Telecommunication and Internet Services to the City of Lathrop.

4.10 APPROVE TASK ORDER NO. 25 WITH 4LEAF, INC., FOR BUILDING INSPECTION SERVICES

Pulled by Councilmember Diallo. A question and answer period ensued. Public Works Director Michael King provided additional information.

Adopted **Resolution 21-5000** approving Task Order No. 25 with 4LEAF, Inc., to provide building inspection services pursuant to Master Professional Services Consulting Agreement dated September 21, 2015 with 4LEAF, Inc.

4.11 APPROVE AMENDMENT NO. 1 WITH SORACCO, INC. FOR ON-CALL CONSTRUCTION SERVICES FOR WET UTILITY AND STREET REPAIR SERVICES

Pulled by Councilmembers Akinjo and Diallo. A question and answer period ensued. Public Works Director Michael King provided additional information.

Adopted **Resolution 21-5001** approving Amendment No. 1 to the Agreement with Soracco, Inc. for on-call emergency construction services for wet utility and street repairs.

- 4.12 APPROVE AMENDMENT NO. 7 TO THE WASTEWATER TREATMENT PLANT OPERATION AND MAINTENANCE AGREEMENT WITH VEOLIA WATER WEST OPERATING SERVICES, INC.

Adopted **Resolution 21-5002** approving Amendment No. 7 to the Wastewater Plant Operation and Maintenance Agreement with Veolia Water West Operating Services, Inc. and approving related budget amendment.

- 4.13 APPROVE PARCEL MAP 21-02, SUBDIVISION IMPROVEMENT AGREEMENT FOR PHASE 2 OF THE LATHROP GATEWAY BUSINESS PARK

Adopted **Resolution 21-5003** approving the Lathrop Gateway Business Park Parcel Map 21-02, and Subdivision Improvement Agreement with Yosemite Lathrop 2, LLC for Phase 2 of the Lathrop Gateway Business Park.

- 4.14 APPROVE RECOMMENDATION TO CHANGE "TALBOTT COURT" TO "MONTELENA COURT"

Pulled by Councilmember Akinjo. A question and answer period ensued. Principal Planner Rick Caguiat provided additional information.

Adopted **Resolution 21-5004** approving street name modification to change "Talbot Court" to "Montelena Court" located within Tract 4018 in Stanford Crossing.

- 4.15 ACCEPT PUBLIC UTILITY EASEMENT DEDICATIONS ASSOCIATED WITH SONIC DRIVE-IN AND DUTCH BROTHERS LOCATED AT 15107 AND 15135 OLD HARLAN ROAD

Adopted **Resolution 21-5005** accepting the Dedication of Public Utility Easements from CFT NV Development, LLC for the I-5 off-ramp and Old Harlan Road associated with the Sonic Drive-in and Dutch Brothers located at 15107 and 15135 Old Harlan Road.

RIVER ISLANDS CONSENT ITEM(S)

Councilmember Lazard recused herself, following the vote of the consent calendar (Items 4.1 to 4.15), and left the chamber at 9.03 p.m., prior to the vote of Item 4.16, due to declared conflict of interest as noted in Item 1.8.

On a motion by Mayor Dhaliwal, seconded by Vice Mayor Torres-O'Callaghan, the City Council approved Items 4.16 through 4.19, by the following roll call vote, unless otherwise indicated:

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

4.16 APPROVE SUMMARY VACATION OF A PORTION OF THE SLOPE AND DRAINAGE EASEMENT ADJACENT TO DELL'OSSO DRIVE WITHIN RIVER ISLANDS

Pulled by Vice Mayor Torres-O'Callaghan. A question and answer period ensued. City Engineer Glenn Gebhardt provided additional information.

Adopted **Resolution 21-5006** approving the Summary Vacation of a portion of the Slope and Drainage Easement adjacent to Dell'Ossso Drive within River Islands.

4.17 APPROVAL OF FINAL MAP, COMMON USE AGREEMENT, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 46 LOTS IN TRACT 4094 VILLAGE "LL2" WITHIN LAKESIDE WEST DISTRICT OF RIVER ISLANDS

Adopted **Resolution 21-5007** approving Final Map for Tract 4094 Village "LL2" within the Lakeside West District, Totaling 46 Single Family Lots, a Common Use Agreement, and Subdivision Improvement Agreement with River Islands Stage 2B, LLC

4.18 APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 8 LOTS IN TRACT 4111 VILLAGE "S5" WITHIN LAKESIDE EAST DISTRICT OF RIVER ISLANDS

Adopted **Resolution 21-5008** approving Final Map for Tract 4111 Village "S5" within the Lakeside East District, Totaling 8 Single Family Lots and Subdivision Improvement Agreement with River Islands Stage 2A, LLC

4.19 ACCEPTANCE OF PUBLIC ROADWAY IMPROVEMENTS FROM RIVER ISLANDS DEVELOPMENT, LLC ON PARADISE ROAD BETWEEN PARADISE CUT AND RIVER ISLANDS PARKWAY AND RELEASE OF ASSOCIATED BONDS AND CONSTRUCTION GUARANTEES

Adopted **Resolution 21-5009** accepting Public Roadway Improvements from River Islands Development, LLC on Paradise Road between Paradise Cut and River Islands Parkway and Releasing Associated Bonds and Construction Guarantees

Councilmember Lazard returned to the chamber/dais after the vote of Items 4.19, at 9:14 p.m. for the remainder of the meeting.

Immediately following the vote of Items 4.16-4.19, City Manager Stephen Salvatore announced connectivity issues with Zoom. A question and answer period ensued. City Clerk Teresa Vargas provided an overview of in-person meetings, streaming services on the City's website and the ZOOM connection for public participation. City Attorney Salvador Navarrete provided additional information regarding requirements for in-person meetings as opposed to virtual meetings. Zoom was reported to be down approximately from 9:10 p.m. to 9:18 p.m. The streaming services remained connected and in-person participation was available throughout the meeting. Council resumed with Item 5.1 following this brief discussion.

5. SCHEDULED ITEMS

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTION OF THE FINAL TRACY SUBBASIN GROUNDWATER SUSTAINABILITY PLAN AND APPROVAL OF AMENDMENT NO. 1 TO THE TRACY SUBBASIN MEMORANDUM OF AGREEMENT

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. Jim Hilson (in person speaker) commented on getting ahead of shovel ready projects. There were no other speakers. Mayor Dhaliwal closed the public hearing.

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

1. Held a public hearing; and
2. Adopted **Resolution 21-5010** approving the Final Groundwater Sustainability Plan for the Tracy Subbasin for Management of the City of Lathrop Jurisdictional Area and approving Amendment No. 1 to the Tracy Subbasin Memorandum of Agreement, by the following roll call vote:

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

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.24, SECTION 10.24.030 DESIGNATED NO PARKING AREAS OF THE LATHROP MUNICIPAL CODE

Public Works Director Michael King provided the presentation. A question and answer period followed. Mayor Dhaliwal opened the public hearing. Jim Hilson (in person speaker) expressed concern with those not driving safely on and parking on roundabouts. Adriana Lopez (zoom speaker) spoke in support of on street parking for residential areas. There were no other speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Councilmember Lazard, seconded by Mayor Dhaliwal, the City Council considered the following:

1. Held a public hearing; and
2. Introduced and held first reading of an ordinance of the City Council of the City of Lathrop to consider amending Title 10, Chapter 10.24, Section 10.24.030 Designated No Parking Areas of the Lathrop Municipal Code, by the following roll call vote:

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

5.3 RECEIVE UPDATE ON CIP GG 22-35 CAMERA SURVEILLANCE SYSTEMS FOR MAJOR CITY PARKS AND CONSIDER THE ADOPTION OF PUBLIC SAFETY VIDEO SURVEILLANCE SYSTEM POLICY

Public Works Director Michael King provided the presentation. A question and answer period followed. Chief Information Officer Tony Fernandes, City Attorney Salvador Navarrete, and Acting Police Chief Alagna responded to questions of the Council.

On a motion by Vice Mayor Torres-O'Callaghan, seconded by Councilmember Lazard, the City Council received an update on CIP GG 22-35 Camera Surveillance Systems for Major City Parks and adopted **Resolution 21-5011** approving a Public Safety Video Surveillance System Policy, by the following roll call vote, unless otherwise indicated:

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

5.4 CONSIDER AMENDING THE HANDBOOK OF RULES AND PROCEDURES OF THE LATHROP CITY COUNCIL TO REVISE CHAPTER III – DECORUM

City Clerk Teresa Vargas provided the presentation. A question and answer period followed. City Attorney Salvador Navarrete provided additional information. The City Council discussions continued. Councilmember Akinjo expressed concern with being able to use smart devices for personal health monitoring. Councilmember Diallo opposed the item citing being able to reach her family. Councilmember Lazard supported the item. Mayor Dhaliwal asked about family members being able to reach Councilmembers during emergencies. City Clerk Teresa Vargas announced that the City would provide a private landline for family members to call-in to the City Clerk's Office while Council Meetings are in session. Councilmembers would also have the ability to step down from the dais if needed.

On a motion by Vice Mayor Torres-O’Callaghan, seconded by Councilmember Lazard, the City Council adopted **Resolution 21-5011** amending the Handbook of Rules and Procedures of the Lathrop City Council Chapter III - Decorum, by Adding Section G, Titled “Use of Electronic Communication Devices During City Council Meetings”

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

6. COUNCIL COMMUNICATIONS

6.1 COUNCILMEMBER DIALLO REFERRAL – Discuss Removal of the Roundabout In Front of Mossdale School, and Replace with Stop Signs and Lighted Crosswalk

Councilmember Diallo provided an overview of the referral. A question and answer period ensued requesting removal of the roundabouts near Mossdale School. A question and answer period ensued. Director of Public Works Michael King and City Manager Stephen Salvatore provided additional information. Jim Hilson (in person speaker) commented on the matter, expressed discontent with roundabouts near schools. Council consensus directed staff to bring back the matter at a future meeting.

6.2 MAYOR DHALIWAL REFERRAL – Set Application Deadline for One (1) Member to the Measure C Oversight Committee, with Term Ending June 30, 2022, due to Unexpired Term Vacancy

Mayor Dhaliwal set January 3, 2022, as the application deadline. Appointment to be made during the January 10, 2022, Regular City Council Meeting.

6.3 MAYOR DHALIWAL REFERRAL – Appointment of Vice Mayor for 2022

Mayor Dhaliwal provided an overview and appointed Councilmember Lazard as Vice Mayor for 2022.

6.4 MAYOR DHALIWAL REFERRAL – Mayor and Councilmember Assignments for 2022

Mayor Dhaliwal requested Council consideration on maintaining the same assignments from 2021. Council consensus directed the City Clerk to keep assignments for 2022 unchanged from 2021:

<u>Assignment</u>	<u>Delegate</u>	<u>Alternate</u>
Central Valley Executive Committee	Akinjo	Diallo
Council of Governments	Lazard	Diallo
Integrated Waste Mgmt. Task Force	Akinjo	Torres-O’Callaghan

Reclamation District 17 JPA	Salvatore	N/A
SJC Commissions on Aging	Zavala	N/A
SJ Partnership Board of Directors	Salvatore	N/A
SJ Valley Air Pollution Control District	Akinjo	Dhaliwal
Water Advisory Board	Torres-O'Callaghan	Lazard
Tri Valley-SJV Regional Rail	Akinjo	N/A
SJA Flood Control Agency	Akinjo/Lazard	N/A
2x2 Meetings with Manteca	Dhaliwal	Torres-O'Callaghan
2x2 Meetings with LMFD	Dhaliwal	Akinjo
2x2 Meetings with MUSD	Diallo	Torres-O'Callaghan
2x2 Meetings with BESD	Torres-O'Callaghan	Lazard
2x2 Committee for LPS Review	Dhaliwal	Akinjo
Economic Development Review	Dhaliwal	Lazard
LAFCo	N/A	Diallo


6.5 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Councilmember Akinjo gave a brief update on the Tri Valley-San Joaquin Valley Regional Rail Authority projects.

6.6 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Akinjo commented on the growth of the City, the importance of public input, respectful dialogue, and expressed appreciation to staff. Councilmember Lazard commented and expressed appreciation to staff for the Christmas Tree Lighting Event & Christmas Parade. Councilmember Diallo expressed appreciation to staff for the Christmas Tree Lighting Event & Christmas Parade, and requested a referral for the upcoming meeting to consider changes to the City Council Regular Meeting schedule, and an update on the Police Department transition. Vice Mayor Torres-O'Callaghan wished everyone a Happy Holiday season and provided her best wishes to students during finals week. Mayor Dhaliwal echoed similar sentiments and wished everyone a Merry Christmas and Happy New Year.

7. **ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 11:23 p.m.



 Teresa Vargas, MMC
 City Clerk

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