

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 14, 2022
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

AGENDA

PLEASE NOTE: There was a Closed Session, which commenced at 5:34 p.m. The Regular Meeting reconvened at 7:07 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 5:34 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)

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.

1.2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8
Property: 7000 Michael Canlis Boulevard, French Camp, CA 95231
Agency Negotiator: Stephen J. Salvatore, City Manager
Negotiating Parties: County of San Joaquin
Under Negotiation: Lease / Use Agreement

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:07 p.m.

1.2.3 REPORT FROM CLOSED SESSION

In terms of 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.

City's Contract Legal Counsel Michael Colantuono reported that the City Council did not take an action in Closed Session, which required to be reported.

In terms of the remaining items listed under Item 1.2, City Attorney Salvador Navarrete reported that direction was provided by the City Council; no other reportable action was taken.

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

Absent: Councilmember Akinjo.

- 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 - None

- 1.7 INFORMATIONAL ITEM(S) – None

- 1.8 DECLARATION OF CONFLICT(S) OF INTEREST - None

2. PRESENTATIONS

- 2.1 PROCLAMATION DECLARING FEBRUARY AS BLACK HISTORY MONTH

Mayor Dhaliwal presented the Proclamation declaring February 2022 as Black History Month to Lathrop resident Morris Barrier (President of River Islands Riptide Football and Cheer Organization).

- 2.2 INTRODUCTION OF NEW EMPLOYEES

City Manager Stephen Salvatore introduced Director of Human Resources Theresa Roland. Chief of Police Raymond Bechler introduced Police Commanders Kyle Oki and Stephen Sealy.

- 2.3 LATHROP POLICE DEPARTMENT PROJECT UPDATE, CIP GG 21-11

City Consultant Dr. Merlin Switzer (Municipal Resource Consulting Group) and incoming City of Lathrop Chief of Police Raymond Bechler provided the presentation, which included an update on recruitments, equipment purchases, police vehicles, station modifications, property and evidence, joint City of Ripon and City of Lathrop dispatch center, and CLETS application status. City Manager Stephen Salvatore provided additional information.

3. CITIZEN'S FORUM

Michelle Maddon (in person speaker) inquired about the transition progress between the San Joaquin County Sheriff's Office and incoming Lathrop Police Department staff. Incoming Chief of Police Raymond Bechler responded.

4. CONSENT CALENDAR

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

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

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

Waived the reading in full of ordinances and resolutions on agenda and adopted 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 January 10, 2022

4.3 SECOND READING AND ADOPTION OF ORDINANCE 22-431 OF THE CITY OF LATHROP AMENDING VARIOUS SECTIONS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, ZONING CODE, AND TITLE 10, VEHICLES AND TRAFFIC (TA-21-151)

Waived full reading and adopted **Ordinance 22-431** by title only to update various sections to the Lathrop Municipal Code to modernize, simplify, and streamline various sections of Title 17, Zoning Code, and Title 10, Vehicles and Traffic (TA-21-151).

4.4 TREASURER'S REPORT FOR DECEMBER 2021

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

Approved Quarterly Treasurer's Report for December 2021.

4.5 OPPOSE 2022 BALLOT INITIATIVE 21-0042A1 "THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT"

Adopted **Resolution 22-5020** Opposing Initiative 21-0042A1 "The Taxpayer Protection and Government Accountability Act" State Ballot Measure Restricting Voters' Input and Local Taxing Authority.

- 4.6 APPROVE TASK ORDER NO. 26 WITH 4LEAF, INC. FOR STAFF AUGMENTATION SERVICES IN THE BUILDING DIVISION

Adopted **Resolution 22-5021** approving Task Order No. 26 with 4LEAF, Inc. for staff augmentation services in the Building Division pursuant to Master Professional Services Consulting Agreement dated September 21, 2015 with 4LEAF, Inc.

- 4.7 APPROVE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 271 LOTS IN TRACT 4105 WITHIN PHASE 1D OF THE CENTRAL LATHROP SPECIFIC PLAN

Adopted **Resolution 22-5022** approving Final Map for Tract 4105 within Phase 1D of the Central Lathrop Specific Plan, totaling 271 single-family lots and Subdivision Improvement Agreement with Lathrop Land Acquisition, LLC.

- 4.8 AWARD CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR THE LATHROP ROAD AND HARLAN ROAD INTERSECTION IMPROVEMENTS, CAPITAL IMPROVEMENT PROJECT PS 21-06 AND APPROVE RELATED BUDGET AMENDMENT

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

Adopted **Resolution 22-5023** awarding a Construction Contract to Dirt Dynasty, Inc. for the Lathrop Road and Harlan Road intersection improvements, Capital Improvement Project (CIP) PS 21-06, and approving related budget amendment.

- 4.9 AWARD CONSTRUCTION CONTRACT TO COMMERCIAL PUMP & MECHANICAL, INC. FOR WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, CAPITAL IMPROVEMENT PROJECT PW 22-37 AND APPROVE RELATED BUDGET AMENDMENT

Adopted **Resolution 22-5024** awarding a Construction Contract to Commercial Pump & Mechanical, Inc. (CPM) for Well 10 testing, analysis and modifications, Capital Improvement Project (CIP) PW 22-37, and approve related budget amendment.

- 4.10 ACCEPT PUBLIC IMPROVEMENTS FOR STANFORD CROSSING PHASE 1B NEIGHBORHOOD PARK LOCATED IN CENTRAL LATHROP SPECIFIC PLAN AND AUTHORIZE THE RELEASE OF BONDS ASSOCIATED WITH EP NO. 2021-30

Adopted **Resolution 22-5025** accepting public improvements for Stanford Crossing Phase 1B Neighborhood Park located in Central Lathrop Specific Plan, and authorizing the release of bonds associated with Encroachment Permit No. 2021-30.

5. SCHEDULED ITEMS

5.1 REVIEW AND PROVIDE DIRECTION ON DESIGN OPTIONS FOR CIP PK 20-02 MILESTONE MANOR PARK REVITALIZATION

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

On a motion by Vice Mayor Lazard, seconded by Councilmember Torres-O'Callaghan, the City Council discussed the proposed design options for CIP PK 20-02 Milestone Manor Park revitalization project, and approved **Resolution 22-5026** approving Option 1 and the associated budget amendment, by the following roll call vote, unless otherwise indicated:

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

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAM ALLOCATIONS FOR FISCAL YEAR 2022/2023

Economic Development Administrator Shelley Burcham provided the presentation. A question and answer period followed the presentation. Public Works Director Michael King and Government Services Director / City Clerk Teresa Vargas provided additional information regarding the City's Informal Bidding Procedures.

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 Mayor Dhaliwal, the City Council considered the following:

- Held a public hearing; and
- Adopted **Resolution 22-5027** approving the following recommended allocation of the CDBG and HOME Funds for FY 2022/2023 for consideration by San Joaquin County and the US Department of Housing and Urban Development (HUD), as amended by Council to include an allocation of the \$20,506 HOME Program funds to the Housing Rehabilitation Loan Program and \$10,000 to the GAP Loan Program for down payment assistance:

<u>Public Service Organizations</u>	<u>Allocations</u>
San Joaquin Fair Housing	\$ 1,250.00
Give Every Child a Chance (GECAC)	\$5,500.00
Emergency Food Bank of Stockton/San Joaquin	\$ 1,192.80
SJC Dept. of Aging (Meals on Wheel)	\$ 1,000.00
Lathrop Activity Assistance Program	\$ 5,000.00
Total Allocation (15% of \$92,952)	<u>\$13,942.80</u>

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

Paul Camarena (in person speaker) requested to comment on the matter after the Public Hearing closed.

5.3 APPROVE THE SELECTION PROCESS AND THE ISSUANCE OF A REQUEST FOR PROPOSALS, REVISED MERIT BASED SELECTION CRITERIA, AND APPEAL PROCEDURES FOR A COMMERCIAL CANNABIS DISPENSARY IN THE CITY OF LATHROP

Government Services Director / City Clerk Teresa Vargas announced public comment emails/letters submitted by Jennifer McGrath (Law Offices of Jennifer McGrath) and Corey Travis (Zen Garden Wellness); both dated February 14, 2022, regarding Item 5.3. City Attorney Salvador Navarrete provided the presentation. A question and answer period followed. Joseph Bennett (zoom speaker) commented on the matter, expressed concern with the proposed permit requirements. The question and answer period continued. City Attorney Salvador Navarrete provided additional information.

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

- Approved **Resolution 22-5028** approving a Cannabis Dispensary Selection Process and revised Merit-Based Selection Criteria, as amended to include language that would require applicants to have secured ownership or physical control over their proposed location, site plan, and floor plan in the RFP response and revised RFP deadline of March 8, 2022; and
- Approved **Resolution 22-5029** approving an Appeal Procedure and Applicable Rules for Commercial Cannabis Activities in the City of Lathrop.

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

6. COUNCIL COMMUNICATIONS

- 6.1 MAYOR DHALIWAL REFERRAL – Appointment of One (1) Member to the Measure C Oversight Committee, with Term Ending June 30, 2022, due to Unexpired Term Vacancy

- Three (3) Applications Received

Mayor Dhaliwal made the following appointment, with term ending June 30, 2022, due to unexpired term vacancy, plus one (1) additional full term of three (3) years:

Measure C Oversight Committee

Jim Hilson

Term Expires

June 30, 2025

On a motion by Councilmember Diallo, seconded by Vice Mayor Lazard, the City Council approved the appointment made by Mayor Dhaliwal as noted above.

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

- 6.2 COUNCILMEMBER DIALLO REFERRAL – Amendment to the City Council Handbook of Rules and Regulations to Consider Changes to the City Council Regular Meeting Schedule

Councilmember Diallo provided an overview. The City Council discussed the matter. There was no consensus from the City Council to agendaize the matter requested in the referral. Michelle Maddon (in person speaker) commented on the matter; expressed concern with meetings running late and requested staff look into ADA accessible play equipment for city parks.

- 6.3 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) - None

- 6.4 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Torres-O’Callaghan expressed appreciation to staff and thanked those in attendance. Councilmember Diallo thanks public safety staff and wished everyone a happy new year. Vice Mayor Lazard and Mayor Dhaliwal thanked those in attendance and wished everyone a good night.

7. **ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 9:04 p.m.



Teresa Vargas, MMC

Government Services Director/ City Clerk