

ITEM 4.2

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, JANUARY 10, 2022
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 6:30 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 6:30 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)

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:07 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 Lazard;
Councilmembers: Akinjo and Torres-O’Callaghan

Absent: Councilmember Diallo

1.4 INVOCATION – Associate Pastor Jacob Buchannan, Grace Community Church, provided the invocation.

1.5 PLEDGE OF ALLEGIANCE – Associate Pastor Jacob Buchannan led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Manager Stephen Salvatore announced that the Government Finance Officers Association (GFOA) awarded the City of Lathrop the Certificate of Achievement for Excellence in Financial Reporting for the 24th year in a row.

Councilmembers commented on the matter and congratulated staff on the achievement. City Manager Stephen Salvatore also announced that as of year-end 2021, the City of Lathrop was the only city in San Joaquin County that was able to expend all the City's CDBG-CV Emergency General Assistance Grant funds to Lathrop residents in need during the pandemic.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Vice Mayor Lazard declared conflict of interest with Items 4.8 and 4.9, 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 economic development activity for the period of October 1, 2021 to December 31, 2021. A question and answer period ensued throughout the presentation.

2.2 AMERICAN RESCUE PLAN ACT (ARPA) UPDATE

Deputy Finance Director Thomas Hedegard provided the presentation, including an overview of the American Rescue Plan Act of 2021 (ARPA), which established the Coronavirus State and Local Fiscal Recovery Fund; and the funding expected to be received by the City of Lathrop. A question and answer period ensued throughout the presentation.

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 Police Department, Chief of Police Raymond Bechler provided the presented, which included an update on on-going recruitments, joint agreement with City of Ripon to provide dispatch communications services, necessary vehicles and equipment for the new police department, and update on the CLETS application status. A question and answer period followed the presentation.

3. CITIZEN'S FORUM

James Cadell (in person speaker) spoke on various matters related to pulling a building permit and code compliance fines related to his project, commented on a recent PRA response from the City Attorney, and a future road realignment near his property. City Manager Stephen Salvatore provided additional information.

Irene Torres (zoom speaker) expressed concern regarding on-going commercial truck traffic on Lathrop Road and requested information on CHP assistance for illegal truck route compliance in residential areas. Acting Police Chief Alagna provided additional information. Lawrence Abbott (zoom speaker) commented on various matters including being part of a prior General Plan Advisory Committee and landscaping ideas for storm drain retention ponds. Gertrude (zoom speaker) inquired about projects funded by the Coronavirus State and Local Fiscal Recovery Fund. Mayor Dhaliwal instructed the resident to contact Finance Director Cari James during regular business hours.

4. CONSENT CALENDAR

On a motion by Councilmember Torres-O'Callaghan, seconded by Mayor Dhaliwal, the City Council approved the Consent Calendar, except *Items 4.8 and 4.9, by the following roll call vote, unless otherwise indicated:

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

**Items 4.8 and 4.9 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 December 13, 2021.

4.3 SECOND READING AND ADOPTION OF ORDINANCE 22-430 AMENDING TITLE 10, CHAPTER 10.24, SECTION 10.24.030 DESIGNATED NO PARKING AREAS OF THE LATHROP MUNICIPAL CODE

Waived full reading and adopted **Ordinance 22-430** by title only amending Title 10, Chapter 10.24, Section 10.24.030 "Designated No Parking Areas" of the Lathrop Municipal Code.

4.4 REVIEW OF THE CAPITAL FACILITY FEE FUNDS REPORT FOR FISCAL YEAR 2020-2021

Reviewed and approved the Capital Facility Fee Funds Report for Fiscal Year 2020-2021.

4.5 APPROVE COOPERATIVE AGREEMENTS WITH SAN JOAQUIN COUNCIL OF GOVERNMENTS

Adopted **Resolution 22-5013** approving two Cooperative Agreements with San Joaquin Council of Governments for funding towards active transportation projects CIP PS 22-17 and CIP PS 22-18.

4.6 APPROVE INFORMATION SYSTEMS SERVER REPLACEMENTS AND SOFTWARE LICENSES

Adopted **Resolution 22-5014** approving a Lease Purchase Agreement with Hewlett Packard Financial Services for end-of-life server replacements and software licenses provided by Solid Networks, Inc. for disaster recovery site.

4.7 APPROVE RESERVE WASTEWATER TREATMENT CAPACITY TRANSFER FROM CITY OF LATHROP TO SAYBROOK CLSP, LLC AND A RELATED BUDGET AMENDMENT

Pulled by Councilmember Akinjo. A question and answer period ensued. Land Development Manager Brad Taylor provided additional information.

Adopted **Resolution 22-5015** approving the Sale and Transfer Agreement of 54,200 GPD reserve wastewater treatment capacity in the Consolidated Treatment Facility from City of Lathrop to Saybrook CLSP, LLC for phase 1D1 final maps and a related budget amendment.

RIVER ISLANDS CONSENT ITEM(S)

Councilmember Lazard recused herself, following the vote of the consent calendar (Items 4.1 to 4.7), and left the chamber at 8:13 p.m., prior to the vote of Items 4.8 and 4.9, due to declared conflict of interest as noted in Item 1.8.

On a motion by Councilmember Akinjo, seconded by Mayor Dhaliwal, the City Council approved Items 4.8 and 4.9, by the following roll call vote, unless otherwise indicated:

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

4.8 APPROVE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 43 LOTS IN TRACT 4090 VILLAGE "HH2" WITHIN OLD RIVER DISTRICT OF RIVER ISLANDS

Adopted **Resolution 22-5016** approving Final Map for Tract 4090 Village "HH2" within the Old River District, totaling 43 single-family lots and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

4.9 APPROVE FINAL MAP, COMMON USE AGREEMENT, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 62 LOTS IN TRACT 4092 VILLAGE "GG2" WITHIN OLD RIVER DISTRICT OF RIVER ISLANDS

Adopted **Resolution 22-5017** approving Final Map for Tract 4092 Village "GG2" within the Old River District, totaling 62 single-family lots, a Common Use Agreement, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

Councilmember Lazard returned to the chamber/dais after the vote of Items 4.8 and 4.9, at 8:15 p.m. for the remainder of the meeting. Mayor Dhaliwal recused himself due a family emergency, following the vote of Items 4.8 and 4.9, and left for the remainder of the meeting at 8:15 p.m. Vice Mayor Lazard presided over the meeting commencing with Item 5.1.

5. SCHEDULED ITEMS

5.1 APPROVE RESOLUTION OF INTENTION TO ESTABLISH THE PROPOSED "MOSSDALE TRACT ENHANCED INFRASTRUCTURE FINANCING DISTRICT"

City Manager Stephen Salvatore introduced guest speakers Executive Director Chris Elias with the San Joaquin Area Flood Control Agency (SJAFCA), and Project Consultant Seth Wurzel with Larsen Wurzel & Associates, Inc.

City Manager Stephen Salvatore provided a brief overview of the proposed item. Executive Director Chris Elias followed, and provided additional information related to the project history. Project Consultant Seth Wurzel gave the presentation, which included the SJAFCA strategic plan priority actions related to Mossdale Tract urban level of protection, Mossdale Tract funding and proposed Mossdale Tract Enhanced Infrastructure Financing District (EIFD), summary of actions requested of the City Council related to the EIFD formation process, and introduction of changes to Section 11 and Section 12 of the proposed Resolution of Intention. A question and answer period followed. Councilmembers discussed the public member appointment process. Special Counsel Constantine C. Baranoff representing SJAFCA and City Attorney Salvador Navarrete provided additional information regarding the public member appointment process. The question and answer period continued. Gertrude (zoom speaker) spoke on the matter, inquired about the proposed tax assessments /financing districts. City Manager Stephen Salvatore provided additional information. Lawrence Abbott (zoom speaker) commented on the importance of public engagement on the formation of the proposed EIFD. The question and answer period continued.

*On a motion by Councilmember Akinjo, seconded by Vice Mayor Lazard, the Council voted to approve Item 5.1, as amended to reflect changes introduced to Section 11 and Section 12, by the following roll call vote, unless otherwise indicated:

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

*Following the vote, City Attorney Salvatore Navarrete announced during the meeting that the 2-1 vote was sufficient to approve the Resolution. After subsequent research, it was determined that due to lack of three affirmative votes to adopt the "*Resolution of Intention Proposing to Establish an Enhanced Infrastructure Financing District to Finance the Construction and/or Acquisition of Capital Improvements, Establish a Public Financing Authority (PFA), Appoint 2 Lathrop Council Members and 2 Public Members to the PFA and Authorize Certain Other Actions Related Thereto*", the Resolution was not legally adopted, and was not be assigned a number in the City's book of records. (GC Section 36936)

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER MUNICIPAL CODE AMENDMENT TO UPDATE VARIOUS SECTIONS TO THE LMC TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, ZONING CODE, AND TITLE 10, VEHICLES AND TRAFFIC (TA-21-151)

Principal Planner Rick Caguiat provided the presentation. A question and answer period ensued throughout the presentation. City Attorney Salvador Navarrete and City Manager Stephen Salvatore provided additional information. Vice Mayor Lazard opened the public hearing. Jim Hilson (zoom speaker) inquired about wireless communication facilities and code regulations set forth in compliance with the FCC. Principal Planner Rick Caguiat provided additional information. There were no other speakers. Vice Mayor Lazard closed the public hearing.

On a motion by Councilmember Akinjo, seconded by Councilmember Torres-O'Callaghan, the City Council considered the following, by the following roll call vote, unless otherwise indicated:

1. Held a public hearing; and
2. Held first reading and introduction of an ordinance adopting various amendments to the Lathrop Municipal Code (LMC) to modernize, simplify, and streamline various sections of Title 17, Zoning Code, and Title 10, Vehicles and Traffic.

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

The Amendments to the Municipal Code included the following:

- Chapter 10.24 (Parking): Allow Recreational Vehicles such as travel trailers, motorhomes, marine vessels, all-terrain vehicles, and similar vehicles to park on the street for the purposes of loading, unloading, cleaning, etc.

- Chapter 17.16 (General Requirements and Exceptions): Update the code reference for the application type for temporary subdivision sales office.
- Chapter 17.32 (R One-Family Residential District): Amend the Chapter to clarify that Large Family Day Care Home is a permitted use pursuant to Senate Bill 234.
- Chapter 17.36 (RM Multifamily Residential District): Remove RM 1.5 from the Purpose and Application Section and Add Small and Large Family Day Care Home as a permitted use pursuant to Senate Bill 234.
- Chapter 17.52 (Combining Districts): Update Section 17.52.030, Mossdale Village combining district (MV) to reference that development of property within the MV combining district are subject to the regulations found in the West Lathrop Specific Plan and the applicable Urban Design Concept.
- New Chapter 17.57 (Mossdale Landing Zoning Districts): New Chapter to reference that the Mossdale Landing Zoning Districts are subject to the applicable Urban Design Concept.
- Chapter 17.60 (Southeast Stewart Tract Zoning Districts): Remove Section 17.60.030, MX-ST, Mixed-Use Zoning District, Section 17.60.040, CR-ST, Regional Commercial Zoning District, and Section 17.60.050, R-REC-ST, Recreational Residential Zoning Districts as these Zoning Districts do not exist. Update Section 17.60.060, R-ST, Residential Zoning District to permit single-family residential uses and clustered housing consistent with a density in compliance with the City's General Plan.
- Chapter 17.62 (Central Lathrop Zoning Districts): Amend the Chapter to clarify that Large Family Day Care Home is a permitted use in the VR-CL, Variable Density Residential District, HR-CL, High Density Residential, R/MU-CL, Residential/Mixed-Use Zoning District consistent with Senate Bill 234. Update Non-Residential Site Development Standards to remove Lathrop Center District in Off-street parking and reference to Chapter 17.76, Off-street parking and loading and update the R/MU-CL, Residential/Mixed Use Zoning District Section to remove the VR-CL district reference from the permitted use list.
- Chapter 17.64 (Home Occupations): Amend the Chapter to allow Mobile Personal Services authorized by the State.
- Chapter 17.76 (Off-Street Parking and Loading): Add "utility trailer" to the list of recreational vehicles required to be stored within an enclosed side or rear yard or within a garage or carport.

- Chapter 17.80 (Accessory Dwelling Units): Amend Section 17.80.030(C) to clarify that doorway access for a detached accessory dwelling unit may front the street as long as the detached ADU is recessed from the main dwelling unit and amend Section 17.80.040 to provide provisions for utility connections for ADUs not contained within an existing structure.
- Chapter 17.97 (Wireless Communication Facilities): Clarify that Wireless Communication Facilities are subject to a Site Plan Review process, and a Conditional Use Permit.
- Chapter 17.100 (Site Plan Review): Amend the Chapter to update the code reference for revocation of a site plan.
- Chapter 17.108 (Administrative Approval of Certain Uses): Add temporary construction/laydown yard that is associated with a construction project to the list of temporary uses that are exempt from the Temporary Use Permit requirements (Section 17.108.090, Review of temporary uses).

5.3 CONSIDER CREATION OF CIP PW 22-36 FOR AQUIFER STORAGE AND RECOVERY, AND APPROVAL OF AGREEMENT WITH CAROLLO ENGINEERS, INC. AND RELATED BUDGET AMENDMENT

Public Works Director Michael King provided the presentation. A question and answer period followed the presentation. Consultant Senior Project Manager Chris Cleveland with Carollo Engineers, and City Manager Stephen Salvatore provided additional project information.

On a motion by Vice Mayor Lazard, seconded by Councilmember Torres-O'Callaghan, the City Council adopted **Resolution 22-5018** approving the creation of Capital Improvement Project (CIP) PW 22-36 for the aquifer storage and recovery, approving a Professional Services Agreement with Carollo Engineers, Inc., and approving related budget amendment, by the following roll call vote, unless otherwise indicated:

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

5.4 REVIEW AND CONSIDER OPTIONS FOR ROUNDABOUT IMPROVEMENTS

Public Works Director Michael King provided the presentation. A question and answer period followed. City Manager Stephen Salvatore and Acting Chief Alagna provided additional project information. Jim Hilson (zoom speaker) commented on the importance of traffic and pedestrian safety.

The Council considered options for roundabout improvements near Mossdale Elementary School. Council consensus selected Options 1 and 2.

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

Due to Mayor Dhaliwal's absence during the second half of the meeting, Item 6.1 will be agendized at the next Regular Meeting.

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

Due to Councilmember Diallo's absence, Item 6.2 will be agendized at the next Regular Meeting.

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

- 6.4 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Akinjo commented on the importance of following health guidelines to prevent serious illness from COVID-19. Councilmember Torres-O'Callaghan commented on the free COVID-19 testing and vaccination sponsored by San Joaquin County Clinics at the Lathrop Generations Center Outdoor Amphitheater, available every 2nd and 4th Tuesday of the Month, from January 11, 2022 through March 31, 2022. Vice Mayor Lazard thanked those in attendance.

7. **ADJOURNMENT** – There being no further business, Vice Mayor Lazard adjourned the meeting at 10:36 p.m.


Teresa Vargas, MMC
Government Services Director / City Clerk

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