

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, JULY 11, 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 5:04 p.m. The Regular Meeting reconvened at 7:06 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 5:04 p.m.

1.2 CLOSED SESSION

1.2.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to Government Code Section 54957

- City Manager
- City Attorney

1.2.2 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 7:06 p.m.

1.2.3 REPORT FROM CLOSED SESSION

Mayor Dhaliwal directed Government Services Director / City Clerk (City Clerk) Teresa Vargas to provide report from Closed Session regarding Item 1.2.1. Ms. Vargas stated that the City Council met in Closed Session regarding the performance evaluations of the City Manager and City Attorney. The City Council decision was unanimous, direction was provided to appropriate funds for a 6% salary increase for the City Manager and a 5% salary increase for the City Attorney.

City Attorney Salvador Navarrete reported that direction was provided in regards to Item 1.2.2; no other reportable action taken.

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

Absent: None

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

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

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Manager Stephen Salvatore provided an overview of current road closures and roadwork activity.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Vice Mayor Lazard declared a conflict of interest with Items 4.11 and 4.12, due to her employment with Dell’Osso Farms. Councilmember Diallo declared a conflict of interest with Items 4.11 and 4.12, due to an agreement with the River Islands Development. Councilmember Torres-O’Callaghan declared a conflict of interest with Item 5.4, due to her place of residence within the Mossdale area.

2. PRESENTATIONS

2.1 RECOGNITION OF THE LATHROP HIGH SCHOOL BOYS VOLLEYBALL TEAM

Mayor Dhaliwal presented a plaque to the Lathrop High School Boys Volleyball Team and a certificate of recognition to Coach Toa Fa’ali’I for the Lathrop High School Boys Volleyball Team’s 15-0 undefeated season in the Boys Varsity Western Athletic Conference Championship.

2.2 FRONTIER COMMUNICATIONS PRESENTATION PROVIDED BY DOUGLAS MCALLISTER, VICE PRESIDENT, EXTERNAL AFFAIRS

Douglas McAllister, Vice President with Frontier Communications provided the presentation, which included an overview of a new fiber optic network to support high-speed internet service for the Lathrop area.

2.3 INTRODUCTION OF NEW EMPLOYEES:

Assistant City Manager Michael King introduced new Public Works Department employees: Management Analyst Carlos Carrillo, Assistant Engineer Steven Hollenbeck, Construction Inspector Jason Reyes, and Chief Building Official Ed Short.

Chief of Police Raymond Bechler introduced new Police Department employees: Police Officers Jonathan Bengard, Michael Bower, Clinton Armstrong, Coleman Elliott, Nathanael Novello, Amador Almanza; Community Services Officers Liliana Espinoza Hernandez and Roberto Franco; and Records Assistant Earleen Chambers.

Police Officer Nicole Valker-Taylor was not available for introduction.

2.4 LATHROP POLICE DEPARTMENT PRESENTATION

Chief of Police Raymond Bechler provided a verbal update on the launch of the new Lathrop Police Department on June 29, 2022. The summary included the following information: averaged approximately 39 service calls per day, average of 82 incidents per day, 38 arrests, and issued 140 police reports since the launch.

2.5 PROCLAMATION RECOGNIZING THE IMPORTANCE OF ACCESS TO LOCAL PARKS, RECREATION, TRAILS, OPEN SPACE, AND FACILITIES FOR THE POSITIVE DEVELOPMENT OF THE LATHROP COMMUNITY AND CITIZENS, AND DECLARING JULY 2022 AS PARKS AND RECREATION MONTH

Councilmember Torres-O'Callaghan provided the proclamation to Parks, Recreation, and Maintenance Services Director Todd Sebastian declaring July 2022 as Parks and Recreation month.

2.6 MAYOR'S COMMITTEE REPORT(S)

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

Parks, Recreation and Maintenance Services Director Todd Sebastian reported a summary of the following past and upcoming events and programs:

- *Cooling Zone*

Reported that the City of Lathrop will activate a Cooling Zone when the temperature is forecasted to be 103 degrees or higher for more than three consecutive days, or 105 degrees or higher on an individual day. The Cooling Zone will be located at the Lathrop Police Department Community Room located at 940 River Island Parkway. The Cooling Zone will operate from 12:00 p.m. to 7:00 p.m., and will close by 6 p.m. if not in use.

- *Summer Lunch Program*

Reported that Manteca Unified School District offers free summer meals, Monday – Friday, from June 1 thru July 22, at the following locations: Mossdale Park from 11:00 a.m. to 11:30 a.m., Leland & Jane Stanford Park from 11:45 a.m. to 12:15 p.m., and Valverde Park from 12:30 p.m. to 1:00 p.m. Meals are offered to children 2-18 years old; food must be eaten on premises.

- *Past Special Events*

Provided an overview on past recent special events: Community Garage Sale held May 14, 2022; Memorial Day Event held May 30, 2022; Movies in the Park held Friday nights in June; Police Department Grand Opening held June 25, 2022, Police Department

Pinning Ceremonies held May 17 and June 1, 2022; and the Lathrop Anniversary Celebration held July 1, 2022.

- *Upcoming Special Events*

Provided an overview on various upcoming events: Concerts in the Park scheduled for Friday nights in July at 6:30 p.m. at the Generations Center; Family Fun Night scheduled for Friday, August 12, 2022, at 6:00 p.m. at Mossdale Park; Family Campout scheduled for August 20-21, 2022 at Leland & Jane Stanford Park; and Comedy Under the Stars scheduled for September 16, 2022 at the Generations Center, 18 years and over.

3. CITIZEN'S FORUM

James Chessmoon (in person speaker) expressed concern with people driving around in donut patterns at the intersection of Bella Place and Eagle Lane; requested traffic calming measures in the subject area. Lawrence Abbott (zoom speaker) expressed interest in the beautification of the City's storm drain ponds. Maria Zavalza (in person speaker) expressed concern with the traffic improvements at the roundabout located at Brookhurs Blvd and Golden Spike Trail; Ms. Zavalza submitted a signed petition requesting the City Council to stop work in the subject area. Christina Laughlin (zoom speaker) expressed concern with potentially putting the roundabout improvement project on hold.

4. CONSENT CALENDAR

On a motion by Vice Mayor Lazard, seconded by Councilmember Torres-O'Callaghan, the City Council approved the Consent Calendar, except Items *4.11 through 4.12, 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 4.11 to 4.12 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 June 13, 2022.

4.3 ACCEPT THE CITY OF LATHROP ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2021

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

Adopted **Resolution 22-5106** accepting the City of Lathrop Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending June 30, 2021.

4.4 ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY AMERICAN PAVEMENT SYSTEMS, INC. FOR THE MANTHEY ROAD REHABILITATION, CIP PS 21-08

Adopted **Resolution 22-5107** accepting public improvements constructed by American Pavement Systems, Inc. for the Manthey Road rehabilitation, CIP PS 21-08, authorized the filing of a Notice of Completion, released contract retention, and released of Performance and Payment Bonds.

4.5 ACCEPT PUBLIC IMPROVEMENTS FOR PHASE 1 OF THE GATEWAY DEVELOPMENT AND AUTHORIZE RELEASE OF BONDS ASSOCIATED WITH THE SUBDIVISION IMPROVEMENT AGREEMENT FOR PARCEL MAP 19-03

Adopted **Resolution 22-5108** accepting public improvements for Phase 1 of the Gateway Development and authorizing the release of bonds associated with the Subdivision Improvement Agreement for Parcel Map 19-03.

4.6 ACCEPT PUBLIC IMPROVEMENTS WITH ASSOCIATED CONDITIONS FOR TRACT 4062, PHASE 1C, IN THE CENTRAL LATHROP SPECIFIC PLAN FROM LATHROP LAND ACQUISITION, LLC

Adopted **Resolution 22-5109** accepting public improvements with associated conditions for Tract 4062, Phase 1C, in the Central Lathrop Specific Plan from Lathrop Land Acquisition, LLC.

4.7 MUNICIPAL SERVICE REVIEW UPDATE AND SPHERE OF INFLUENCE PLAN

Pulled by Councilmember Akinjo. Councilmember Akinjo commented on the item and thanked staff for their work on the matter.

Adopted **Resolution 22-5110** authorizing staff to submit the Municipal Service Review Update and Sphere of Influence Plan to the San Joaquin Local Agency Formation Commission for review and approval.

4.8 CREATE CAPITAL IMPROVEMENT PROJECT PS 23-01 CITY-WIDE TRAFFIC SYSTEMS AND SAFETY UPGRADES PROJECT, AND APPROVE RELATED BUDGET AMENDMENT

Pulled by Vice Mayor Lazard and Councilmember Torres-O'Callaghan. A question and answer period ensued. Assistant City Manager Michael King and City Engineer Brad Taylor provided additional information.

Adopted **Resolution 22-5111** creating CIP PS 23-01 citywide traffic systems and safety upgrades project, approved related budget amendment, and amended scope to include the major arterial streets off Louise Avenue and Harlan Road.

4.9 AMEND THE CITY OF LATHROP'S EMPLOYEE TRAVEL EXPENSE REIMBURSEMENT POLICY AND PROCEDURE

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

Adopted **Resolution 22-5112** amending the City of Lathrop's employee travel expense reimbursement policy and procedures, as amended to include an increase in the meals reimbursement allowance to \$100 per day (with receipts to be provided at the conclusion of the travel); and language designating Councilmembers as non-employees on the policy. Furthermore, the City Council agreed to amend meal allowances at the time of out-of-state travel approval for staff and City Council.

4.10 APPROVE THE RECLASSIFICATION OF ONE (1) PART-TIME SENIOR RECREATION LEADER POSITION TO A FULL TIME SENIOR RECREATION LEADER POSITION IN THE RECREATION DIVISION, AND ONE (1) FULL-TIME MAINTENANCE WORKER POSITION TO A FULL-TIME MAINTENANCE SUPERVISOR POSITION IN THE STREETS AND MAINTENANCE DIVISION OF THE PARKS, RECREATION, AND MAINTENANCE SERVICES DEPARTMENT

Pulled by Councilmember Akinjo. A question and answer period ensued. Parks, Recreation and Maintenance Services Director Todd Sebastian provided additional information.

Adopted **Resolution 22-5113** approving the reclassification of one (1) part-time Senior Recreation Leader Position to a Full-Time Senior Recreation Leader Position in the Recreation Division, and One (1) Full-Time Maintenance Worker to a Maintenance Supervisor in the Streets and Maintenance Division of the Parks, Recreation and Maintenance Services Department

RIVER ISLANDS CONSENT ITEM(S)

Vice Mayor Lazard and Councilmember Diallo recused themselves at 9:18 p.m., following the vote of the consent calendar (Items 4.1 to 4.10), prior to the vote of Item 4.11, due to declared conflict of interested as noted on Item 1.8. There was a brief pause in the meeting, due to a lack of quorum, while Councilmember Akinjo stepped down from the dais at 9:18 p.m. and returned to the dais at 9:20 p.m.

City Attorney Salvador Navarrete announced that Vice Mayor Lazard was stepping down due to receiving \$500 or more, due to her employment with Dell'Osso Farms, and Councilmember Diallo was stepping down due to an agreement with the River Islands Development, and the Fair Political Practices Commission (FPPC) determination/legal opinion on the matter was pending.

On a motion by Councilmember Torres-O'Callaghan, seconded by Councilmember Akinjo, the City Council approved Items 4.11 and 4.12, by the following roll call vote, unless otherwise indicated:

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

4.11 APPROVE FINAL MAP, CFD ANNEXATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 75 LOTS IN TRACT 4131 VILLAGE "KK" WITHIN OLD RIVER DISTRICT OF RIVER ISLANDS

Adopted **Resolution 22-5114** approving Final Map for Tract 4131 Village "KK" within the Old River District, totaling 75 single-family lots, CFD Annexation No. 25, and Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

4.12 ADOPT 2022 ADEQUATE PROGRESS FINDING TOWARD PROVISION OF 200-YEAR URBAN LEVEL OF FLOOD PROTECTION FOR ISLAND RECLAMATION DISTRICT 2062 (RIVER ISLANDS PHASES 1 AND 2)

Adopted **Resolution 22-5115** adopting 2022 adequate progress findings toward providing a 200-Year Urban Level of Flood Protection in Phases 1 and 2 Levees of Island Reclamation District 2062 by the Year 2025, acting as the Land Use Agency.

Vice Mayor Lazard and Councilmember Diallo returned to the dais at 9:22 p.m.

5. SCHEDULED ITEMS

5.1 PUBLIC HEARING AND APPROVAL OF THE MOSSDALE TRACT ENHANCED INFRASTRUCTURE FINANCING DISTRICT (MOSSDALE TRACT EIFD) INFRASTRUCTURE FINANCING PLAN (IFP)

City Manager Stephen Salvatore introduced the San Joaquin Area Flood Control Agency (SJAFCA) Executive Director Chris Elias, Consultant Seth Wurzel, with Larsen Wurzel & Associates, Inc, and Amy Lapin, with Economic & Planning Systems, Inc., representing SJAFCA. Ms. Lapin and Mr. Wurzel provided the presentation. A question and answer period ensued. City Manager Stephen Salvatore provided additional information.

Mayor Dhaliwal opened the public hearing. Christina Laughlin, zoom speaker, requested additional clarification on the project funding options. Lawrence Abbott, zoom speaker, spoke in support of financing levee improvements and beautifying open space areas. There were no other speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Councilmember Akinjo, seconded by Vice Mayor Lazard, the City Council conducted a public hearing and adopted **Resolution 22-5116** approving the Mossdale Tract Enhanced Infrastructure Financing District (Mossdale Tract EIFD) Infrastructure Financing Plan (IFP)

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

*(*The City of Lathrop City Council Handbook of Rules and Procedures, page 13, Chapter IV, Section 8(5) applies to abstentions without identified legal disqualifications.)*

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTION OF THE WEST/CENTRAL LATHROP REGIONAL TRANSPORTATION AND CENTRAL LATHROP SPECIFIC PLAN CAPITAL FACILITY FEE UPDATE STUDIES AND THE FEES RECOMMENDED THEREIN

City Engineer Brad Taylor provided the presentation. A question and answer period ensued throughout the presentation. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

On a motion by Councilmember Akinjo, seconded by Councilmember Torres-O'Callaghan, the City Council:

1. Held a public hearing; and
2. Adopted **Resolution 22-5117** approving the West/Central Lathrop Regional Transportation and Central Lathrop Specific Plan Capital Facility Fee Update Studies and the Fees Recommended Therein

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

5.3 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT FOR THE CENTRAL CALIFORNIA GREENS PROJECT

Community Development Director Mark Meissner and Assistant Community Development Director Rick Caguiat provided the presentation. A question and answer period ensued throughout the presentation. Applicant Cory Travis, with Central California Greens Project, provided additional information related to the matter. Mayor Dhaliwal opened the public hearing. Fabian Ordaz, in person speaker, spoke in support of the matter. Jacqueline Anaya, in person speaker, spoke in support of the matter.

Mayor Dhaliwal closed the public hearing. The question and answer period continued.

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

1. Held a public hearing; and
2. Adopted **Resolution 22-5118** approving a Conditional Use Permit for the Central California Greens Project to operate a Cannabis Retail Dispensary and delivery facility in an existing multi-tenant building (CUP-22-58), as amended to clarify deliveries within 600 feet of a school will take place one hour before or after school hours, and implement a digital queuing system.
3. Held first reading and introduced an ordinance to approving a Development Agreement between the City of Lathrop and Central California Greens, Inc. (DA-22-81).

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

*(*The City of Lathrop City Council Handbook of Rules and Procedures, page 13, Chapter IV, Section 8(5) applies to abstentions without identified legal disqualifications.)*

5.4 REVIEW AND CONSIDER TRAFFIC CALMING IMPROVEMENTS AT BARBARA TERRY BOULEVARD AND ADOBE WAY, JOHNSON FERRY ROAD AND VICTORIAN TRAIL, AND JOHNSON FERRY ROAD AND FORTY NINER TRAIL

Councilmember Torres-O'Callaghan recused herself at 10:28 p.m., following Item 5.3, due to declared a conflict of interest with Item 5.4, due to her place of residence within the Mossdale area. City Attorney Salvador Navarrete explained that Councilmember Torres-O'Callaghan was stepping down as a precautionary measure, as the proposed improvements could be deemed as an impact to property values in the surrounding properties.

On a motion by Vice Mayor Lazard, seconded by Councilmember Torres-O'Callaghan, the City Council considered options for traffic calming improvements at Barbara Terry Boulevard and Adobe Way, Johnson Ferry Road and Victorian Trail, And Johnson Ferry Road and Forty Niner Trail. City Council consensus directed staff to install stop signs at the intersections of Adobe Way, Barbara Terry Boulevard, Johnson Ferry Road, Forty Niner Trail, and Victorian Trail.

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

Councilmember Torres-O'Callaghan returned to the dais at 10:37 p.m.

5.5 DISCUSS AND APPROVE AN OPTION AND LAND LEASE AGREEMENT FOR THE CONSTRUCTION OF A NEW WIRELESS COMMUNICATIONS TOWER

City Attorney Salvador Navarrete provided the presentation.

On a motion by Councilmember Akinjo, seconded by Vice Mayor Lazard, the City Council adopted **Resolution 22-5119** approving an Option and Land Lease Agreement for the Construction of a New Wireless Communications Tower.

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

6. COUNCIL COMMUNICATIONS

6.1 MAYOR DHALIWAL REFERRAL - Appointment of Two (2) Members to the Parks and Recreation Commission with Term Ending June 30, 2025

- Two (2) Applications Received

Mayor Dhaliwal made the following appointments:

<u>Parks & Recreation Commission</u>	<u>Term Expires</u>
Ajit Singh Sandhu	June 30, 2025
Jimmy Zien	June 30, 2025

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

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

6.2 MAYOR DHALIWAL REFERRAL - Appointment of Two (2) Members to the Planning Commission with Term Ending June 30, 2026

- Two (2) Applications Received

Mayor Dhaliwal made the following appointments:

<u>Planning Commission</u>	<u>Term Expires</u>
Gloryanna Rhodes	June 30, 2026
George Jackson	June 30, 2026

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

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

- 6.3 MAYOR DHALI WAL REFERRAL - Appointment of One (1) Member to the Measure C Oversight Committee with Term Ending June 30, 2025
- One (1) Application Received

Measure C Oversight Committee

Michele Anderson

Term Expires

June 30, 2025

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

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

- 6.4 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) – None
- 6.5 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Akinjo thanked those in attendance and wished everyone a goodnight. Councilmember Torres-O'Callaghan welcomed new Fire Chief David Bramell and Chief of Police Raymond Bechler. Councilmember Diallo requested a referral to discuss distribution of ARPA funds as bonuses for city employees. Mayor Dhaliwal expressed condolences to the Mateo Family.

7. **ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 10:46 p.m. in memory of former Councilmember Christopher Mateo



Teresa Vargas, MMC
Government Services Director/City Clerk