

# December 12, 2022 – 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](http://www.ci.lathrop.ca.us)

## City Council

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

## City Staff

Stephen Salvatore, City Manager  
Salvador Navarrete, City Attorney  
Michael King, Assistant City Manager  
Teresa Vargas, Government Services  
Director / City Clerk  
Brad Taylor, City Engineer  
Tony Fernandes, Information Systems Director  
Cari James, Finance Director  
Theresa Roland, Human Resources Director  
Mark Meissner, Community Development  
Director  
Todd Sebastian, Parks, Recreation and  
Maintenance Services Director  
Raymond Bechler, 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.



**DECEMBER 12, 2022 – 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/1608089841?pwd=cmFPQjNaQ0s0eXkrNjgrVTIxV3h6Zz09>**

- ✦ 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 or +1 (669) 216-1590
  - 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: 160 808 9841 / Passcode: 831049
- ✦ 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](mailto: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](mailto: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, MMC  
Government Services Director / City Clerk  
390 Towne Centre Drive  
Lathrop, CA 95330  
Telephone: (209) 941-7230

**CITY OF LATHROP  
CITY COUNCIL REGULAR MEETING  
MONDAY, DECEMBER 12, 2022  
7:00 P.M.  
COUNCIL CHAMBER, CITY HALL  
390 Towne Centre Drive  
Lathrop, CA 95330**

**AGENDA**

**PLEASE NOTE: There will be a Special Meeting commencing at 6:00 p.m. The Regular Meeting will reconvene at 7:00 p.m., or immediately following the Special Meeting, whichever is later. The Special Meeting agenda was issued in accordance with Government Code § 54956. The Invocation and Pledge of Allegiance will be presented during the Special Meeting.**

**1. PRELIMINARY**

- 1.1 CALL TO ORDER
- 1.2 ROLL CALL
- 1.3 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER
- 1.4 INFORMATIONAL ITEM(S) – NONE
- 1.5 DECLARATION OF CONFLICT(S) OF INTEREST

**2. PRESENTATIONS**

- 2.1 PRESENTATION PROVIDING AN UPDATE ON THE CORPORATION YARD IMPROVEMENTS PROJECT, CIP GG 21-13
- 2.2 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 November 14, 2022

##### **4.3 SECOND READING AND ADOPTION OF ORDINANCE 22-440 OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 12 "STREETS, SIDEWALKS, AND PUBLIC SPACES", CHAPTER 12.20 "PARKS", SECTION 12.20.010 "CONDUCT IN CITY PARKS – PROHIBITED ACTIONS", PART "Q" TO DEFINE PARK HOURS MORE SPECIFICALLY.**

Waive Full Reading and Adopt Ordinance 22-440 Amending Title 12, "Streets, Sidewalks, and Public Spaces", Chapter 12.20 "Parks", Sections 12.20.010 "Conduct in City Parks – Prohibited Actions", Part "Q" to Define Park Hours More Specifically

*CEQA STATUS: Exempt according to California Environmental Quality Act Article 5 §15061(b)(3), by the "Common Sense Exemption"*

##### **4.4 SECOND READING AND ADOPTION OF ORDINANCE 22-441 OF THE CITY COUNCIL OF THE CITY OF LATHROP UPDATING THE POLICY FOR THE USE OF MILITARY EQUIPMENT BY THE LATHROP POLICE DEPARTMENT, IN COMPLIANCE WITH ASSEMBLY BILL 481**

Waive Full Reading and Adopt Ordinance 22-441 Amending Chapter 9.20 Titled "Military Equipment Use Policy", of Title 9 "Public Peace and Welfare" of the Lathrop Municipal Code by Adding Section 9.20.050 titled "Active Policies" to Incorporate Lathrop Police Department Policy Regulating "Unmanned Aerial System (UAS) Operations", and Adopting Military Equipment Use Policies in Compliance with California Government Code Section 7071

*CEQA STATUS: Exempt according to California Environmental Quality Act Article 5 §15061(b)(3), by the "Common Sense Exemption".*

4.5 SECOND READING AND ADOPTION OF ORDINANCE 22-442 ADOPTING VARIOUS AMENDMENTS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, ZONING CODE (TA-22-143)

Waive Full Reading and Adopt Ordinance 22-442 Adopting Various Amendments to the Lathrop Municipal Code (LMC) to Modernize, Simplify, and Streamline Various Sections of Title 17, Zoning Code. The amendments include the following:

- Chapter 17.32 (R One Family Residential District): Clarify that Accessory Dwelling Units are permitted by-right and update requirements for swimming pool location.
- Chapter 17.36 (RM Multifamily Residential District): Clarify the review process for projects that include affordable units and remove RM-1.5 from the "Property Development Standards" Section.
- Chapter 17.56 (Planned Unit Developments): Update Chapter to clarify the processing of a Planned Unit Developments.
- Chapter 17.61 (River Island Zoning Districts): Update the processing procedure for Neighborhood Development Plans and clarify the review process for projects that include affordable units.
- Chapter 17.62 (Central Lathrop Zoning Districts): Clarify the review process for projects that include affordable units and update the Neighborhood Commercial and Specialty Commercial Zoning District use list.
- Chapter 17.108 (Administrative Approval of Certain Uses): Add language to accommodate live entertainment uses in commercial establishments.
- New Chapter 17.19 (Tattoo and Body Art Establishments): Add a new Chapter to the Zoning Code to provide regulations for Tattoo and Body Art Establishments

*CEQA STATUS: Not a Project as defined in Section 15378 of the State CEQA Guidelines.*

4.6 SECOND READING AND ADOPTION OF ORDINANCE 22-443 OF THE CITY COUNCIL OF THE CITY OF LATHROP TO REPEAL AND REPLACE TITLE 15 ("BUILDING AND CONSTRUCTION") TO INCORPORATE THE 2022 CALIFORNIA BUILDING STANDARDS INTO THE LATHROP MUNICIPAL CODE

Waive Full Reading and Adopt Ordinance 22-443 Amending Lathrop Municipal Code Title 15 (Building and Construction) to Incorporate 2022 California Building Standards Code

*CEQA STATUS: The proposed Vesting Tentative Subdivision Map is exempt according to California Environmental Quality Act (CEQA) Article 19 § 15332 Class 32 "In-Fill Development"*

- 4.7 APPROVE PROPOSED FISCAL YEAR 2023-2024 AND FISCAL YEAR 2024-2025 BIENNIAL BUDGET CALENDAR  
City Council to Consider and Approve the Proposed Fiscal Year 2023-2024 and Fiscal Year 2024-2025 Biennial Budget Calendar

*CEQA STATUS: Exempt According to California Environmental Quality Act Article § 15061(b)(3), by the "Common Sense Exemption"*

- 4.8 AUTHORIZE POSTPONEMENT OF DELINQUENT UTILITY TURN OFFS  
Adopt Resolution Approving the Suspension of Service Disconnections for Delinquent Accounts Scheduled on December 14, 2022

*CEQA STATUS: Exempt According to California Environmental Quality Act Article § 15061(b)(3), by the "Common Sense Exemption"*

- 4.9 AUTHORIZE A GRANT APPLICATION WITH DWR TO OBTAIN FUNDING FOR THE AQUIFER STORAGE AND RECOVERY, CIP PW 22-36  
Adopt Resolution Authorizing a Grant Application, Acceptance and Execution with the Department of Water Resources for the Aquifer Storage and Recovery, CIP PW 22-36

*CEQA STATUS: Exempt according to California Environmental Quality Act Article 18 §15262, "Feasibility and Planning Studies"*

- 4.10 AWARD CONSTRUCTION CONTRACT TO TIM PAXIN'S PACIFIC EXCAVATION INC. DBA PACIFIC EXCAVATION FOR THE INSTALLATION OF TRAFFIC SIGNAL NETWORK CABINETS AT 17 INTERSECTIONS WITHIN THE CITY, CIP PS 23-01  
Adopt Resolution Awarding Construction Contract to Tim Paxin's Pacific Excavation Inc, dba Pacific Excavation, for the Installation of Traffic Signal Network Cabinets at Seventeen (17) Intersections within the City, CIP PS 23-01

*CEQA STATUS: The project is exempt according to the California Environmental Quality Act (CEQA) Article 19, § 15302 Class 2 (C) "Replacement or Reconstruction".*

- 4.11 RATIFY CITY MANAGER'S EXECUTION OF CONTRACT CHANGE ORDER NO. 3 WITH A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION FOR SURFACE WATER DISCHARGE, CIP WW 20-17  
Adopt Resolution Ratifying the City Manager's Execution of Contract Change Order No. 3 with A. Teichert & Son, Inc, dba Teichert Construction, for Surface Water Discharge, CIP WW 20-17

*CEQA STATUS: Environmental review for the Surface Water Discharge Project, CIP WW 20-17 as a whole was completed in the Certified Final Environmental Impact Report (EIR) (State Clearinghouse No. 2019110339). The EIR considered the full range of potential environmental effects of the Project. The proposed Contract Change Order falls within the scope analyzed in the EIR and no further environmental review is required in compliance with the California Environmental Quality Act.*

- 4.12 APPROVE PROFESSIONAL SERVICES AGREEMENT WITH LDA PARTNERS, INC. FOR THE DESIGN OF THE LPD PROPERTY AND EVIDENCE BUILDING ASSOCIATED WITH CIP GG 21-13 CORP YARD IMPROVEMENTS AND APPROVE BUDGET AMENDMENT  
Adopt Resolution Approving a Professional Services Agreement with LDA Partners, Inc. for the Design of the Lathrop Police Department Property and Evidence Building Associated with CIP GG 21-13 Corp Yard Improvements and Approve Budget Amendment

*CEQA STATUS: Not a Project as defined in Section 15378 of State CEQA Guidelines*

- 4.13 APPROVE AMENDMENTS NO. 1 AND NO. 2 WITH ROBERTSON-BRYAN INC. FOR THE SURFACE WATER DISCHARGE PROJECT, CIP WW 20-17  
Adopt Resolution Approving Amendments No. 1 and No. 2 with Robertson-Bryan Inc. to Further Assist City with NPDES Permit Compliance for the Consolidated Treatment Facility Surface Water Discharge Project, CIP WW 20-17

*CEQA STATUS: Environmental review for the Surface Water Discharge Project, CIP WW 20-17, as a whole was completed in the Certified Final Environmental Impact Report (EIR) (State Clearinghouse No. 2019110339).*

- 4.14 APPROVE WEST LATHROP SPECIFIC PLAN PROPERTY TAX SHARING AGREEMENT WITH THE COUNTY OF SAN JOAQUIN  
Approve Addendum to Revenue Sharing Agreement (A-96-341) Between the City of Lathrop and County of San Joaquin for the West Lathrop Specific Plan Development

*CEQA STATUS: Not a Project as Defined in Section 15378 of the State CEQA Guidelines*

**5. SCHEDULED ITEMS - None**



## **6. COUNCIL COMMUNICATIONS**

- 6.1 COUNCILMEMBER DIALLO REFERRAL – Discussion Regarding the City’s Social Media Policy
- 6.2 MAYOR DHALIWAL REFERRAL - Set Application Deadline for One (1) Member to the Senior Advisory Commission, with Term Ending June 30, 2024, Due to Unexpired Term Vacancy
- 6.3 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)*
- 6.4 MAYOR & COUNCILMEMBER COMMENT(S)

## **7. ADJOURNMENT**

*/Teresa Vargas/*

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Teresa Vargas, MMC  
Government Services Director/  
City Clerk