

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 13, 2023
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 6:33 p.m. The Regular Meeting reconvened at 7:05 p.m.

1. PRELIMINARY

- 1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:33 p.m.

City of Manteca Mayor Gary Singh and Vice Mayor Mike Morowit spoke prior to the City Council entering into closed session; they expressed similar sentiments related to the productive and amicable working relationship between the cities of Lathrop and Manteca.

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) and 54956.9(e)(1)

- 1 Potential Case(s)

- 1.2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8
Property APN: 192-020-47 & 192-020-4
(Addresses not available at this time)
Agency Negotiator: Stephen J. Salvatore, City Manager
Negotiating Parties: Carroll A. Stanley and Maria E. Stanley
Under Negotiation: Price and Terms of Negotiations

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:05 p.m.

1.2.3 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that the City Council approved purchase of property listed under Item 1.2.2, for \$1.4 Million for 17 acres, full terms and conditions will be made public once the sale agreement is fully executed; no other reportable action taken.

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

Absent: None

1.4 INVOCATION - Pastor Nathaniel Camarena, Abundant Life Center Church, provided the invocation.

1.5 PLEDGE OF ALLEGIANCE - Pastor Nathaniel Camarena 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, accompanied by the City Council, presented the proclamation declaring February as Black History Month. Lathrop resident Jose Garcia Martin received the proclamation; Mr. Garcia Martin provided remarks on the commemoration of Black History Month.

2.2 INTRODUCTION OF NEW EMPLOYEES:

Police Chief Raymond Bechler introduced the following new Lathrop Police Department employees: Animal Shelter Supervisor Elisah Harvey, Police Records Assistant Marina Millard, Police Records Assistant Melissa Rossi, Police Officer Janet Garza, K-9 Officer Jacky (Police Handler - Officer Vannack Sabou), K-9 Officer Kane (Police Handler - Officer Coleman Elliott), and K-9 Officer Rico (Police Handler - Officer Nicole Valker). Assistant Community Development Director Rick Caguiat introduced Senior Planner James Michaels.

3. CITIZEN'S FORUM

Lawrence Abbott (zoom speaker) commented on the beautification and conservation of wildlife in the city's retention ponds.

**Following a brief discussion amongst the City Council, Council consensus provided direction to move Item 6.1 and Item 6.2 before the Consent Calendar Item 4.*

4. CONSENT CALENDAR

On a motion by Councilmember Torres-O'Callaghan, seconded by Councilmember Diallo, the City Council approved the Consent Calendar, by the following roll call vote, unless otherwise indicated:

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

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 ~~Special~~ Regular Council Meeting of ~~December 12, 2022~~ January 9, 2023. (*December meeting minutes were approved during the Regular Meeting of January 9, 2023. The agenda included Meeting Minutes for January 9, 2023.*)

4.3 TREASURER'S REPORT FOR DECEMBER 2022

Pulled by Councilmember Diallo. Deputy Finance Director Thomas Hedegard and Finance Director Cari James provided additional information.

Approved Quarterly Treasurer's Report for December 2022.

CEQA STATUS: Not a Project as defined in Article 20, § 15378 of the California Environmental Quality Act (CEQA) Guidelines.

4.4 REVIEW OF THE CAPITAL FACILITY FEE FUNDS REPORT FOR FY 2021 2022

Reviewed the Capital Facility Fee Funds Report for Fiscal Year 2021-22.

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

4.5 APPROVE OUT-OF-STATE TRAVEL FOR CITY STAFF TO PARTICIPATE IN THE ICSC CONFERENCE IN MAY 2023

Adopted Resolution 23-5208 authorizing out-of-state travel for two city staff members to attend and represent the City of Lathrop at the International Council of Shopping Centers (ICSC) 2023 Conference in Las Vegas, Nevada from May 21, 2023 to May 23, 2023.

CEQA STATUS: Staff has determined that this is not a Project as defined in Section 15378 of the CEQA Guidelines.

4.6 APPROVE GIS SOFTWARE AND ENTERPRISE LICENSE AGREEMENT

Adopted Resolution 23-5209 authorizing a 3-year term Enterprise License Agreement with Environmental Systems Research Institute, Inc. for the Geographic Information System (GIS).

CEQA STATUS: Not a Project as defined in Section 15378 of the California Environmental Quality Act (CEQA) Guidelines.

4.7 APPROVE TASK ORDER NO. 12 FOR DE NOVO PLANNING GROUP TO UPDATE THE CITY'S GENERAL PLAN HOUSING ELEMENT FOR THE 6th CYCLE (2023-2031)

City Clerk Teresa Vargas introduced into the record missing page no. 3 of the staff report, which included the fiscal impact. A copy of the missing page was made available on the city's website, uploaded to the City Council tablets and copies were available for the public during the meeting.

Adopted Resolution 23-5210 approving Task Order No. 12 with De Novo Planning Group to update the City's General Plan Housing Element for the 6th Cycle (2023-2031).

CEQA STATUS: Not a Project as Defined in Article 20, § 15378 of the California Environmental Quality Act (CEQA) Guidelines.

4.8 APPROVE PROFESSIONAL SERVICES AGREEMENT WITH FRUIT GROWERS LABORATORY, INC., FOR THE LATHROP CONSOLIDATED TREATMENT FACILITY PERMIT COMPLIANCE, CIP WW 20-17

Adopted Resolution 23-5211 approving a Professional Services Agreement with Fruit Growers Laboratory, Inc., for water quality testing laboratory services, related to Lathrop consolidated water treatment facility 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).

- 4.9 APPROVE AMENDMENT NO. 2 WITH EKI TO UPDATE THE INTEGRATED WATER RESOURCES MASTER PLAN, CIP PW 22-19 AND CIP WW 22-24 AND APPROVE BUDGET AMENDMENT

Adopted Resolution 23-5212 approving Amendment No. 2 with EKI Environment & Water, Inc. to update the Integrated Water Resources Master Plan, CIP PW 22-19 and CIP WW 22-24, and approving budget amendment.

CEQA STATUS: The project is exempt according to California Environmental Quality Act Article 18 §15262, "Feasibility and Planning Studies".

- 4.10 AUTHORIZE FUNDING OF ONE (1) POLICE LIEUTENANT AND ONE (1) ADDITIONAL SCHOOL RESOURCE OFFICER FOR THE LATHROP POLICE DEPARTMENT, AMEND COMMUNITY SERVICES SUPERVISOR JOB DESCRIPTION, AND APPROVE RELATED BUDGET AMENDMENT

Pulled by Councilmember Diallo. Chief of Police Raymond Bechler provided additional information.

Adopted Resolution 23-5213 approving the funding of one (1) Police Lieutenant position, one (1) additional School Resource Officer position, amending the job description of the Community Service Supervisor, amending the position control roster, and approving the related budget amendment.

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

- 4.11 AUTHORIZE TASK ORDER NO. 6 WITH KNN PUBLIC FINANCE FOR MUNICIPAL ADVISORY SERVICES

Pulled by Councilmember Diallo. Finance Director Cari James provided additional information.

Adopted Resolution 23-5214 authorizing Task Order No. 6 with KNN Public Finance for municipal advisory services related to the potential refinancing of Mossdale Village Refunding 2013 Series A Bonds.

CEQA STATUS: Not a Project as defined in Article 20, § 15378 of the California Environmental Quality Act (CEQA) Guidelines.

- 4.12 VALIDATION OF THE 2022 FINDING OF ADEQUATE PROGRESS IN THE MOSSDALE TRACT AREA

Adopted Resolution 23-5215 validating the 2022 urban level of flood protection (ULOP), finding of adequate progress in the Mossdale Tract Area (formally referred as Reclamation District 17 Basin), and acting as the land use agency.

CEQA STATUS: The project is exempt according to the California Environmental Quality Act (CEQA) Article 18, § 15262 "Feasibility and Planning Studies".

4.13 ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY BOCKMON & WOODY CO., INC. FOR THE JOHNSON FERRY ROAD STREETLIGHT INSTALLATION, CIP PS 23-04

Pulled by Councilmember Torres-O'Callaghan. Assistant City Manager Michael King provided additional information.

Adopted Resolution 23-5216 accepting public improvements constructed by Bockmon & Woody Co., Inc., for the Johnson Ferry Road streetlight installation, CIP PS 23-04, authorizing the filing of a Notice of Completion, releasing of contract retention, and releasing performance and payment bonds.

CEQA STATUS: The project is exempt according to the California Environmental Quality Act (CEQA) Article 19, § 15301 Class 1 "Existing Facilities".

4.14 RATIFY CITY MANAGER ACTION FOR PURCHASE OF FOUR (4) NEW POLICE VEHICLES, APPROVAL OF VARIOUS AGREEMENTS FOR THE LATHROP POLICE DEPARTMENT, AND APPROVAL OF RELATED BUDGET AMENDMENT

Pulled by Councilmember Diallo. Chief of Police Raymond Bechler provided additional information.

Adopted Resolution 23-5217 ratifying City Manager action for purchase of three (3) 2022 Police Ford Utility Interceptors from Downtown Sacramento Ford, ratifying purchase of one (1) 2023 Chevy Police Tahoe from Future Chevrolet, approving Change Order No. 3 with NextGen Alpha Upfitting for the purchase and installation of police vehicle equipment, approving Change Order No. 1 with Continental Collision for auto-body paint service, and approving related budget amendment.

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

5. SCHEDULED ITEMS

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAM ALLOCATIONS FOR FISCAL YEAR 2023/2024

Economic Development Administrator Shelley Burcham provided the presentation. A question and answer period ensued throughout the presentation. Carmen Matty-Cervantes (zoom speaker), San Joaquin County Human Services Agency Representative provided information related to the Meals on Wheels Program for Lathrop residents and the outreach efforts for the program. Councilmember Torres-O'Callaghan expressed interest in finding ways to increase outreach and participation in the Meals on Wheels and Food Bank programs, and reallocate the proposed \$25,000 to other public assistance programs, intended for the Police Building ADA door upgrades due to the recently constructed building not being out of compliance. Councilmember Diallo expressed interest with HUD public assistance programs and outreach efforts for those programs. Parks, Recreation and Maintenance Services Director Todd Sebastian and Assistant City Manager Michael King provided additional information on public programs and capital improvement projects eligible for CDBG funds. The question and answer period continued. 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 Lazard, the City Council considered the following:

1. Held a Public Hearing; and
2. **Adopted Resolution 23-5218** recommending the proposed allocations of the CDBG and HOME Funds for FY 2023/2024 for consideration by San Joaquin County and the US Department of Housing and Urban Development (HUD) pursuant to budget amendments.

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

CEQA STATUS: This item is statutorily exempt under Article 18, Section 15273, because CEQA does not apply to the establishment or modification of HUD funding programs to public agencies, which are to meet community needs.

5.2 CITY COUNCIL DISCUSSION REGARDING REGULATION AND LIMITATION OF HOTEL ESTABLISHMENTS

Community Development Director Mark Meissner and Assistant Community Development Director Rick provided the presentation, which included a summary of the November 14, 2022, referral on options regarding regulation and limitation of hotel establishments within the City. A question and answer period ensued. The City Council discussed the commercial areas within Central Lathrop Specific Plan, River Islands, and Mossdale Landing Development areas, approved hotel permit applications, and permit applications in the plan check process. Christina Laughlin (zoom speaker) commented on the matter, inquired about transient tax, limiting gas stations and fast food establishments. The question and answer period continued.

The City Council discussed the matter and considered direction to staff to prepare an Ordinance for review by the Planning Commission, and subsequent consideration of the City Council, for regulation and limitation of hotel establishments.

On a motion by Dhaliwal, seconded by Vice Mayor Akinjo, the City Council directed staff to bring back an ordinance amendment limiting up to six (6) hotel projects in the Central Lathrop Specific Plan and Mossdale Landing development areas.

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

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

5.3 CONSIDER APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE THE LATHROP CROSSROADS INDUSTRIAL PROJECT

Community Development Director Mark Meissner and Assistant Community Development Director Rick provided the presentation, which included a project summary, vicinity map, site plan options, Sierra Club appeal, and the City's response to the appeal. A question and answer period ensued throughout the presentation. Matthew D. Francois, Rutan & Tucker, LLP, provided a public comment letter, dated February 13, 2023, requesting denial of the appeal and approval of the project. Raul Hernandez, United Association Local 442, provided a public comment letter, dated February 10, 2023, requesting denial of the appeal and approval of the project.

Brian Cooley, Richland Developer, Inc., provided a public comment letter, dated February 13, 2023, requesting denial of the appeal and approval of the project. Adriana Flores-Lopez (in person speaker) requested additional information regarding the health risk assessment prioritization score required by the San Joaquin Valley Air Pollution Control District. Matthew Francois (in person speaker), Rutan & Tucker, LLP, Land Use Attorney for the Applicant, provided additional project information. Brian Cooley (in person speaker), Senior Director of Land Entitlement, Applicant representing Richland Developers, Inc., provided additional project information. Karen Moore (zoom speaker), commented on economically viable projects supportive of environmentally responsive solutions. Eric Parfrey (zoom speaker), representing the Sierra Club, commented on conversations and negotiations with the Richland Developers, expressed concern with environmental impacts, and review of possible mitigation measures to reduce impacts to the community. Margo Praus (zoom speaker), Chair of the local Delta Sierra Group, expressed concern with air quality mitigations and other related environmental impacts.

Mayor Dhaliwal temporarily stepped down from the dais at 10:34 p.m., and returned at 10:36 p.m.

Raul Hernandez (zoom speaker) United Association Local 442, expressed support for the project, and commented on the use of local labor unions for the project. The City Council question and answer period continued. City Manager Stephen Salvatore provided additional information regarding the City's endeavors in environmentally friendly projects.

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

1. Considered all written and oral information presented in this report and at the meeting of February 13, 2023; and
2. **Adopted Resolution 23-5213** affirming the Planning Commission's decision to approve Resolution No. 22-15 for the Initial Study Mitigate Negative Declaration and Resolution No. 22-16 for the Site Plan Review for the construction to construct one of the two following development options:
 - o Option 1: One (1) 448,904 square foot warehouse building consisting of 251 total parking stalls (243 standard, 8 ADA), 144 trailer parking stalls, 13 bicycle spaces, 50 truck dock stations, and 12,000 square feet of office space; or

- Option 2: Three (3) warehouse buildings totaling 386,179 square feet consisting of 423 parking stalls (411 standard, 12 ADA), 62 trailer parking stalls, 13 bicycle spaces, 74 truck dock stations, and 20,000 square feet of office space.

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

CEQA STATUS: An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the Lathrop Crossroads Industrial Project (State Clearinghouse No. 2022090562) to disclose potential significant environmental effects of the proposed project and identifies feasible mitigation measures that would reduce the potential significant environmental effects to a less than significant level. The IS/MND was prepared in compliance with the California Environmental Quality Act (CEQA).

5.4 OUT-OF-STATE TRAVEL APPROVAL FOR THE 2023 SAN JOAQUIN COUNTY ONE-VOICE TRIP

City Clerk Teresa Vargas provided the presentation. A question and answer period followed. The City Council discussed and approved Option 1, approving out of state travel for two Council Members and the City Council.

On a motion by Mayor Dhaliwal, seconded by Vice Mayor Akinjo, the City Council adopted **Resolution 23-5214** authorizing out-of-state travel, for Vice Mayor Akinjo, Councilmember Diallo, and City Manager Stephen Salvatore, to the 2023 San Joaquin One Voice Trip to Washington, D.C. from May 6-11, 2023, and approved the related budget amendment.

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

CEQA Status: The Activity is not a Project as Defined in Section 15378 of the State CEQA Guidelines.

6. COUNCIL COMMUNICATIONS

** Following a brief discussion amongst the City Council, Council consensus provided direction to move Item 6.1 and Item 6.2 before the Consent Calendar Item 4.*

- 6.1 MAYOR DHALIWAL REFERRAL: Appointment of One (1) Member to the Senior Advisory Commission with Term Ending June 30, 2024, Due to Unscheduled Term Vacancy.
- One (1) Application Received

Mayor Dhaliwal made the following appointment:

<u>Senior Advisory Commission</u>	<u>Term Expires</u>
Erica Crowder	June 30, 2024

On a motion by Councilmember Lazard, seconded by Vice Mayor 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

- 6.2 COUNCILMEMBER DIALLO REFERRAL: Discuss Consideration of Renting the Generations Center and Park for a Juneteenth Event, to be Hosted by an Outside Organization.

Mayor Dhaliwal requested clarification on the title, stated the referral came from residents of the City of Lathrop. Councilmember Diallo expressed various concerns on the matter, including the title of the referral and requested clarification with park rentals to local organizations. A question and answer period ensued throughout the discussion of the referral. Parks, Recreation and Maintenance Services Director Todd Sebastian, City Attorney Salvador Navarrete, and City Manager Stephen Salvatore provided additional information on the matter. In person speakers Jose Garcia Martin, Shelita Jefferson, Michael Wells, Michael Darby, Janae Garcia Martin, Erayna Garcia Martin, Rachelle William, Krystal Taylor, and Robbie Swan spoke in favor of the referral and holding a Juneteenth celebration event. Christina Laughlin (zoom speaker) spoke in support of the event. The City Council question and answer period continued. Rosita Jennings provided two public comment letters through email, dated February 13, 2023, for Item 6.2; printed copies were made available for the public in attendance, uploaded to the city's website and distributed to the City Council. Following discussions, Mayor Dhaliwal made a motion directing staff to work with the organizers of the event in preparation of the Juneteenth celebratory event, and to bring back a policy for future Council discussion. Councilmember Diallo expressed opposition to the motion. A question and answer period ensued. Mayor Dhaliwal withdrew his motion and asked staff to work with the Juneteenth event organizers

on the event, and bring back any matters requiring Council action. There was no further discussion on the matter.

The meeting continued with reading of Item 4, Consent Calendar.

6.3 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) - None

6.4 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Torres-O'Callaghan and Vice Mayor Akinjo thanked those in attendance and wished a Happy Valentine's Day. Councilmember Diallo expressed appreciation to Assistant City Manager Michael King for the walkthrough of the River Islands Schools with Councilmember Diallo and members of the community, and requested a referral for the next meeting to request a student internship program. Mayor Akinjo thanked those in attendance and their participation in the meeting.

7. ADJOURNMENT – There being no further business, Mayor Dhaliwal adjourned the meeting at 11:02 p.m.



Teresa Vargas, MMC
Government Services Director/
City Clerk