

February 13, 2023 – 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

City Council

Sonny Dhaliwal, Mayor
Paul Akinjo, Vice Mayor
Minnie Diallo
Diane Lazard
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
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.



February 13, 2023 – Regular Meeting Agenda – 7:00 p.m.

IMPORTANT NOTICE REGARDING THIS MEETING & COVID-19

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. Please adhere to COVID-19 and social distancing guidelines. This meeting will also be available for public participation by teleconference via ZoomGov at the following link:

<https://www.zoomgov.com/j/1610427988?pwd=dWVwbkZzZWQyeXpDNiF EcXVCUHBMdz09>

- ✦ 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: 161 042 7988 / Passcode: 494516
- ✦ 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:ccco@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. 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, FEBRUARY 13, 2023
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

AGENDA

PLEASE NOTE: There will be a Closed Session commencing at 6:30 p.m. The Regular Meeting will reconvene at 7:00 p.m., or immediately following the Closed Session, whichever is later.

1. PRELIMINARY

1.1 CALL TO ORDER

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

1.2.3 REPORT FROM CLOSED SESSION

1.3 ROLL CALL

1.4 INVOCATION

1.5 PLEDGE OF ALLEGIANCE

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

1.7 INFORMATIONAL ITEM(S) – NONE

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

2. PRESENTATIONS

2.1 PROCLAMATION DECLARING FEBRUARY AS BLACK HISTORY MONTH

2.2 INTRODUCTION OF NEW EMPLOYEES:

Lathrop Police Department

- Elisah Harvey, Animal Shelter Supervisor
- Marina Millard, Police Records Assistant
- Melissa Rossi, Police Records Assistant
- Janet Garza, Police Officer
- Jacky, K-9 Officer
 - Police Handler - Officer Vannack Sabou
- Kane, K-9 Officer
 - Police Handler - Officer Coleman Elliott
- Rico, K-9 Officer
 - Police Handler - Officer Nicole Valker

Community Development Department

- James Michael, Senior Planner

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 Special Council Meeting of December 12, 2022
- 4.3 TREASURER'S REPORT FOR DECEMBER 2022
Approve 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
Review of the Capital Facility Fee Funds Report for Fiscal Year 2021-22
CEQA STATUS: Not a Project as defined in Section 15378 of the StateCEQA Guidelines
- 4.5 APPROVE OUT-OF-STATE TRAVEL FOR CITY STAFF TO PARTICIPATE IN THE ICSC CONFERENCE IN MAY 2023
Adopt Resolution 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
Adopt Resolution Approving 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)
Adopt Resolution 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

Adopt Resolution Approving Professional Services Agreement with Fruit Growers Laboratory, Inc., for Water Quality Testing Laboratory, CIP WW 20-17 Lathrop Consolidated Treatment Facility Surface Water Discharge 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

Adopt Resolution Approving Amendment No. 2 with EKI Environment & Water, Inc. to update the Integrated Water Resources Master Plan, CIP PW 22-19 & CIP WW 22-24 and Approve 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

Adopt Resolution Authorizing the Funding of One (1) Lieutenant Position, One (1) Additional School Resource Officer, 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

Adopt Resolution 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
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

Adopt Resolution 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), 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

Adopt Resolution Accepting Public Improvements Constructed by Bockmon & Woody Co., Inc., for the Johnson Ferry Road Streetlight Installation, CIP PS 23-04; Authorize the Filing of a Notice of Completion, Release of Contract Retention, and Release of 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

Adopt Resolution Ratifying City Manager Action for Purchase of Three (3) 2022 Police Ford Utility Interceptors from Downtown Sacramento Ford, Ratifying Purchase for 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

Council to Consider the Following:

1. Hold a Public Hearing; and
2. Adopt Resolution Recommending the Allocation 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

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

City Council to Discuss and Provide Staff Direction as to Whether to Prepare an Ordinance for Review by the Planning Commission and Subsequent Consideration of the City Council, for Regulation and Limitation of Hotel Establishments

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

Council to Consider the Following:

1. Consider All Written and Oral Information Presented in this Report and at the Meeting of February 13, 2023; and
2. Adopt Resolution to Affirm 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:
 - 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.
 - 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.

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

Adopt Resolution Authorizing Out-of-State Travel for the 2023 San Joaquin One Voice Trip to Washington, D.C. from May 6-11, 2023, and Approval of Related Budget Amendment

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

6. COUNCIL COMMUNICATIONS

- 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
- 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.
- 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/

Teresa Vargas, MMC
Government Services Director/
City Clerk