

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, JANUARY 14, 2019
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 6:04 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 6:04 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)

- 5 Potential Cases

1.2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8
Property Location: Portion of 1175 Marina Drive (APN 213-310-33)
Agency Negotiators: City Manager, Stephen J. Salvatore
Negotiating Parties: River Islands Development, LLC.
Under Negotiation: Price and Terms of Payment

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:06 p.m.

1.2.3 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that the City Council met in Closed Session pursuant to Item 1.2 and provided staff with appropriate direction; no other reportable action was taken.

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

1.4 INVOCATION – Pastor Mike Strong, Grace Community Church, provided the invocation.

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

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

Mayor Dhaliwal welcomed San Joaquin County Sheriff Pat Withrow.

1.7 INFORMATIONAL ITEM(S) - None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST -

Councilmember Lazard declared a conflict of interest with Item 5.2; due to her employment with Dell'Osso Family Farms.

2. PRESENTATIONS

2.1 PROCLAMATION PRESENTED TO THE WOMEN'S CENTER-YOUTH & FAMILY SERVICES - DECLARING JANUARY HUMAN TRAFFICKING AWARENESS MONTH

Vice Mayor Salcedo presented the proclamation to Concepcion Alcantara, Women's Center-Youth & Family Services, declaring January 2019 as Human Trafficking Awareness Month. Ms. Alcantara provided information related to the matter.

2.2 INTRODUCTION OF NEW EMPLOYEE(S):

- Alejandro Garcia - Maintenance Worker I
- Ivan Hernandez - Maintenance Worker I
- Brad Taylor - Associate Engineer
- Steven Medina - Assistant Engineer

Assistant Director of Public Works Michael King introduced Maintenance Worker I Alejandro Garcia, Maintenance Worker I Ivan Hernandez, Associate Engineer Brad Taylor, and Assistant Engineer Steven Medina in the Public Works Department. Councilmembers welcomed the new employees.

2.3 MAYOR'S COMMITTEE REPORT(S)

- Parks & Recreation Update on Committee Events and Programs

Parks and Recreation Director Zach Jones reported the following past and upcoming events and programs:

- *Art Committee featured Artist*

Announced art display in Council Chamber by photographer Rose Albano Risso.

- *Valverde Park Parking Lot Closure*

Parking lot closure scheduled for January 16, 2019, for tree stump removal (related to phase 2 of the City's solar energy improvement project).

- *Valentine's Day Dance*
Event to be held February 4, 2019, at the Lathrop Community Center; entry fee is \$15 per person.
- *Super Bowl Potluck*
Event to be held February 3, 2019, starting at 2:00 p.m., at the Lathrop Senior Center; participants encouraged to bring a dish to share.
- *2019 Madden Tournament for Teens*
Tournaments are scheduled for January 15th, 22nd, and 29th. Teens are encouraged to sign up at the Lathrop Generations Center.
- *Junior NBA Program*
Four divisions offered with 24 teams; more than 240 participants. Games are held at the Lathrop High School gym on Saturdays.
- *Wacky Winter Wonderland Camp*
Youth winter day camp; offered various winter themed crafts and projects; 25 local children participated.

3. CITIZEN'S FORUM

Nellie Zavala (Commission on Aging) reported her attendance to the January 7, 2019, San Joaquin County Commission on Aging meeting, in which various social programs for seniors were discussed. Margaret Luevano (Lathrop, CA) requested follow-up on a public record request related to survey documents for her property. City Attorney Salvador Navarrete responded to the request. Meghan Torres (Lathrop Chamber of Commerce) provided information on upcoming events provided by the Lathrop Chamber of Commerce.

4. CONSENT CALENDAR

On a motion by Vice Mayor Salcedo, seconded by Mayor Dhaliwal, the City Council approved the Consent Calendar, except *Item 4.4, by the following roll call vote, unless otherwise indicated:

Ayes:	Akinjo, Lazard, Salcedo, Torres-O'Callaghan, and Dhaliwal
Noes:	None
Absent:	None
Abstain:	Lazard and Torres-O'Callaghan (**Item 4.2 only)

* *Item 4.4 – The City Council voted on the item separately, following the vote of the Consent Calendar.*

** *Item 4.2 – Councilmembers Lazard and Torres-O'Callaghan abstained from voting on this item; due to being elected into office in December 2018.*

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

Waived the reading of ordinances and resolutions on agenda unless otherwise requested by the Mayor or a Councilmember.

4.2 APPROVAL OF MINUTES

**Councilmembers Lazard and Torres-O'Callaghan abstained from voting on this item; due to being elected into office in December 2018.

Approved Minutes for the Special Council Meeting of November 19, 2018.

4.3 OUT-OF-STATE TRAVEL-REQUEST TO SEND PARKS AND RECREATION SUPERINTENDENT TO ATTEND CONVENTION IN NEVADA

Adopted **Resolution 19-4497** to approving out-of-state travel for Parks and Recreation Superintendent to attend CalFest Convention in Nevada.

4.4 FUND AN ECONOMIC DEVELOPMENT ADMINISTRATOR POSITION

*The City Council voted on the item separately, following the vote of the Consent Calendar.

Finance and Administrative Services Director Cari James provided an overview of the position. A question and answer period ensued. City Manager Stephen Salvatore provided additional information.

On a motion by Mayor Dhaliwal, seconded by Vice Mayor Salcedo, the City Council adopted **Resolution 19-4501** authorizing Option 1 (General Fund), to fund an Economic Development Administrator position.

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

4.5 CAPITAL FACILITY FEE FUNDS REPORT FOR FISCAL YEAR 2017-2018

Reviewed and accepted the Capital Facility Fee Funds Report for Fiscal Year 2017-2018.

4.6 AGREEMENT WITH ROBERTSON-BRYAN, INC. TO PREPARE REPORTS TO SUPPORT LATHROP CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE

Adopted **Resolution 19-4498** approving a professional services agreement with Robertson-Bryan, Inc., to prepare reports to support environmental review and NPDES permitting for the Lathrop Consolidated Treatment Facility surface water discharge, and authorized related budget amendment.

4.7 APPROVE PROFESSIONAL SERVICES AGREEMENT FOR DESIGN ENGINEERING SERVICES FOR THE WARREN AVENUE SIDEWALK IMPROVEMENT PROJECT PS 19-05

Adopted **Resolution 19-4499** approving a professional services agreement with Associated Engineering Group for design engineering services for the Warren Avenue Sidewalk Improvement Project, PS 19-05.

4.8 2019 ONE VOICE TRIP PROJECT NOMINATIONS

Adopted **Resolution 19-4500** approving staff recommended project nominations for the 2019 San Joaquin Council of Governments One Voice trip to Washington, D.C.

5. SCHEDULED ITEMS

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER PROPOSED CHANGES TO COMMUNITY FACILITIES DISTRICT NO. 2018-1 (CENTRAL LATHROP SPECIFIC PLAN FACILITIES)

City Attorney Salvador Navarrete introduced Bond Counsel Dave Fama and James Wawrzyniak, with Jones Hall. Mr. Navarrete provided the presentation. A question and answer period followed.

Mayor Dhaliwal opened the public hearing. Dan Doyle (Lathrop, CA) expressed appreciation for Council's consideration of the item. There were no other speakers. City Clerk Teresa Vargas confirmed receipt of a public comment letter received for Item 5.1, submitted by Martin Harris, Terra Land Group, LLC; and confirmed distribution to the City Council and copies for the public. Mayor Dhaliwal closed the public hearing.

City Clerk Teresa Vargas opened the ballots and announced the results of the election:

For CFD 2018-1 Improvement Area 1: 100% of the votes were "yes", which included a total of 94 votes;
For CFD 2018-1 Improvement Area 2: 100% of the votes were "yes", which included a total of 62 votes;
For CFD 2018-1 Improvement Area 3: 100% of the votes were "yes", which included a total of 115 votes;
For CFD 2018-1 Improvement Area 4: 100% of the votes were "yes", which included a total of 98 votes; and
For CFD 2018-1 Improvement Area 5: 100% of the votes were "yes", which included a total of 134 votes.

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

1. Held a Public Hearing; and
2. Adopted **Resolution 19-4502** reducing the maximum special tax listed in the rate and method of apportionment of special taxes for Community Facilities District No. 2018-1 (Central Lathrop Specific Plan Facilities).

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

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER THE FIFTH AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LATHROP, CALIFIA, LLC, AND RIVER ISLANDS DEVELOPMENT, LLC.

Council to Consider the Following:

1. Hold a Public Hearing; and
2. Introduce and Conduct the First Reading of an Ordinance to Adopt the Fifth Amendment to the Development Agreement between the City of Lathrop, Califia, LLC, and River Islands Development, LLC. (The Fifth Amendment will address wastewater and potable water allocations for the Project, ongoing monitoring of actual wastewater and potable water usage, and restate commitments of the Project to water conservation.)

Councilmember Lazard recused herself and left the chamber at 7:49 p.m., prior to Item 5.2, due to declared conflict of interest as noted in Item 1.8.

City Attorney Salvador Navarrete requested to hear public comment on the matter; there were no speakers. Mr. Navarrete requested that Council continue Item 5.2 to the regular meeting of February 11, 2019, to allow additional time to work with the Fair Political Practices Commission on the matter.

On a motion by Mayor Dhaliwal, seconded by Vice Mayor Salcedo, the City Council postponed Item 5.2 to the next regular meeting, by the following roll call vote:

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

Councilmember Lazard returned to the dais at 7:51 p.m., for the remainder of the meeting.

Public comment letter received for Item 5.2, submitted by Martin Harris, Terra Land Group, LLC; the letter was distributed to the City Council and copies were made available for the public.

5.3 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT AND THE ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF LATHROP, WATT-MCKEE, LATHROP ASSOCIATES, STEVEN R. MCKEE ROBERT E. MCKEE 1997 BYPASS TRUST AND WESTERN PACIFIC HOUSING INC. REGARDING THE MOSSDALE LANDING EAST PROJECT

Community Development Director Mark Meissner provided the presentation. A question and answer period followed. City Manager Stephen Salvatore and Michael Clevenger (Applicant-Property Owner) provided additional information related to the project.

Mayor Dhaliwal opened the public hearing. There were no other speakers. Mayor Dhaliwal closed the public hearing. The question and answer period continued.

Public comment letter received for Item 5.3, submitted by Martin Harris, Terra Land Group, LLC; the letter was distributed to the City Council and copies were made available for the public.

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

1. Held a Public Hearing; and
2. Introduced the first reading of an ordinance adopting the Second Amendment to the Development Agreement and the Assignment and Assumption Agreement between the City of Lathrop, Watt-McKee, Lathrop Associates, Steven R. McKee Robert E. McKee 1997 Bypass Trust and Western Pacific Housing Inc. regarding the Mossdale Landing East Project. (The Second Amendment proposes to extend the term of the Development Agreement from 15 years to 25 years. The Assignment and Assumption Agreement will transfer the developer's rights, title and interest for Parcel 241-020-66 to Mossdale Landing Apartments, LLC.)

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

5.4 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT AND THE ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF LATHROP, MARIE A. VALLENTYNE, AND TCN PROPERTIES REGARDING THE MOSSDALE LANDING SOUTH PROJECT

Community Development Director Mark Meissner provided the presentation.

Mayor Dhaliwal opened the public hearing. There were no other speakers. Mayor Dhaliwal closed the public hearing.

Public comment letter received for Item 5.4, submitted by Martin Harris, Terra Land Group, LLC; the letter was distributed to the City Council and copies were made available for the public.

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

1. Held a Public Hearing; and
2. Introduced the first reading of an ordinance adopting the First Amendment to the Development Agreement and the Assignment and Assumption Agreement between the City of Lathrop, Marie A. Vallentyne, and TCN Properties regarding the Mossdale Landing South Project. (The First Amendment proposes to extend the term of the Development Agreement from 15 years to 25 years. The Assignment and Assumption Agreement will transfer the developer's rights, title and interest for Parcel 241-020-61 to Mossdale Landing Apartments, LLC.)

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

5.5 FIVE-YEAR WATER AND SEWER RATE PLAN REVIEW

Finance and Administrative Services Director Cari James provided the presentation. A question and answer period ensued throughout the presentation. City Manager Stephen Salvatore provided additional information.

On a motion by Vice Mayor Salcedo, seconded by Mayor Dhaliwal, the City Council adopted **Resolution 19-4503** postponing the water rate increase scheduled for calendar year 2019.

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

6. COUNCIL COMMUNICATIONS

- 6.1 MAYOR DHALI WAL REFERRAL: Appointment of One (1) Member to the Measure C Oversight Committee with Term Expiring June 30, 2021, due to Unexpired Term Vacancy

Mayor Dhaliwal made the following appointment:

Measure C Oversight Committee
Charles Garcia, Sr.

Term Expires
June 30, 2021

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

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

6.2 MAYOR DHALI WAL REFERRAL: Appointment of Two (2) Members to the Planning Commission with Term Expiring June 30, 2022, due to Unexpired Term Vacancies

Mayor Dhaliwal made the following appointments:

<u>Planning Commission</u>	<u>Term Expires</u>
Gloryanna Rhodes	June 30, 2022
Steve Dresser	June 30, 2022

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

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

6.3 MAYOR DHALI WAL REFERRAL – Mayor and Councilmember Appointments to Serve On Outside Agency Boards, Commission and Committees for 2019

Mayor Dhaliwal discussed and made the following assignments for 2019:

<u>Assignment</u>	<u>Delegate</u>	<u>Alternate</u>
Central Valley Executive Committee	Akinjo	Salcedo
Council of Governments	Dhaliwal	Lazard
Integrated Waste Mgmt. Task Force	Akinjo	Torres-O'Callaghan
Reclamation District 17 JPA	Salvatore	N/A
SJC Commissions on Aging	Zavala	N/A
SJ Partnership Board of Directors	Salvatore	N/A
SJ Valley Air Pollution Control District	Akinjo	Dhaliwal
Water Advisory Board	Torres-O'Callaghan	Lazard
Tri Valley-SJV Regional Rail	Akinjo	N/A
SJA Flood Control Agency	Akinjo/Lazard	N/A
ESJ Groundwater Authority	Salvatore	N/A
2x2 Meetings with Manteca	Dhaliwal	Torres-O'Callaghan
2x2 Meetings with LMF D	Dhaliwal	Akinjo
2x2 Meetings with MUSD	Dhaliwal	Torres-O'Callaghan
2x2 Committee for LPS Review	Dhaliwal	Akinjo

6.4 MAYOR DHALIWAL REFERRAL – Create Economic Development Sub-Committee and Propose Appointment of two (2) Members of the City Council for 2019

Mayor Dhaliwal provided an overview and requested that Council consider creating an Economic Development Sub-Committee. Councilmember Lazard and Mayor Dhaliwal volunteered to be appointed to the committee.

On a motion by Vice Mayor Salcedo, seconded by Councilmember Torres-O’Callaghan, the City Council approved the creation of an Economic Development Sub-Committee, and appointment of Councilmember Lazard and Mayor Dhaliwal to the committee.

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


6.5 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Councilmember Akinjo reported his attendance to a Tri Valley-San Joaquin Valley Regional Rail Authority public outreach event, in which the Valley Link project was discussed. City Manager Stephen Salvatore provided additional information related to the project.

6.6 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmembers expressed appreciation to staff, wished everyone a Happy New Year, and thanked those in attendance.

7. **ADJOURNMENT** – there being no further business, Mayor Dhaliwal adjourned the meeting at 8:54 p.m. in honor of City of Newman Police Corporal Ronil “Roni” Singh and City of Davis Police Officer Natalie Corona.


Teresa Vargas, CMC
City Clerk