

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, DECEMBER 10, 2018
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

PLEASE NOTE: There was no Closed Session. The Regular Meeting commenced at 7:04 p.m.

1. PRELIMINARY

- 1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 7:04 p.m.
- 1.2 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Elliott;
Councilmembers: Akinjo, Dresser and Salcedo.
Absent: None
- 1.3 INVOCATION – Pastor Troy Stein, New Life Church, provided the invocation.
- 1.4 PLEDGE OF ALLEGIANCE – Pastor Troy Stein led the pledge of allegiance.
- 1.5 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER - None
- 1.6 INFORMATIONAL ITEM(S) - None
- 1.7 DECLARATION OF CONFLICT(S) OF INTEREST - None

2. PRESENTATIONS

2.1 CITY COUNCIL ELECTION AND REORGANIZATION

2.1.1 DECLARATION AND CERTIFICATION OF THE NOVEMBER 6, 2018 ELECTION RESULTS

City Clerk Teresa Vargas provided the results of the November 6, 2018, General Municipal Election, certified by the San Joaquin County Registrar of Voters on December 6, 2018.

On a simultaneous motion by Councilmember Akinjo and Councilmember Dresser, seconded by Mayor Dhaliwal, the City Council adopt **Resolution 18-4490** reciting the fact of the General Municipal Election held on November 6, 2018, declaring the results and such other matters as provided by law.

Ayes: Akinjo, Dresser, Elliott, Salcedo and Dhaliwal
Noes: None
Absent: None
Abstain: None

2.1.2 PRESENTATION TO / COMMENTS BY OUTGOING COUNCILMEMBERS

Outgoing Councilmember Dresser and Councilmember Elliott commented on the matter and expressed their appreciation for having served the Lathrop community.

Jason Laughlin, with Assembly Member Heath Flora's Office (12th Assembly District), provided plaques honoring Councilmember Dresser and Councilmember Elliott for their years of service.

Chris Elias, Executive Director of the San Joaquin Area Flood Control Agency (SJAFCFA), and Tom Patti, San Joaquin County Board of Supervisor for District 3, provided plaques honoring Councilmember Dresser and Councilmember Elliott for their service as part of the SJAFCFA Board of Directors.

Bob Elliott, San Joaquin County Board of Supervisor for District 5, provided certificates of recognition honoring Councilmember Dresser and Councilmember Elliott for their years of service.

Mayor Dhaliwal, Councilmember Salcedo and Councilmember Akinjo provided plaques honoring Councilmember Dresser and Councilmember Elliott for their years of service to the Lathrop community. Councilmembers commented on the matter.

2.1.3 PRESENTATION OF CERTIFICATE OF ELECTION AND OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

City Clerk Teresa Vargas announced that she provided official Oaths of Office to all elected officials prior to the regular meeting. The following ceremonial Oaths of Office were provided in the following order:

Mayor Sonny Dhaliwal, deputized to administer the ceremonial Oath of Office by City Clerk Teresa Vargas, administered the ceremonial Oath of Office to Councilmember Diane Lazard.

John Torres-O'Callaghan, deputized to administer the ceremonial Oath of Office by City Clerk Teresa Vargas, administered the ceremonial Oath of Office to Councilmember Jennifer Torres-O'Callaghan.

Emerson Castillo, deputized to administer the ceremonial Oath of Office by City Clerk Teresa Vargas, administered the ceremonial Oath of Office to Councilmember Paul Akinjo.

Jason Dhaliwal, deputized to administer the ceremonial Oath of Office by City Clerk Teresa Vargas, administered the ceremonial Oath of Office to Mayor Sonny Dhaliwal.

2.1.4 COMMENTS BY NEWLY ELECTED OFFICIALS

Mayor and Councilmembers made various comments on the matter.

2.1.5 APPOINTMENT OF VICE MAYOR

Mayor Dhaliwal provided an overview on the matter and appointed Councilmember Martha Salcedo as Vice Mayor for remainder of 2018 and 2019.

Mayor Dhaliwal recessed the meeting at 7:55 p.m., and announced that Vice Mayor Salcedo would preside over the meeting. Mayor Dhaliwal left for the remainder of the meeting at 7:55 p.m. Vice Mayor Salcedo reconvened the meeting at 8:38 p.m.

2.2 PRESENTATION – OVERVIEW OF THE LAW ENFORCEMENT AGAINST DRUGS “L.E.A.D” PROGRAM PROVIDED TO DETER YOUTH AND ADULTS FROM DRUG USE, DRUG RELATED CRIMES, BULLYING, AND VIOLENCE

Deputy Sheriff Chris Matsuoka provided the presentation giving an overview of the law enforcement effort against drugs, known as the “L.E.A.D” program, provided to deter youth and adults from drug use, drug related crimes, bullying, and violence.

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 committee events and programs:

- *Art Committee featured Artist*
Announced art display in Council Chamber by photographer Rose Albano Risso.
- *Valverde Park Tree Removal*
Announced tree removal as part of phase 2 of the City’s solar energy improvement project.
- *Breakfast with Santa and Christmas Tree Lighting*
Reported on events held on December 1, 2018, at the Lathrop Community Center.

- *Christmas Parade*

Reported on event held on December 8, 2018, at the Lathrop Community Center, which honored Bob and Vada Klingman as the 2018 Christmas Parade Grand Marshalls.

- *Holiday Light Contest*

Registration ends December 13, 2018, judging will take place the week of December 17, 2018

3. CITIZEN'S FORUM

Nellie Zavala (Commission on Aging) reported her attendance to the December 3, 2018, San Joaquin County Commission on Aging meeting, in which the PACE Program for senior citizens and the programs provided by Catholic Charities were discussed. Alisha Hawkins (Lathrop, CA) expressed concern with school ratings for Lathrop schools within the Manteca Unified School District; expressed interest in Lathrop having its own school district. Irene Torres (Lathrop, CA) spoke concerning a public records request relating to a surveyor report for 570 Lathrop Road. City Attorney Salvador Navarrete responded to the inquiry.

4. CONSENT CALENDAR

On a motion by Councilmember Akinjo, seconded by Councilmember Torres-O'Callaghan, the City Council approved the Consent Calendar, except Items *4.2, **4.6, and **4.7, by the following role call vote, unless otherwise indicated:

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

** Item 4.2 – moved to the Regular Meeting of January 14, 2019, to allow a vote of the full Council.*

*** Item 4.6 and 4.7 – City Attorney Salvador Navarrete reported that he discussed potential conflict of interest with Councilmember Lazard related to Items 4.6 and 4.7; due to her employment with Dell'Osso Family Farms. In anticipation to a pending opinion by the Fair Political Practices Commission, City Attorney Salvador Navarrete recommended that Councilmember Lazard stepped down during the consideration of said items and abstain from voting.*

Following the vote of the Consent Calendar as indicated above, Councilmember Lazard stepped down and left the Chamber. The remaining Councilmembers voted on Item 4.6 and 4.7.

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

Approve Minutes for the Special Council Meeting of November 19, 2018

City Clerk Teresa Vargas moved the approval of the meeting minutes for the Special Council Meeting of November 19, 2018, to the January 14, 2019, to allow a vote of the full Council.

4.3 SECOND READING AND ADOPTION OF ORDINANCE 18-398 OF THE CITY COUNCIL OF THE CITY OF LATHROP LEVYING SPECIAL TAXES WITHIN CITY OF LATHROP COMMUNITY FACILITIES DISTRICT NO. 2018-1 (CENTRAL LATHROP SPECIFIC PLAN FACILITIES)

City Clerk Teresa Vargas confirmed receipt of a public comment letter received addressing Items 4.3, 4.4, and 4.8, submitted by Martin Harris, Terra Land Group, LLC; and confirmed distribution to the City Council and copies for the public.

Held second reading and adopted **Ordinance 18-398** of the City Council of the City of Lathrop levying special taxes within City of Lathrop Community Facilities District No. 2018-1 (Central Lathrop Specific Plan Facilities).

4.4 SECOND READING AND ADOPTION OF ORDINANCE 18-399 OF THE CITY COUNCIL OF THE CITY OF LATHROP LEVYING SPECIAL TAXES WITHIN CITY OF LATHROP COMMUNITY FACILITIES DISTRICT NO. 2018-2 (CENTRAL LATHROP SPECIFIC PLAN FACILITIES)

City Clerk Teresa Vargas confirmed receipt of a public comment letter received addressing Items 4.3, 4.4, and 4.8, submitted by Martin Harris, Terra Land Group, LLC; and confirmed distribution to the City Council and copies for the public.

Held second reading and adopted **Ordinance 18-399** of the City Council of the City of Lathrop levying special taxes within City of Lathrop Community Facilities District No. 2018-2 (Central Lathrop Specific Plan Facilities).

4.5 PROPOSED FISCAL YEAR 2019/20 AND FISCAL YEAR 2020/21 BIENNIAL BUDGET CALENDAR

City Council considered and approved the proposed Fiscal Year 2019/20 and Fiscal Year 2020/21 biennial budget calendar.

4.6 **ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION FOR MULHOLLAND DRIVE

Item 4.6 and 4.7 were discussed and voted on following the vote of the Consent Calendar, as indicated above. Councilmember Lazard stepped down and abstained from voting on this matter.

A question and answer period ensued. Councilmember Akinjo requested further clarification on Councilmember Lazard's potential conflict of interest. City Attorney Salvador Navarrete responded to the matter.

A motion was made by Councilmember Torres-O'Callaghan, seconded by Vice Mayor Salcedo, to adopt a resolution accepting an Irrevocable Offer of Dedication (IOD) for Mulholland Drive located at River Islands at Lathrop, by the following roll call vote:

Ayes:	Torres-O'Callaghan and Salcedo
Noes:	Akinjo
Absent:	Dhaliwal
Abstain:	Lazard

MOTION FAILED.

After the initial vote of Item 4.6 and 4.7, the City Council moved to consider Item 5.1. At that time, City Manager Stephen Salvatore requested a brief recess to discuss the reconsideration of Item 4.6. The Council agreed and Vice Mayor Salcedo called a recess at 9:33 p.m. Vice Mayor Salcedo called the meeting to order at 9:37 p.m. City Attorney Salvador Navarrete provided an overview related to the request by staff to reconsider Item 4.6 prior to Item 5.1. The City Council agreed to reconsider Item 4.6, Councilmember Lazard stepped down and left the Chamber.

On a motion by Councilmember Torres-O'Callaghan, seconded by Vice Mayor Salcedo, the City Council agreed to reconsider Item 4.6, a resolution accepting an Irrevocable Offer of Dedication (IOD) for Mulholland Drive located at River Islands at Lathrop, by the following roll call vote:

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

City Manager Stephen Salvatore provided additional information regarding Item 4.6. A question and answer period ensued.

On a motion by Councilmember Akinjo, seconded by Vice Mayor Salcedo, the City Council adopted **Resolution 18-4493** approving an Irrevocable Offer of Dedication (IOD) for Mulholland Drive located at River Islands at Lathrop, by the following roll call vote:

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

4.7 ****APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 44 LOTS IN TRACT 3991 VILLAGE "V" WITHIN LAKESIDE EAST DISTRICT OF RIVER ISLANDS**

Item 4.6 and 4.7 were discussed and voted on following the vote of the Consent Calendar, as indicated above. Councilmember Lazard stepped down and abstained from voting on this matter.

On a motion by Councilmember Torres-O'Callaghan, seconded by Vice Mayor Salcedo, the City Council adopted **Resolution 18-4494** approving Final Map for Tract 3991 Village "V" within the Lakeside East District, totaling 44 single-family lots, Common Use Agreement with Island Reclamation District 2062 for portions of Enslin Avenue, and Subdivision Improvement Agreement with River Islands Development, LLC, by the following roll call vote:

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

4.8 **REQUEST TO TERMINATE THE INTERIM LEVEE IMPACT FEE AND REPLACE IT WITH A REGIONAL LEVEE IMPACT FEE IN THE MOSSDALE TRACT BASIN AREA**

City Clerk Teresa Vargas confirmed receipt of a public comment letter received addressing Items 4.3, 4.4, and 4.8, submitted by Martin Harris, Terra Land Group, LLC; and confirmed distribution to the City Council and copies for the public.

Adopted **Resolution 18-4491** approving a Regional Levee Impact Fee Collection Agreement with SJAFCA and Cities of Lathrop, Manteca, Stockton and San Joaquin County in the Mossdale Tract Basin Area and terminate the Lathrop interim levee impact fee.

4.9 **CREATE CIP PS 19-05 WARREN AVENUE SIDEWALK IMPROVEMENT PROJECT, APPROVE RELATED BUDGET AMENDMENT, AND AUTHORIZE MEASURE K COOPERATIVE AGREEMENT FOR THE PROJECT**

Adopted **Resolution 18-4492** approving the creation of CIP PS 19-05 Warren Avenue sidewalk improvement project, related budget amendment, and Measure K Cooperative Agreement.

5. SCHEDULED ITEMS

After the initial vote of Item 4.6 and 4.7, the City Council moved to consider Item 5.1. At that time, City Manager Stephen Salvatore requested a brief recess to discuss the reconsideration of Item 4.6. The Council agreed and Vice Mayor Salcedo called a recess at 9:33 p.m. Vice Mayor Salcedo called the meeting to order at 9:37 p.m. City Attorney Salvador Navarrete provided an overview related to the request by staff to reconsider Item 4.6 prior to Item 5.1.

The City Council agreed to reconsider Item 4.6, Councilmember Lazard stepped down and left the Chamber. After the vote of Item 4.6, Councilmember Lazard returned to the dais. Staff proceeded with Item 5.1

5.1 COUNCIL TO DISCUSS AND CONSIDER A NEW CLEAN ENERGY FINANCING PROGRAM FOR PRIVATE COMMERCIAL AND RESIDENTIAL IMPROVEMENTS FROM CMFA OPEN PACE PROGRAM

City Clerk Teresa Vargas introduced Chris Peterson, Vice President of Municipal Development for Energy Efficient Equity, Inc. City Clerk Teresa Vargas provided the presentation.

A question and answer period ensued following the presentation. Chris Peterson, Vice President of Municipal Development for Energy Efficient Equity, Inc. responded to questions from the Council. City Manager Stephen Salvatore and City Clerk Teresa Vargas provided additional information. Gloryanna Rhodes (Lathrop, CA) commented on the matter.

On a motion by Councilmember Lazard, seconded by Councilmember Torres-O'Callaghan, the City Council received information related to new clean energy financing programs, and adopted **Resolution 18-4495** approving:

- A. The California Municipal Finance Authority (CMFA) Joint Exercise of Powers Agreement and to Join the CMFA PACE Program
- B. CMFA Exercise of Powers Agreement Relating to the California Municipal Finance Authority
- C. Participation Agreement between the CMFA, Energy Efficiency Equity LLC, and the City of Lathrop
- D. Participation Agreement between the CMFA, BlueFlame PACE Services LLC, and City of Lathrop
- E. Participation Agreement between the CMFA, OnPACE Energy Solutions LLC, and City of Lathrop
- F. Participation Agreement between the CMFA, PACE Equity LLC, and the City of Lathrop
- G. Participation Agreement between the CMFA, Samas Capital LLC, and City of Lathrop
- H. Participation Agreement between the CMFA, Structured Finance Associates LLC, and City of Lathrop
- I. Participation Agreement between the CMFA, Twain Community Partners II LLC, and the City of Lathrop

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

5.2 PUBLIC HEARING (PUBLIC NOTICE) TO CONSIDER A RESOLUTION TO VACATE A PORTION OF GLACIER STREET (FORMALLY MADRUGA ROAD) TO SOUTH LATHROP LAND, L.L.C. AND AUTHORIZE THE CITY CLERK TO RECORD THE APPROPRIATE DOCUMENTS WITH THE COUNTY OF SAN JOAQUIN

Assistant Public Works Director Michael King provided the presentation. A question and answer period ensued. City Manager Stephen Salvatore provided additional information. Vice Mayor Salcedo opened the public hearing. City Clerk Teresa Vargas confirmed receipt of a public comment letter received for Item 5.2 submitted by Martin Harris, Terra Land Group, LLC; and confirmed distribution to the City Council and copies for the public. There were no speakers. Vice Mayor Salcedo closed the public hearing.

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

1. Held a public hearing; and
2. Adopted **Resolution 18-4496** to Vacate 9,789 Square Feet of Glacier Street (Formally Madrugá Road) to South Lathrop Land, L.L.C.

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

6. COUNCIL COMMUNICATIONS

6.1 MAYOR DHALIWAL REFERRAL: Set Application Deadline for Appointment of One (1) Member to the Measure C Oversight Committee with Term Expiring June 30, 2021, due to Unexpired Term Vacancy

City Clerk Teresa Vargas provided an overview, announced resignation of Commissioner Ash Ramilay due to his appointed to the Planning Commission.

The City Council set the application deadline to January 4, 2019, with appointment at the Regular Meeting of January 14, 2019.

6.2 MAYOR DHALIWAL REFERRAL: Set Application Deadline for Appointment of Two (2) Members to the Planning Commission with Term Expiring June 30, 2022, due to Unexpired Term Vacancies

City Clerk Teresa Vargas provided an overview, announced resignations of Commissioners Lazard and Torres-O'Callaghan due to being elected to the City Council.

The City Council set the application deadline to January 4, 2019, with appointment at the Regular Meeting of January 14, 2019.

6.3 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Councilmember Akinjo reported his attendance to a meeting of the Tri Valley-San Joaquin Valley Regional Rail Authority, in which the Valley Link Project was discussed. City Manager Stephen Salvatore provided additional information regarding the Valley Link Project.

6.4 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Akinjo congratulated the newly elected Councilmembers. Councilmembers thanked those in attendance. Councilmember Torres-O'Callaghan requested information on the future traffic light near Lathrop High School. City Engineer Glenn Gebhardt provided the information. Vice Mayor Salcedo congratulated the newly elected Councilmembers, expressed appreciation to the outgoing Councilmembers, and thanked those in attendance.

7. **ADJOURNMENT** - There being no further business, Vice Mayor Salcedo adjourned the meeting at 10:12 pm


Teresa Vargas, CMC, City Clerk