

**CITY OF LATHROP  
CITY COUNCIL REGULAR MEETING  
MONDAY, OCTOBER 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 5:34 p.m. The Regular Meeting reconvened at 7:11 p.m.**

**1. PRELIMINARY**

1.1 CALL TO ORDER – Vice Mayor Salcedo called the meeting to order 5:34 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)

- 3 Potential Case(s)

1.2.2 CONFERENCE WITH LEGAL COUNSEL Existing Litigation Pursuant to Government Code 54956.9(a)  
Adriana Jai Flores-Lopez vs City of Lathrop, San Joaquin County Superior Court, Case No. STK-CV-UED-2017-0012183

**RECONVENE** – Vice Mayor Salcedo reconvened the meeting at 7:11 p.m.

1.2.3 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that direction was provided to staff in regards to Item 1.2; no other reportable action was taken.

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

Absent: Mayor Dhaliwal

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

1.5 PLEDGE OF ALLEGIANCE – Associate Pastor Mike Strong 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

Councilmember Lazard reported conflict of interests with Items 4.19 and 4.20, due to her employment with Dell'Osso Farms.

## 2. PRESENTATIONS

### 2.1 PROCLAMATION - Declaring October Domestic Violence Awareness Month

Councilmember Torres-O'Callaghan presented the proclamation to Stephanie Player, Victim Services Program Director with the Women's Center-Youth & Family Services. Ms. Player spoke on the matter, provided information related programs and services available to the public.

### 2.2 INTRODUCTION OF NEW EMPLOYEE:

Administrative Services and Finance Director Cari James introduced Thomas Hedegard, Accounting Manager.

### 2.3 ECONOMIC DEVELOPMENT UPDATE

Economic Development Administrator Shelley Burcham provided a presentation related to economic development activity during the 3<sup>rd</sup> quarter. A question and answer period followed the presentation.

### 2.4 PRESENTATION – NextGeneration STEAM Academy and River Islands Technology Academy Presentation on Emergency Preparedness

Fire Chief Gene Neely, Lathrop Manteca Fire District, and Principal Rechelle Pearlman, STEAM Academy, provided a presentation on emergency preparedness for the NextGeneration STEAM Academy and River Islands Technology Academy. A question and answer period followed the presentation.

### 2.5 PRESENTATION – Update on Recent Regulations from the State Water Resources Control Board, Division of Drinking Water (*formerly the California Department of Public Health, Drinking Water Program*)

Assistant Public Works Director Michael King introduced City Consultant Jonathan Sutter, PE, Project Manager with EKI Environment & Water, Inc. Mr. King provided the presentation regarding recent Federal and State regulations due to concerns regarding rising health risks from a group of chemicals called Per-and polyfluoroalkyl substances (PFAS) in water supplies. A question and answer period followed the presentation. City Manager Stephen Salvatore, Mr. Sutter and Mr. King responded to questions of the Council.

### 3. CITIZEN'S FORUM

City Clerk Teresa Vargas announced information received for public comment from Nellie Zavala (Commission on Aging) related to advanced care planning services provided by Catholic Charities; and a public comment letter dated October 7, 2019, received from by Martin Harris with Terra Land Group, LLC, related to various concerns associated with municipal public utilities and hydrology related impacts affecting the Lower San Joaquin River Basin.

### 4. CONSENT CALENDAR

On a motion by Councilmember Akinjo, seconded by Councilmember Lazard, the City Council approved the Consent Calendar, except \*\* Items 4.19 and 4.20, by the following roll call vote, unless otherwise indicated:

Ayes: Akinjo, Lazard, Salcedo, Torres-O'Callaghan  
Noes: Lazard (Item 4.3 only), Torres-O'Callaghan (Item 4.9 only)  
Absent: Dhaliwal  
Abstain: None

*\*City Clerk Teresa Vargas announced that a public comment letter was received, dated October 14, 2019, addressing Consent Items 4.10, 4.11, 4.12, 4.13, 4.16, 4.19, 4.20 and Scheduled Items 5.1, 5.2, 5.3, and 5.4, submitted by Martin Harris with Terra Land Group, LLC; the email was distributed to the City Council via their tablets (same process as the agenda) and copies were made available for the public at the beginning of the meeting.*

*\*\* (Council Comments on Consent Items) Items 4.6, 4.7, 4.8, 4.9, 4.11 and 4.12 were pulled by Councilmember Akinjo for further clarification on inspection procedures. Item 4.9 was pulled by Councilmember Torres-O'Callaghan; requested additional information related to the project improvements; expressed opposition to the item citing that she wanted improvements for the lighted crosswalk to be completed prior to approval of the proposed acceptance. Councilmember Lazard expressed disagreement to Item 4.3; citing a no vote. Items 4.12, 4.13, 4.14, 4.15, and 4.18 were also pulled by Councilmember Akinjo, requested additional information related to the proposed projects, funding options and potential impacts on utility rates. City Manager Stephen Salvatore and Assistant Public Works Director Michael King provided additional information on the various items pulled.*

*\*\*\* Items 4.19 and 4.20 – The City Council voted on these items separately, following the vote of the Consent Calendar. Items 4.19 and 4.20 were pulled by Councilmember Akinjo requested additional related to the recycled water land application sites. City Engineer Glenn Gebhardt provided the information.*

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

Waived the reading in full of ordinances and resolutions on agenda and adopted by reading of title only, unless otherwise requested by the Mayor or a Councilmember.

4.2 APPROVAL OF MINUTES

Approved Minutes for the Special Council Meeting and Regular Council Meeting of September 9, 2019.

4.3 \*SECOND READING AND ADOPTION OF ORDINANCE 19-409 BY TITLE ONLY AMENDING SPEED LIMITS IN THE CITY OF LATHROP, TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.08 SPEED LIMITS, SECTION 10.08.030 OF THE LATHROP MUNICIPAL CODE

Waived full reading and adopted **Ordinance 19-409** by title only amending Section.10.08.030 of the Lathrop Municipal Code relating to speed limits on Harlan Road between Roth Road and Slate Street, Johnson Ferry Road between Colonial Trail and Golden Spike Trail, Louise Avenue between Harlan Road and 5th Street and Roth Road between I-5 and East City limits.

4.4 CHRISTMAS PARADE TEMPORARY STREET CLOSURE

Adopted **Resolution 19-4632** approving temporary street closures for the Lathrop Christmas parade on December 14, 2019.

4.5 WINTER HOLIDAY & CITY COUNCIL MEETING SCHEDULE FOR REMAINDER OF 2019

Approved proposed Winter Holiday closure and remainder of 2019 City Council meeting schedule.

4.6 \*\*ACCEPT EMERGENCY CONSTRUCTION WORK BY DSS COMPANY, DBA KNIFE RIVER CONSTRUCTION, FOR PAVEMENT REPAIRS TO E. LOUISE AVENUE AND MANTHEY ROAD

Adopted **Resolution 19-4633** accepting emergency construction work by DSS Company, DBA Knife River Construction, for pavement repairs to E. Louise Avenue and Manthey Road and authorized the filing of a Notice of Completion.

4.7 \*\*ACCEPT IMPROVEMENTS CONSTRUCTED BY FBD VANGUARD FOR THE CITYWIDE SIDEWALK REPAIR PROGRAM CIP PS 15-04

Adopted **Resolution 19-4634** accepting improvements constructed by FBD Vanguard for the citywide sidewalk repair program CIP PS 15-04, authorized the filing of a Notice of Completion and release of contract retention.

- 4.8 **\*\*ACCEPT IMPROVEMENTS CONSTRUCTED BY DSS COMPANY, DBA KNIFE RIVER CONSTRUCTION, FOR THE PAVEMENT MAINTENANCE REPAIR PROGRAM CIP PS 18-01 PHASE I**

Adopted **Resolution 19-4635** accepting improvements constructed by DSS Company, DBA Knife River Construction, for the Pavement Maintenance Repair Program, CIP PS 18-01 Phase I, authorized the Filing of a Notice of Completion and release of contract retention.

- 4.9 **\*\*ACCEPT SPARTAN WAY STREET IMPROVEMENTS**

Adopted **Resolution 19-4636** accepting street improvements on Spartan Way between Land Park Drive and existing Lathrop Road from Saybrook CLSP, LLC.

- 4.10 **\*RATIFY EMERGENCY CONSTRUCTION CONTRACT WITH TRACY GRADING & PAVING, INC., FOR PAVEMENT REPAIRS IN CONJUNCTION WITH UPRR'S EMERGENCY RAILROAD REHABILITATION AT ROTH ROAD**

Adopted **Resolution 19-4637** ratifying City Manager's approval of an emergency construction contract with Tracy Grading & Paving, Inc., for pavement repairs, in conjunction with UPRR's emergency railroad rehabilitation at Roth Road, Accept the Improvements, Approve Related Budget Amendment and Authorize the Filing of a Notice of Completion

- 4.11 **\*/\*\*APPROVE TASK ORDER NO. 15 WITH 4LEAF, INC., FOR PROFESSIONAL SERVICES IN THE BUILDING DIVISION**

Adopted **Resolution 19-4638** approving Task Order No. 15 to the Master Professional Consulting Services Agreement with 4Leaf, Inc., for professional building division services and related budget amendment.

- 4.12 **\*/\*\*APPROVE PROFESSIONAL ENGINEERING SERVICES AGREEMENT FOR CIP PS 14-04 HARLAN ROAD REALIGNMENT AT ROTH ROAD**

Adopted **Resolution 19-4639** authorizing a Professional Services Agreement with Dokken Engineering for professional engineering consulting services for CIP PS 14-04 Harlan Road realignment at Roth Road.

- 4.13 **\*/\*\*CREATE CIP WW 20-17 SURFACE WATER DISCHARGE PROJECT AND BUDGET AMENDMENT**

Adopted **Resolution 19-4640** creating CIP WW 20-17 Surface Water Discharge Project and approved related budget amendment.

- 4.14 **\*\*CREATE CIP PW 20-16 GROUNDWATER TREATMENT IMPROVEMENTS AND APPROVE/RATIFY AGREEMENTS WITH EKI WATER & ENVIRONMENT, INC., AND FRUIT GROWERS LABORATORY, INC., DBA FGL ENVIRONMENTAL, AND BUDGET AMENDMENT**

Adopted **Resolution 19-4641** creating CIP PW 20-16 Groundwater Treatment Improvements, approved/ratified agreements with EKI Water & Environment, Inc., and Fruit Growers Laboratory, Inc., dba FGL Environmental to provide technical support services related to the detection of PFAS in the City's groundwater supply, with FGL for water quality laboratory testing for PFAS, and approved associated budget amendment.

4.15 **\*\*PURCHASE OF A VACUUM TRUCK FOR PUBLIC WORKS OPERATION AND MAINTENANCE DIVISION**

Adopted **Resolution 19-4642** approving the purchase of a Freightliner 114SD Vacuum Truck from Municipal Maintenance Equipment, Inc. in the amount of \$475,994.13 for the Public Works Operations and Maintenance Division and approved related budget amendment.

4.16 **\*APPROVE AGREEMENT WITH SOUTH LATHROP LAND LLC FOR TRANSPORTATION RELATED CAPITAL FACILITY FEES**

Adopted **Resolution 19-4643** approving an agreement with South Lathrop Land LLC for transportation related capital facility fees for the South Lathrop Commerce Center.

4.17 **CONTRACT AMENDMENT WITH DAVID SILVA LANDSCAPE FOR LANDSCAPE MAINTENANCE SERVICES**

Adopted **Resolution 19-4644** approving a contract amendment with David Silva Landscape to include landscape for maintenance services in various areas within the City.

4.18 **\*\*APPROVE AGREEMENT FOR INDUSTRIAL PRETREATMENT PROGRAM (IPP)**

Adopted **Resolution 19-4645** approving an agreement with Veolia Water North America West, Inc., for the administration of the Industrial Pretreatment Program (IPP).

*RIVER ISLANDS CONSENT ITEM(S)*

*Councilmember Lazard recused herself, following the vote of the consent calendar (Items 4.1 to 4.18), and left the chamber at 8:40 p.m., prior to the vote of Item 4.19, due to declared conflict of interest as noted in Item 1.8.*

On a motion by Councilmember Akinjo, seconded by Councilmember Torres-O'Callaghan, the City Council approved Items 4.19 and 4.20, by the following roll call vote, unless otherwise indicated:

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

- 4.19 \*/\*\*\*APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 38 LOTS IN TRACT 3992 VILLAGE "V" WITHIN LAKESIDE EAST DISTRICT OF RIVER ISLANDS

Adopted **Resolution 19-4646** approving Final Map for Tract 3992 Village "V" within the Lakeside East District, totaling 38 single family lots, Common Use Agreement with Island Reclamation District 2062 for a Portion of Ulrich Court and a Subdivision Improvement Agreement with River Islands Development, LLC.

- 4.20 \*/\*\*\*ACCEPT RECYCLED WATER LAND APPLICATION SITE A-34 FROM RIVER ISLANDS DEVELOPMENT, LLC

Adopted **Resolution 19-4647** approving accepting Recycled Water Land Application Site A-34 from River Islands Development, LLC.

## 5. SCHEDULED ITEMS

*Councilmember Lazard returned to the dais after Item 4.20, at 8:48 p.m. for the remainder of the meeting*

- 5.1 \*PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTION OF THE LATHROP GATEWAY BUSINESS PARK SPECIFIC PLAN AND THE SOUTH LATHROP SPECIFIC PLAN CAPITAL FACILITIES FEES STUDY AND THE FEES RECOMMENDED THEREIN

Principal Engineer Jay Davidson provided the presentation. A question and answer period followed the presentation. Vice Mayor Salcedo opened the public hearing. Christine Mendes (18401 S. McKinley Ave.) provided a public comment letter addressing various concerns related to projects near her property. Frank Mendes (18401 S. McKinley Ave.) requested information regarding S. McKinley Avenue and whether it is planned as a future STAA route. City Manager Stephen Salvatore provided additional information. Jeff Hill (Crow Holdings Industrial / Project Developer) gave project overview and recently installed infrastructure; thanked staff for assistance with project. Vice Mayor Salcedo closed the public hearing. A question and answer period followed the presentation.

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 19-4648** adopting the Lathrop Gateway Business Park Specific Plan and the South Lathrop Specific Plan Capital Facilities Fees Study and the fees recommended therein.

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

5.2 \*PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER THE 2020 SJMSCP DEVELOPMENT FEE ANNUAL ADJUSTMENT

Community Development Director Mark Meissner provided the presentation. A question and answer period followed the presentation. San Joaquin Council of Governments Habitat Conservation Plan Project Manager Steven Mayo provided additional information. Vice Mayor Salcedo opened the public hearing. 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 considered the following:

1. Held a public hearing; and
2. Adopted **Resolution 19-4649** approving an annual adjustment to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fee for 2020.

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

5.3 \*PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER UNMET TRANSIT NEEDS FOR FY 20-21

Assistant Public Works Director Michael King provided the presentation. A question and answer period followed the presentation. Councilmember Akinjo inquired about school bussing. Councilmembers Torres-O'Callaghan expressed interest in additional bus routes with stops at the Community Center, Generations Center and City Hall. Councilmember Lazard expressed interest in connecting routes between Lathrop and Manteca. City Manager Stephen Salvatore and City Clerk Teresa Vargas provided additional information. Vice Mayor Salcedo opened the public hearing. Adriana Flores-Lopez commented on unmet transit needs on Roth Road and Lathrop Road. There were no other speakers. Vice Mayor Salcedo closed the public hearing. A question and answer period followed the presentation.

On a motion by Councilmember Akinjo, seconded by Councilmember Lazard, the City Council considered the following:

1. Held a public hearing; and
1. Council discussed and considered unmet transit needs within the City of Lathrop (Transportation Development Act Requirements for Transit Funds).

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



5.4 \*PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ORDINANCE TO REPEAL AND REPLACE LATHROP MUNICIPAL CODE TO TITLE 15 (BUILDING AND CONSTRUCTION) TO INCORPORATE THE 2019 CALIFORNIA BUILDING STANDARDS CODE

Assistant Public Works Director Michael King provided the presentation. A question and answer period ensued throughout the presentation. City Attorney Salvador Navarrete and City Manager Stephen Salvatore provided additional information. Vice Mayor Salcedo opened the public hearing. There were no speakers. Vice Mayor Salcedo closed the public hearing. A question and answer period followed the presentation.

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

1. Held a public hearing; and
2. Introduced and held first reading of an ordinance to repeal and replace Lathrop Municipal Code Title 15 (Building and Construction) to incorporate the 2019 California Building Standards Code.

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

**6. COUNCIL COMMUNICATIONS**

6.1 COUNCILMEMBER TORRES-O'CALLAGHAN REFERRAL – Propose Ordinance Addressing Distracted Walking and Use of Crosswalks

Councilmember Torres-O'Callaghan provided an overview. A question and answer period ensued. City Attorney Salvador Navarrete provided additional information. Council consensus directed staff to agendize the matter to a future meeting.

6.2 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Councilmember Akinjo reported his attendance to the Tri-Valley - San Joaquin Valley Regional Rail Authority Board of Directors meeting held October 9, 2019.

6.3 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmembers thanked those in attendance and wished everyone a goodnight.

**7. ADJOURNMENT** – There being no further business, Vice Mayor Salcedo adjourned the meeting at 10:16 p.m.

  
Teresa Vargas, CMC, City Clerk