

ITEM 4.2

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, MAY 11, 2020
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

Pursuant to the Governor's Executive Order N-25-20

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allowed the option to attend public meetings telephonically/teleconference during the COVID-19 pandemic. In accordance with the Executive Order N-25-20, guidance from the California Department of Public Health on gatherings, and to protect our employees and the public, remote public participation was allowed, but not mandatory. The meeting was available by Cisco Webex teleconference to the public, as well as reduced capacity in-person participation in accordance with social distancing guidelines.

PLEASE NOTE: There was a Closed Session, which commenced at 6:48 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 6:48 p.m.

1.2 CLOSED SESSION

1.2.1 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: Stephen J. Salvatore, City Manager
Employee Organization: Service Employees International Union (SEIU) Local 1021

1.2.2 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: Stephen J. Salvatore, City Manager
Employee Organization: Lathrop Mid-Managers and Confidential Employees Association (LMCEA)

1.2.3 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6
Agency Negotiator: Stephen J. Salvatore, City Manager
Unrepresented Employees: Chief Information Officer, City Clerk, City Engineer, Director of Administrative Services, Director of Community Development, Director of Finance, Director of Parks and Recreation, Director of Public Works and Human Resources Manager

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

Following the reconvening of the meeting after closed session by Mayor Dhaliwal, City Clerk Teresa Vargas provided guidelines for those joining the meeting via the teleconference WebEx option. Ms. Vargas also announced that all public comment letters and presentations were available on the City's agendas & minutes webpage for those joining by WebEx.

1.2.4 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that direction was provided to the Agency Labor Negotiator in regards to Item 1.2.1 through 1.2.3 direction; no other reportable action was taken.

- 1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Salcedo;
Councilmembers: Akinjo, Lazard, and Torres-
O'Callaghan
Absent: None
- 1.4 INVOCATION – Planning Commissioner Steve Dresser provided the invocation.
- 1.5 PLEDGE OF ALLEGIANCE - Planning Commissioner Steve Dresser 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 declared a conflict of interest with Item 4.14, due to her employment with Dell'Osso Family Farms. Mayor Dhaliwal declared conflict of interest with Item 4.13, due to his residence within the Woodfield Park District area. City Attorney Salvador Navarrete confirmed the declarations of conflict as presented.

2. PRESENTATIONS - None

3. CITIZEN'S FORUM

City Clerk Teresa Vargas announced public comment letter, dated May 11, 2020, for citizen's forum, submitted by Martin Harris with Terra Land Group, LLC. There were no speakers for citizen's forum.

4. CONSENT CALENDAR

On a motion by Mayor Dhaliwal, seconded Councilmember Lazard, the City Council approved the Consent Calendar, except *Items 4.13 and 4.14, by the following roll call vote, unless otherwise indicated:

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

** Councilmember Lazard declared a conflict of interest with Item 4.14, due to her employment with Dell'Osso Family Farms. Mayor Dhaliwal declared conflict of interest with Item 4.13, due to his residence within the Woodfield Park District area. (See Item 1.8 for declarations)*

***Councilmember Torres-O'Callaghan abstained from voting on Item 4.2 due to absence during the March 9, 2020, City Council Regular Meeting.*

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

Councilmember Torres-O'Callaghan abstained from voting on Item 4.2 due to absence during the March 9, 2020, City Council Regular Meeting.

Approved Minutes for the Regular Council Meeting of March 9, 2020.

4.3 APPROVAL OF MINUTES

Approved Minutes for the Special Council Meeting of March 19, 2020.

4.4 APPROVAL OF MINUTES

Approved Minutes for the Regular Council Meeting of April 13, 2020.

4.5 TREASURER'S REPORT FOR MARCH 2020

Item pulled by Councilmember Akinjo. Finance and Administrative Services Director Cari James provided the information.

Approved Quarterly Treasurer's Report for March 2020.

4.6 RATIFY CONTRACT AMENDMENT WITH CONDOR EARTH TECHNOLOGIES, INC. FOR ENGINEERING SUPPORT SERVICES

Adopted **Resolution 20-4708** ratifying the City Manager's action to execute Amendment No. 1 to the Professional Services Agreement with Condor Earth Technologies, Inc. to provide engineering support services.

4.7 CIP PK 19-17 SENIOR CENTER IMPROVEMENTS BUDGET AMENDMENT

Adopted **Resolution 20-4709** approving an increase in funding for Capital Improvement Project PK 19-17 Senior Center Improvements and related budget amendment.

4.8 CREATE CIP PK 20-23 FOR IMPROVEMENTS AT THE LATHROP GENERATIONS CENTER

Adopted **Resolution 20-4710** approving the creation of CIP PK 20-23 for the design and installation of improvements at the Lathrop Generations Center and related budget amendment.

4.9 CREATE CIP GG 20-24 BACK-UP GENERATOR INSTALLATION AT THE COMMUNITY CENTER

Adopted **Resolution 20-4711** the creation of CIP GG 20-24 community center backup power generator, related budget amendment, and ratification of the purchase.

4.10 APPROVE CONSTRUCTION CONTRACT AND AUTHORIZE THE CITY MANAGER TO SIGN CALTRANS AGREEMENT FOR CIP PS 18-03 TRAFFIC SIGNAL INSTALLATION – INTERSECTION OF GOLDEN VALLEY PARKWAY & SPARTAN WAY

Adopted **Resolution 20-4712** a Construction Contract and authorizing the City Manager to sign a Caltrans Agreement between the City and Mike Brown Electric Co. for construction of CIP PS 18-03 traffic signal installation at the intersection of Golden Valley Parkway and Spartan Way, and related budget amendment.

4.11 APPROVAL OF PARCEL MAP 20-02, DEDICATION OF PARCEL 5 TO THE CITY, SUBDIVISION IMPROVEMENT AGREEMENT, AND JOINT ESCROW INSTRUCTIONS FOR NORTH CROSSROADS BUSINESS CENTER

Adopted **Resolution 20-4713** approving the North Crossroads Business Center Parcel Map 20-02, totaling five (5) lots, accepting dedication to the City of parcel 5, and approving Subdivision Improvement Agreement and related joint escrow instructions.

4.12 APPROVAL OF THE PRELIMINARY ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY ANNUAL ASSESSMENTS FOR FISCAL YEAR 2020/21 FOR INDUSTRIAL LIGHTING MAINTENANCE DISTRICT; RESIDENTIAL LIGHTING MAINTENANCE DISTRICT; MOSSDALE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT; STONEBRIDGE LANDSCAPE MAINTENANCE DISTRICT; STONEBRIDGE DRAINAGE AND LIGHTING DISTRICT; STORM DRAIN DISTRICT ZONE 1; AND STORM DRAIN DISTRICT ZONE 1A

The City Council considered the following:

1. Adopted **Resolution 20-4714** approving the Preliminary Engineer's Report for the Industrial Lighting Maintenance District and declaring intention to levy annual assessments for Fiscal Year 2020/21;
2. Adopted **Resolution 20-4715** approving the Preliminary Engineer's Report for the Residential Lighting Maintenance District and Declaring Intention to Levy Annual Assessments for Fiscal Year 2020/21;
3. Adopted **Resolution 20-4716** approving the Preliminary Engineer's Report for the Mossdale Landscape and Lighting Maintenance District and declaring intention to levy annual assessments for Fiscal Year 2020/21;
4. Adopted **Resolution 20-4717** approving the Preliminary Engineer's Report for the Stonebridge Landscape Maintenance District and the Stonebridge Drainage & Lighting District and declaring intention to levy annual assessments for Fiscal Year 2020/21; and
5. Adopted **Resolution 20-4718** approving the Preliminary Engineer's Report for the Storm Drain Districts Zones 1 and 1A and declaring intention to levy annual assessments for Fiscal Year 2020/21.

Mayor Dhaliwal recused himself, following the vote of the consent calendar (Item 4.1 to 4.12), and left the chamber at 7:20 p.m., prior to the vote of Item 4.13, due to declared conflict of interest as noted in Item 1.8. Vice Mayor Salcedo preceded over the meeting.

4.13 *APPROVAL OF THE PRELIMINARY ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY ANNUAL ASSESSMENTS FOR FISCAL YEAR 2020/21 FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 93-1 (WOODFIELD PARK)

Item pulled by Councilmember Akinjo. Finance and Administrative Services Director Cari James responded to questions.

On a motion by Vice Mayor Salcedo, seconded by Councilmember Lazard, the City Council approved **Resolution 20-4719** approving the Preliminary Engineer's Report for Landscape and Lighting Maintenance District No. 93-1 (Woodfield Park) and declaring intention to levy annual assessments for Fiscal Year 2020/21, by the following roll call vote, unless otherwise indicated:

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

RIVER ISLANDS CONSENT ITEM(S)

Councilmember Lazard recused herself, following the vote of the consent calendar (Item 4.1 to 4.12) and Item 4.13, and left the chamber at 7:23 p.m., prior to the vote of Item 4.14, due to declared conflict of interest as noted in Item 1.8. Mayor Dhaliwal returned to the chamber/dais at 7:24 p.m., for the remainder of the meeting.

4.14 **APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 44 LOTS IN TRACT 4021 VILLAGE "S" WITHIN LAKESIDE EAST DISTRICT OF RIVER ISLANDS

On a motion by Mayor Dhaliwal, seconded by Councilmember Akinjo, the City Council approved **Resolution 20-4720** approving a Final Map for Tract 4021 Village "S" within the Lakeside East District of River Islands, totaling 44 single family detached units (44 lots), and a Subdivision Improvement Agreement with River Islands Development, LLC, and City of Lathrop Annexation No. 12 CFD.

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

5. SCHEDULED ITEMS

Councilmember Lazard returned to the chamber/dais at 7:26 p.m., for the remainder of the meeting.

City Clerk Teresa Vargas announced request to present Item 5.3 before Item 5.1. The City Council considered the request and gave consensus. The scheduled items were heard in the following order: Item 5.3, 5.1 and 5.2.

5.1 CONSIDER APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE THE CFT PHASE 2 PROJECT

Community Development Director Mark Meissner introduced City Planning Consultant David Niskanen (JB Anderson Planning). Mr. Niskanen provided the presentation. A question and answer period followed.

Kenneth D Anderson (President, KD Anderson & Associates, Inc., representing Ghai Management Services, Inc.) expressed various concerns relating to cut-through traffic impacts to the Burger King Restaurant near the CFT Phase 2 project site. Charanjit (Sunny) Ghai (President, Ghai Management Services, Inc., Appellant) expressed various concerns related to the traffic impacts to his Burger King Restaurant, and requested City Council consideration of his appeal of the Planning Commission approval of Resolution No. 20-6 related to the CFT Phase 2 Project. Luis Guzman (Project Manager, GWA Architecture Inc., Applicant) introduced himself and made himself available for questions of the Council related to the CFT Phase 2 Project.

There were no other speakers. The question and answer period continued. City Planning Consultant David Niskanen responded to questions of the City Council.

On a motion by Mayor Dhaliwal, seconded by Councilmember Akinjo, the City Council:

1. Considered all written and oral information presented in this report and at the Regular City Council Meeting of May 11, 2020; and
2. Adopted **Resolution 20-4722** affirming the Planning Commission's decision to approve Resolution No. 20-6 for a site plan review for the construction of a 1,608 sq. ft. Sonic Drive-In Restaurant on a 0.69 acre site and an 862 sq. ft. Dutch Brothers Coffee with drive-through on a 0.49 acre site, with related site work including landscaping, lighting, and frontage improvements, as amended by the City Council to modify the Planning Commission's decision and add a new condition to install a three (3) way stop sign at the intersection of Old Harlan Road and Harlan Road.

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

5.2 CREATE AN EMERGENCY GENERAL ASSISTANCE PROGRAM UTILIZING CDBG-CV ALLOCATION, AUTHORIZE USE OF MEASURE D FUNDS FOR A SMALL BUSINESS ASSISTANCE PROGRAM, AND APPROVE RESPECTIVE BUDGET AMENDMENTS

Economic Development Administrator Shelley Burcham provided the presentation regarding the grant assistance programs. City Manager Stephen Salvatore presented information related to Phase 2 of the Governor's Plan to Reopen California and related guidelines. A question and answer period ensued throughout the presentation.

Marcus Shahan (Owner, The Boathouse at River Islands) expressed various concerns with financial impacts related to COVID-19 to small businesses; expressed support to push forward with reopening quickly and safely. City Manager Stephen Salvatore provided additional information on requesting a potential variance for small businesses.

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

1. Adopted **Resolution 20-4723** accept CDBG-CV allocation for creation of an Emergency General Assistance Grant Program and authorize related budget amendment; and

- 2. Adopted **Resolution 20-4724** establishing a Small Business Assistance Grant Program, authorizing funding with the use of Measure D funds, and authorized related budget amendment.

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

5.3 CITY OF LATHROP COMMUNITY EVENT CANCELLATIONS DUE TO THE CORONAVIRUS (COVID-19)

Parks and Recreation Director Zach Jones provided the presentation. A question and answer period followed. City Manager Stephen Salvatore and Police Chief Ryan Biedermann responded to questions of the Council.

City Clerk Teresa Vargas announced public comment letter, dated May 8, 2020, Item 5.3, submitted by Dennis C. Revell, in support of removing the sale of safe and sane fireworks from the proposed event cancellations list.

Steve Dresser (Lathrop, CA), Beau Grisham (Lathrop Jr. Spartans), Donna Taylor (Lathrop Jr. Spartans), Lavon Tindell (Lathrop Sunrise Rotary), and Louis Linney (TNT Fireworks) all spoke in support of removing the sale of safe and sane fireworks from the proposed event cancellations list. In addition to, using social distancing guidelines during the sale of safe and sane fireworks sales and encouraging the public to use fireworks with members of current household.

The question and answer period continued. Parks and Recreation Director Zach Jones spoke about the potential to replace some events and large gatherings with virtual events during the shelter at home order.

On a motion by Mayor Dhaliwal, seconded by Councilmember Lazard, the City Council reviewed the information presented, heard public comment, and approved **Resolution 20-4721** cancelling community events in compliance with the Governor’s shelter at home order due to the COVID-19 Pandemic, as amended by the City Council to remove the sale of safe and sane fireworks from the proposed event cancellations list.

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

6. COUNCIL COMMUNICATIONS

- 6.1 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) – None

6.2 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Lazard reported garbage on the right-way near 5th Street. Councilmember Torres-O'Callaghan and Vice Mayor Salcedo congratulated recent graduates and gave encouragement for those not being able to celebrate traditional graduations. Mayor Dhaliwal thanked those in attendance and thanked staff for their work during the COVID-19 pandemic.

7. **ADJOURNMENT** - There being no further business, Mayor Dhaliwal adjourned the meeting at 9:22 p.m.



Teresa Vargas, CMC
City Clerk

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