

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, AUGUST 8, 2022
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 6:01 p.m. The Regular Meeting reconvened at 7:10 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:01 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)

- 1 Potential Case(s)

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:10 p.m.

1.2.2 REPORT FROM CLOSED SESSION

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

1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Lazard;
Councilmembers: Akinjo, Diallo and Torres
O’Callaghan.

Absent: None.

1.4 INVOCATION – Campus Pastor Tesia Gampon, New Life Church, provided the invocation.

1.5 PLEDGE OF ALLEGIANCE – Campus Pastor Tesia Gampon led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

Assistant City Manager Michael King, sitting in for City Manager Stephen Salvatore, provided an overview of active roadway projects and current road closures.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Vice Mayor Lazard declared a conflict of interest with Items 4.15 and 4.16, due to her employment with Dell’Osso Farms. Councilmember Diallo declared a conflict of interest with Items 4.15 and 4.16, due to an agreement with the River Islands Development.

2. PRESENTATIONS – None

3. CITIZEN’S FORUM

Phillip Mendoza (in person speaker) expressed interest in zoning changes to the General Plan and Municipal Code to allow tattoo parlors. City Council consensus directed staff to bring back the matter for discussion. Sandeep Khanuja (zoom speaker) expressed interested in a community swimming pool in the River Islands Development area. A question and answer period ensued. Parks, Recreation and Maintenance Services Director Todd Sebastian provided additional information. Siddharth Shah (zoom speaker) also expressed similar interests related to a community swimming pool in the River Islands Development area.

4. CONSENT CALENDAR

On a motion by Councilmember Torres-O’Callaghan, second by Vice Mayor Lazard, the City Council approved the Consent Calendar, except Items *4.15 through 4.16, by the following roll call vote, unless otherwise indicated:

Ayes:	Akinjo, Diallo, Lazard, Torres-O’Callaghan and Dhaliwal
Noes:	Akinjo (Item 4.3 only)
Absent:	None
Abstain:	None

**Items 4.15 to 4.16 were voted on separately from the Consent Calendar.*

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 Regular Council Meeting of July 11, 2022.

4.3 SECOND READING AND ADOPTION OF ORDINANCE 22-438 OF THE CITY OF LATHROP APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LATHROP AND CENTRAL CALIFORNIA GREENS, INC. (DA-22-81)

City Attorney Salvador Navarrete introduced the following minor changes to the Developer Agreement, as agreed by staff, the Developer and the Developer's Attorney:

- On page 4, added Section viii. "Operator shall not advertise on any Outdoor Advertising Structure (OAS) located within the City of Lathrop. The OAS (billboards) is defined in Section 17.04.080 of the Lathrop Municipal Code"; and
- On page 9, replaced the word "evoke" to "revoke".

Waived full reading and adopted **Ordinance 22-438** by title only approving the Development Agreement between the City of Lathrop and Central California Greens, Inc. (DA-22-81), with amendments as noted above.

4.4 COMPLETE ANNUAL PERFORMANCE REVIEW PROCESS FOR CITY MANAGER AND CITY ATTORNEY

Adopted **Resolution 22-5120** approving Amendment No. 3 to the City Manager Employment Agreement, Amendment No. 2 to the City Attorney Employment Agreement, and related budget amendment.

4.5 RATIFICATION OF AMENDMENT NO. 1 TO THE AGREEMENT WITH TRIDENT K-9 CONSULTING TO PURCHASE A THIRD K-9 AND PROVIDE HANDLER'S COURSE TO THE ADDITIONAL K-9 TEAM FOR THE LATHROP POLICE DEPARTMENT CIP GG 21-11

Pulled by Councilmembers Diallo and Torres-O'Callaghan. A question and answer period ensued. Police Commander Stephen Sealy and Finance Director Cari James provided additional information.

Adopted **Resolution 22-5121** ratifying City Manager action to execute Amendment No. 1 to the Agreement with Trident K-9 Consulting to purchase a third K-9 and provide handler's course to the additional K-9 Team for the City of Lathrop Police Department, CIP GG 21-11.

4.6 APPROVE AMENDMENT NO. 1 WITH ROBERT HALF INTERNATIONAL, INC. TO PROVIDE PROFESSIONAL SERVICES

Adopted **Resolution 22-5122** approving Amendment No. 1 with Robert Half International, Inc. to provide professional services associated with EnerGov software implementation.

- 4.7 APPROVE AMENDMENT NO. 3 WITH LUHDORFF & SCALMANINI CONSULTING ENGINEERS, CONTRACT CHANGE ORDER NO. 4 WITH COMMERCIAL PUMP & MECHANICAL, INC., AND RELATED BUDGET AMENDMENT FOR WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, CAPITAL IMPROVEMENT PROJECT PW 22-37

Pulled by Councilmember Torres-O'Callaghan. A question and answer period ensued. Assistant City Manager Michael King provided additional information.

Adopted **Resolution 22-5123** approving Amendment No. 3 with Luhdorff & Scalmanini Consulting Engineers, Contract Change Order No. 4 with Commercial Pump & Mechanical, Inc., and related budget amendment for the Well 10 testing, analysis and modifications, CIP PW 22-37.

- 4.8 APPROVE PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH DARRYL ALEXANDER & ASSOCIATES, INC. FOR ON-CALL LAND SURVEY AND MAPPING SERVICES

Pulled by Vice Mayor Lazard. A question and answer period ensued. City Engineer Brad Taylor and Assistant City Manager Michael King provided additional information.

Adopted **Resolution 22-5124** approving a Professional Consulting Services Agreement with Darryl Alexander & Associates, Inc. to provide on-call land survey and mapping services.

- 4.9 APPROVE TASK ORDER NO. 10 WITH CRANE TRANSPORTATION GROUP TO CONTINUE THE 2022 TRAFFIC MONITORING PROGRAM AND ANALYSIS AND RELATED BUDGET AMENDMENT

Adopted **Resolution 22-5125** approving Task Order No. 10 with Crane Transportation Group to continue the preparation of the 2022 Traffic Monitoring Program & Analysis, pursuant to Master Consulting Agreement dated June 11, 2018, and related budget amendment.

- 4.10 APPROVE PURCHASE OF STREETLIGHTS FOR INSTALLATION ON LOUISE AVENUE FOR THE LOUISE AVENUE AND LATHROP ROAD LANDSCAPE IMPROVEMENTS, CAPITAL IMPROVEMENT PROJECT GG 21-15

Adopted **Resolution 22-5126** approving the purchase of twelve (12) single decorative streetlights and twenty-four (24) twin decorative streetlights for the Louise Avenue and Lathrop Road Landscape Improvement Project, CIP GG 21-15.

- 4.11 APPROVE PARCEL MAP 21-03 AND SUBDIVISION IMPROVEMENT AGREEMENT FOR THE SCANNELL PROPERTIES INDUSTRIAL PROJECT LOCATED AT 1520 LATHROP ROAD

Pulled by Councilmember Diallo. A question and answer period ensued. City Engineer Brad Taylor provided additional information.

Adopted **Resolution 22-5127** approving Parcel Map 21-03 and Subdivision Improvement Agreement with Scannell Properties #478, LLC, for the Scannell Properties Industrial Project located at 1520 Lathrop Road.

- 4.12 ACCEPT PUBLIC IMPROVEMENTS AND SIDEWALK EASEMENT FOR THE DUKE REALTY DEVELOPMENT LOCATED AT 16825 MURPHY PARKWAY AND AUTHORIZE THE RELEASE OF BONDS ASSOCIATED WITH EP NO. 2020-41

Adopted **Resolution 22-5128** approving public improvements and sidewalk Easement for the Duke Realty Development located at 16825 Murphy Parkway and authorize release of bonds associated with Encroachment Permit No. 2020-41.

- 4.13 AWARD CONSTRUCTION CONTRACT TO SINCLAIR GENERAL ENGINEERING CONSTRUCTION INC. FOR CORPORATION YARD REMODELING - FUEL TANK FOOTINGS, CAPITAL IMPROVEMENT PROJECT GG 21-13

Adopted **Resolution 22-5129** awarding a Construction Contract to Sinclair General Engineering Construction Inc. for the Corporation Yard remodeling – fuel tank footings, CIP GG 21-13.

- 4.14 AWARD CONSTRUCTION CONTRACT WITH GEORGE REED, INC. FOR CIP PS 22-45 FISCAL YEAR 2022/23 ROAD MAINTENANCE AND REHABILITATION PROJECT AND APPROVE RELATED BUDGET AMENDMENT

Adopted **Resolution 22-5130** awarding Construction Contract to George Reed, Inc. for CIP PS 22-45 Fiscal Year 2022-23 Road Maintenance and Rehabilitation Project, and approving related budget amendment.

RIVER ISLANDS CONSENT ITEM(S)

Vice Mayor Lazard and Councilmember Diallo recused themselves at 7:53 p.m., following the vote of the consent calendar (Items 4.1 to 4.14), prior to the vote of Item 4.15, due to declared conflict of interested as noted on Item 1.8. City Attorney Salvador Navarrete announced that Vice Mayor Lazard was stepping down due to receiving \$500 or more, due to her employment with Dell’Osso Farms, and Councilmember Diallo was stepping down due to an agreement with the River Islands Development, and the Fair Political Practices Commission (FPPC) determination/legal opinion on the matter was pending.

On a motion by Councilmember Torres-O’Callaghan, seconded by Councilmember Akinjo, the City Council approved Items 4.15 and 4.16, by the following roll call vote, unless otherwise indicated:

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

4.15 CREATE CAPITAL IMPROVEMENT PROJECT RW 23-02 FOR RECYCLED WATER OPERATIONS AND PERMITTING AND APPROVE AMENDMENT NO. 1 WITH WOODARD & CURRAN, INC. AND RELATED BUDGET AMENDMENT

Adopted **Resolution 22-5131** approving the creation of Capital Improvement Project RW 23-02, for recycled water operations and permitting, approving Amendment No. 1 with Woodard & Curran, and budget amendment.

4.16 ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY WESTSIDE LANDSCAPE & CONCRETE FOR THE BANTA JOINT USE COMMUNITY PARK IMPROVEMENTS, CIP PK 22-40

Adopted **Resolution 22-5132** accepting public improvements constructed by Westside Landscape & Concrete, Inc. for the Banta Joint Use Community Park Improvements Cricket Pitch, CIP PK 22-40, authorizing the filing of a Notice of Completion, release of contract retention and performance and payment bonds.

5. SCHEDULED ITEMS

Vice Mayor Lazard and Councilmember Diallo returned to the dais at 7:55 p.m.

City Council consensus directed staff to present Item 5.3 before Item 5.1

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER FIRST READING AND INTRODUCTION OF AN ORDINANCE AMENDING TITLE 9 "PUBLIC PEACE AND WELFARE" OF THE LATHROP MUNICIPAL CODE BY ADDING NEW CHAPTER 9.24 TITLED "PROPERTY AND EVIDENCE"

Property and Evidence Technician Melissa Dooley provided the presentation. A question and answer period ensued throughout the presentation. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

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

1. Held a public hearing; and
2. Held first reading and introduced an Ordinance amending Title 9 "Public Peace and Welfare" of the Lathrop Municipal Code by adding new Chapter 9.24 Titled "Property and Evidence".

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

5.2 APPOINTMENT OF VOTING DELEGATE/ALTERNATE FOR 2022 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Government Services Director / City Clerk Teresa Vargas provided the presentation. A question and answer period followed.

On a motion by Mayor Dhaliwal, simultaneously seconded by Councilmember Torres-O'Callaghan and Vice Mayor Lazard, the City Council appointed Councilmember Akinjo as the City's Voting Delegate, and Councilmember Diallo as the City's Voting Alternate, for the 2022 League of California Cities Annual Conference, in Long Beach, September 7-9, 2022.

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

5.3 REVIEW AND CONSIDER OPTIONS FOR ROUNDABOUT IMPROVEMENTS AT BROOKHURST BLVD AND GOLDEN SPIKE TRAIL

City Engineer Brad Taylor provided the presentation. A question and answer period ensued throughout the presentation. Maria Zavalza (in person speaker) expressed concern with keeping two parking stalls near her residence. Assistant City Manager Michael King provided additional information. The question and answer period continued.

The City Council considered the presented options for roundabout improvements at Brookhurst Blvd and Golden Spike Trail. City Council consensus directed staff to provide additional law enforcement to address traffic issues during the Mossdale School drop-off/pick-up hours, and install temporary delineators to provide channelization for vehicles.

6. COUNCIL COMMUNICATIONS

6.1 COUNCILMEMBER DIALLO REFERRAL – Discuss Distribution of American Rescue Plan Act (ARPA) Funds

Councilmember Diallo provided an overview and requested that staff provide bring back an item for Council discussion on potential uses for the city's allocation of ARPA funds, and an overview of ARPA fund uses by other nearby jurisdictions. A discussion of the City Council ensued. Finance Director Cari James provided additional information. Council consensus directed staff to agendize the matter the matter.

6.2 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) - None

6.3 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Diallo expressed interest on live feed of the city's hot spots for law enforcement use. Chief of Police Raymond Bechler provided additional information regarding the city's camera system, and mentioned bringing a camera system update at the next City Council regular meeting. The City Council thanked those in attendance.

7. ADJOURNMENT - There being no further business, Mayor Dhaliwal adjourned the meeting at 8:46 p.m.



Teresa Vargas, MMC
Government Services Director/City Clerk