

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, JULY 10, 2023
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 5:50 p.m. The Regular Meeting reconvened at 7:08 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 5:50 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)

- Potential Case(s)

1.2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATIONS: Pursuant To Government Code Section 54956.8

Property: APNs 192-020-44 & 192-020-45

Agency Negotiator: Stephen Salvatore, City Manager

Negotiation Parties: Saybrook, CLSP, LLC

Under Negotiation: Price and Terms of Negotiations

1.2.3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to Government Code Section 54957

- City Attorney
- City Manager

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:08 p.m.

1.2.4 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that there was no discussion on Item 1.2.1, and the City Council authorize staff to pay \$4.50 per square foot for purchase of real property pursuant to Item 1.2.2. Mayor Dhaliwal reported that there was not reportable action pursuant to Item 1.2.3.

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

Absent: Councilmember Lazard

1.4 INVOCATION – Mayor Dhaliwal held a moment of silence in memory of longtime City of Lathrop resident Joyce Gatto, and City of Tracy residents Amrik Wander and Arvind Ram.

1.5 PLEDGE OF ALLEGIANCE – Vice Mayor Akinjo led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Manager Stephen Salvatore announced Caltrans work on I5 scheduled for the month of July; and grand openings of the Lyons Park, Rotary Park, and River Park in the Central Lathrop Stanford Crossing Development.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Councilmember Diallo declared conflict of interest with Item 4.18, due to an agreement with the River Islands Development. Mayor Dhaliwal declared a conflict of interest with Item 5.2, due to his residence within the Woodfield Park District area.

2. PRESENTATIONS

2.1 PRESENTATION OF ARTWORK DONATION FROM THE MARTIN FAMILY TO THE LATHROP MAYOR'S ART SHOW AND SALE COMMITTEE

Tony Martin, on behalf of the Martin Family, presented the City of Lathrop Mayor's Art Show and Sale Committee with a piece of artwork painted by the late Cindy Martin, former founding member of the Mayor's Art Show and Sale Committee and longtime Lathrop resident. Additionally, Bennie Gatto donated to the City of Lathrop's Joyce Gatto Art Gallery an acknowledgement award presented to Joyce Gatto honoring her years of service and contributions to the Mayor's Art Show.

2.2 PRESENTATION OF CERTIFICATES OF APPRECIATION TO THE LATHROP-MANTECA FIRE DEPARTMENT, AND CITY OF LATHROP PUBLIC WORKS, POLICE, AND PARKS, RECREATION & MAINTENANCE SERVICES DEPARTMENTS FOR THEIR INVOLVEMENT IN THE PREPARATION OF THE ANNUAL JULY 1 CELEBRATION EVENT

Mayor Dhaliwal, on behalf of the City Council, presented certificates of appreciation to the Lathrop-Manteca Fire Department, Lathrop Public Works Department, and Park, Recreation and Maintenance Services Department for their work in preparation of the annual July 1st celebration.

2.3 PROCLAMATION DECLARING JULY 2023 AS PARKS AND RECREATION MONTH

Vice Mayor Akinjo provided a proclamation declaring July 2023 as Parks and Recreation month to Director of Parks, Recreation and Maintenance Services Todd Sebastian.

2.4 QUARTERLY ECONOMIC DEVELOPMENT PRESENTATION

Economic Development Administrator Shelley Burcham provided the presentation covering economic development activity from April 2023 to June 2023.

2.5 POLICE DEPARTMENT PRESENTATION REGARDING PRIORITY ONE CALL TYPES AND UPDATED RESPONSE TIMES

City Manager Stephen Salvatore pulled Item 2.5 off the agenda for further data evaluation, and announced it would be rescheduled to a future meeting.

3. CITIZEN'S FORUM

Gavin Cline (in person speaker), Legislative Representative for Congress Member John Duarte, provided an overview of various legislative updates and activities for California's 13th District. Bennie Gatto thanked the City Council and staff for their attendance and assistance with the Joyce Gatto Celebration of Life.

4. CONSENT CALENDAR

On a motion by Vice Mayor Akinjo, seconded by Mayor Dhaliwal, the City Council approved the Consent Calendar, Items 4. 1 through 4. 17, by the following roll call vote, unless otherwise indicated:

Ayes: Akinjo, Diallo, Torres- O' Callaghan and Dhaliwal
Noes: None
Absent: Lazard
Abstain: *Torres-O'Callaghan (Item 4.5 only)

*(*The City of Lathrop City Council Handbook of Rules and Procedures, page 13, Chapter IV, Section 8(5) applies to abstentions without identified legal disqualifications.)*

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

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

4.2 APPROVAL OF MINUTES

Approve Minutes for the Regular Council Meeting of June 12, 2023

4.3 SECOND READING AND ADOPTION OF ORDINANCE 23-446 OF THE CITY COUNCIL OF THE CITY OF LATHROP LEVYING SPECIAL TAXES WITHIN CITY OF LATHROP COMMUNITY FACILITIES DISTRICT NO. 2023-1 (RIVER ISLANDS PUBLIC SERVICES AND FACILITIES #2)

Waived the full reading and adopted **Ordinance 23-446** Levying Special Taxes within City of Lathrop Community Facilities District No. 2023-1 (River Islands Public Services and Facilities #2).

4.4 APPROVE UPDATES TO THE PERSONNEL RULES AND REGULATIONS

Adopted **Resolution 23-5323** to approve updates to the Personnel Rules and Regulations.

4.5 APPROVE THE CREATION OF A DEPUTY CITY MANAGER POSITION

Adopted **Resolution 23-5324** creating a Deputy City Manager position at Grade 90, approving the job description, updating the grade step table, un-funding the Deputy Finance Director position, and approving the related budget amendment.

4.6 APPROVE OUT OF STATE TRAVEL FOR TWO (2) LATHROP POLICE DEPARTMENT SCHOOL RESOURCE OFFICERS TO ATTEND THE G.R.E.A.T OFFICER TRAINING IN JULY 2023

Adopted **Resolution 23-5325** approving out of state travel for two (2) Lathrop Police Department School Resource Officers to attend the Gang Resistance Education and Training (G.R.E.A.T) Officer training in Scottsdale, Arizona from July 24, 2023 to July 28, 2023.

4.7 APPROVE PROFESSIONAL SERVICES AGREEMENT WITH SOLID NETWORKS INC. FOR INFORMATION TECHNOLOGY MAINTENANCE AND SUPPORT SERVICES

Adopted **Resolution 23-5326** approving a Professional Services Agreement with Solid Networks, Inc. for Information Technology Maintenance and Support Services.

- 4.8 APPROVE PROFESSIONAL SERVICES AGREEMENT WITH EKI ENVIRONMENT & WATER, INC., FOR PFAS IN GROUNDWATER STUDY, CIP PW 20-16 GROUNDWATER TREATMENT IMPROVEMENTS

Adopted **Resolution 23-5327** approving a Professional Services Agreement with EKI Environment & Water, Inc., for PFAS characterization and evaluation of planned PFAS treatment for CIP PW 20-16 groundwater treatment improvements.

- 4.9 APPROVE PROFESSIONAL SERVICES AGREEMENT WITH EKI ENVIRONMENT & WATER, INC., FOR MONITORING WELL NETWORK ABANDONMENT FOR CIP RW 24-16 RECYCLED WATER SYSTEM DECOMMISSIONING AND BUDGET AMENDMENT

Adopted **Resolution 23-5328** approving a Professional Services Agreement with EKI Environment & Water, Inc., for monitoring well network abandonment for CIP RW 24-16 recycled water system decommissioning, and budget amendment.

- 4.10 APPROVE WASTEWATER TREATMENT CAPACITY TRANSFER FROM SOUTH LATHROP LAND, LLC TO D.R. HORTON, INC. THROUGH THE CITY

Adopted **Resolution 23-5329** approving the transfer of wastewater treatment capacity in the Consolidated Treatment Facility, from South Lathrop Land, LLC to D.R. Horton, Inc. through the City, and approving an Associated Transfer Agreement.

- 4.11 RATIFY CITY MANAGER'S APPROVAL OF AN AGREEMENT WITH SOLID NETWORKS, INC. FOR EQUIPMENT REQUIRED FOR THE CAD-RIMS TRANSFER PROJECT

Adopted **Resolution 23-5330** ratifying the City Manager's approval of an Agreement with Solid Networks, Inc. for equipment required for CAD-RIMS transfer project.

- 4.12 ACCEPT INTERSECTION IMPROVEMENTS ASSOCIATED WITH THE SIA FOR PM 19-03 FROM LATHROP GATEWAY 1, LLC, LOCATED AT THE INTERSECTION OF MCKINLEY AVENUE AND YOSEMITE AVENUE

Adopted **Resolution 23-5331** accepting intersection improvements associated with the Subdivision Improvements Agreement for Parcel Map 19-03 from Lathrop Gateway 1, LLC, located at the intersection of McKinley Avenue and Yosemite Avenue.

- 4.13 ACCEPT STREET LANDSCAPE IMPROVEMENTS LOCATED ON BARBARA TERRY BOULEVARD AND STANFORD CROSSING FROM LATHROP LAND ACQUISITION LLC

Adopted **Resolution 23-5332** accepting street landscape improvements on Barbara Terry Boulevard and Stanford Crossing, related to Encroachment Permit Number 2022-16 from Lathrop Land Acquisition LLC.

- 4.14 ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY MARINA LANDSCAPE FOR APOLINAR SANGALANG PARK IMPROVEMENTS, CIP PK 20-18

Adopted **Resolution 23-5333** accepting public improvements constructed by Marina Landscape, Inc. for the Apolinar Sangalang Park Improvements, CIP PK 20-18, authorize the filing of a Notice of Completion, release of contract retention, and release of Performance and Payment Bonds.

- 4.15 ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY GEORGE REED, INC. FOR FISCAL YEAR 2022/23 CITYWIDE ROAD MAINTENANCE AND REHABILITATION, CIP PS 22-45 AND APPROVE BUDGET AMENDMENT

Adopted **Resolution 23-5334** accepting public improvements constructed by George Reed, Inc. for Fiscal Year 2022/23 citywide road maintenance and rehabilitation, CIP PS 22-45, authorize the filing of a Notice of Completion, release of contract retention, release of Performance and Payment Bonds, and approve budget amendment.

- 4.16 ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY CUSHMAN CONSTRUCTION CORPORATION FOR THE CTF DECHLORINATION FACILITY, ASSOCIATED WITH CIP WW 20-17 RECYCLED WATER RIVER DISCHARGE PROJECT

Adopted **Resolution 23-5335** accepting public improvements constructed by Cushman Construction Corporation for the CTF Dechlorination Facility, associated with CIP WW 20-17 Recycled Water River Discharge Project, Authorizing the Filing of a Notice of Completion, release of contract retention, and release of Performance and Payment Bonds.

- 4.17 REJECT ALL BIDS FOR CONSTRUCTION OF LOUISE AVENUE AND MCKINLEY AVENUE INTERSECTION IMPROVEMENTS, CIP PS 15-02 AND RE-ADVERTISE FOR BIDS

Vice Mayor Akinjo pulled Item 4.17. A question and answer period ensued. City Engineer Brad Taylor provided additional information.

Adopted **Resolution 23-5336** rejecting all bids for construction of Louise Avenue and McKinley Avenue Intersection Improvements, CIP PS 15-02 and authorize staff to re-advertise for bids.

RIVER ISLANDS DEVELOPMENT CONSENT ITEM(S)

Councilmember Diallo recused herself at 7:57 p. m., following the vote of the consent calendar, prior to the vote of Item 4.18, due to declared conflict of interested as noted on Item 1. 8.

On a motion by Mayor Dhaliwal, seconded by Councilmember Torres- O' Callaghan, the City Council approved Item 4.18, by the following roll call vote, unless otherwise indicated:

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

4.18 ADOPT 2023 ADEQUATE PROGRESS FINDING TOWARD PROVISION OF 200-YEAR URBAN LEVEL OF FLOOD PROTECTION FOR ISLAND RECLAMATION DISTRICT 2062 (RIVER ISLANDS PHASES 1 AND 2)

Vice Mayor Akinjo pulled Item 4.18. A question and answer period ensued. City Engineer Brad Taylor provided additional information.

Adopted **Resolution 23-5337** adopting 2023 adequate progress findings toward providing a 200-year urban level of flood protection in Phases 1 and 2 levees of Island Reclamation District 2062, by the Year 2025, acting as the Land Use Agency.

5. SCHEDULED ITEMS

Councilmember Diallo returned to the dais at 8:01 p. m.

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING AN ORDINANCE TO IMPLEMENT A COMMUNITY CHOICE AGGREGATION PROGRAM AND ADOPTING RESOLUTION TO APPROVE A JOINT POWERS AGREEMENT WITH EAST BAY COMMUNITY (EBCE) AUTHORITY TO PROVIDE ELECTRIC SERVICES IN THE CITY OF LATHROP

Assistant City Manager Michael King provided the presentation. A question and answer period followed. Alex DiGiorgio, JD, Public Engagement Manager for East Bay Community Energy provided additional information related to the matter.

Mayor Dhaliwal opened the public hearing. Ben Jex (zoom speaker) commented on the matter. Reyna Camarena (zoom speaker) requested information regarding planned and unplanned outages, and rate structure for current solar users. Alex DiGiorgio provided additional information. Lawrence Abbott (zoom speaker) commented on the matter, and spoke in support of the item. There were no other speakers. Mayor Dhaliwal closed the public hearing.

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

1. Held a Public Hearing; and
2. Held first reading and introduction of an ordinance to implement a Community Choice Aggregation Program to provide electric services in the City of Lathrop; and
3. Adopted **Resolution 23-5338** approving a Joint Powers Agreement with East Bay Community (EBCE) Authority to provide electric services in the City of Lathrop.

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

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER FISCAL YEAR 2023-24 ASSESSMENTS FOR THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 93-1 WOODFIELD PARK MAINTENANCE ZONE

Mayor Dhaliwal recused himself at 8:22 p. m., following the vote of scheduled Item 5.1, due to declared conflict of interested as noted on Item 1. 8.

Deputy Finance Director Thomas Hedegard provided the presentation. A question and answer period followed. Vice Mayor Akinjo opened the public hearing. Lawrence Abbott (zoom speaker) spoke in support of the California native plants for landscaping in public areas. There were no other speakers. Vice Mayor Akinjo closed the public hearing.

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

1. Held a Public Hearing; and
2. Adopted **Resolution 23-5339** amending and/or approving the Final Engineer's Report and ordering the levy and collection of assessments for the Landscape and Lighting Maintenance District No. 93-1 Woodfield Park Maintenance Zone for FY 2023-24; proposed annual assessment for Fiscal Year 2023-24 not to exceed \$123.90.

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

Mayor Dhaliwal returned to the dais at 8:28 p. m.

5.3 APPOINTMENT OF VOTING DELEGATE/ALTERNATE FOR 2023 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, seconded by Councilmember Diallo, the City Council appointed Vice Mayor Akinjo as the City's Voting Delegate, and Councilmembers Diallo and Torres-O'Callaghan the City's Voting Alternates, for the 2023 League of California Cities Annual Conference, September 20-22, 2023, at the Sacramento SAFE Credit Union Convention Center.

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

5.4 PROVIDE DIRECTION FOR HISTORIC LATHROP BEAUTIFICATION AND CREATE CIP GG 24-23

City Engineer Brad Taylor provided the presentation. A question and answer period ensued throughout the presentation.

On a motion by Mayor Dhaliwal, seconded by Councilmember Diallo, the City Council adopted **Resolution 23-5340** creating CIP GG 24-23 Historic Lathrop Beautification Project, to include arches with decorative lights, water features with decorative lights and public seating as potential design options, and approving related budget amendment.

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

6. COUNCIL COMMUNICATIONS

6.1 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) – None

6.2 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Torres-O'Callaghan expressed appreciation to the Lathrop-Manteca Fire District and Lathrop Police Department for their efforts and coverage during fireworks season; and requested staff look into organizing a 4th of July parade next year. Councilmember Diallo expressed appreciation to Lathrop's first responders for responding to a family medical emergency. Vice Mayor Akinjo expressed his condolences to the Gatto Family and to the Families of Amrik Wander and Arvind Ram. Mayor Dhaliwal echoed similar sentiments.

7. **ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 8:51 p.m. in memory of Joyce Gatto and Cindy Martin.



Teresa Vargas, MMC
Government Services Director
City Clerk