

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, NOVEMBER 13, 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 5:32 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 5:32 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) and 54956.9(e)(1)

- 1 Potential Case(s)

1.2.2 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6

Agency Negotiator: Stephen J. Salvatore, City Manager

Unrepresented Employee: Stephen Sealy, Interim Police Chief

1.2.3 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6

Agency Negotiator: Thomas Hedegard, Deputy City Manager

Unrepresented Employee: Stephen J. Salvatore, City Manager

1.2.4 CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6

Agency Negotiator: Stephen J. Salvatore, City Manager

Employee Organization: Lathrop Police Officer's Association

1.2.5 CONFERENCE WITH LEGAL COUNSEL Existing Litigation Pursuant to Government Code 54956.9(a)

City of Lathrop vs. 3M Company, et. al., United States District Court of South Carolina, Charleston Division, Master Docket No. 2:18-mn-2873-RMG

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

1.2.6 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that the City Council met in Closed Session pursuant to Item 1.2; provided staff with appropriate direction; in regards to Item 1.2.5, the City Council voted 5-0 to participate in National Settlement. No other reportable action taken.

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

Absent: None.

1.4 INVOCATION – Reverend Lu Davis provided the invocation.

1.5 PLEDGE OF ALLEGIANCE – Reverend Lu Davis led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Engineer Brad Taylor announced a virtual and in person Public Workshop regarding ADA Accessibility, scheduled for November 14, 2023 at 6 p.m. at City Hall Council Chamber and Zoom.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Councilmember Lazard declared a conflict of interest with Items 4.15, 4.16, and 4.17, due to her employment with Dell'Osso Farms. Councilmember Diallo declared a conflict of interest with Items 4.15, 4.16, and 4.17, due to an agreement with the River Islands Development.

2. PRESENTATIONS

2.1 PROCLAMATION DECLARING NOVEMBER AS SIKH AWARENESS AND APPRECIATION MONTH

Mayor Dhaliwal, accompanied by the City Council, presented a proclamation declaring November as Sikh Awareness and Appreciation Month.

2.2 PRESENTATION TO PROVIDE UPDATES ASSOCIATED WITH CAMERA SYSTEMS FOR CITY PARKS, CIP GG 22-35 AND TRAFFIC TECHNOLOGY, CIP PS 23-01

At the request of staff, Item 2.2 was pulled from the agenda, and rescheduled to the next Regular City Council 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. Tosh Ishihara (in person speaker) expressed appreciation to staff for the Veteran’s Day celebration. Paul Camarena (in person speaker) requested an update on the Valley Link Rail Project. City Manager Stephen Salvatore provided additional information and noted that a project update would be provided during the December Regular Meeting. Jose Aguilar (in person speaker) expressed concern with overgrown landscape along the levee areas. Alex Hui (in person speaker) expressed concern with traffic management along the areas of River Islands Parkway; expressed concern with four-way stop signs; expressed support for roundabouts or other forms of traffic management.

4. CONSENT CALENDAR

On a motion by Councilmember Torres-O’Callaghan, seconded by Councilmember Lazard, the City Council approved Items 4.1 through 4.14, by the following roll call vote, unless otherwise indicated:

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

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

Approved Minutes for the Regular Council Meeting of September 11, 2023.

4.3 SECOND READING AND ADOPTION OF ORDINANCE 23-449 OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING THE LATHROP ZONING MAP, MODIFYING TITLE 10 (VEHICLES AND TRAFFIC) OF THE LATHROP MUNICIPAL CODE, AND ADOPTING VARIOUS AMENDMENTS TO TITLE 17 (ZONING) OF THE LATHROP MUNICIPAL CODE FOR CONSISTENCY WITH THE 2022 LATHROP GENERAL PLAN UPDATE (TA-23-93)

Waived full reading and adopted **Ordinance 23-449** amending the Lathrop Zoning Map, modifying Title 10 (Vehicles and Traffic) of the Lathrop Municipal Code, and adopting various amendments to Title 17 (Zoning) of the Lathrop Municipal Code for consistency with the 2022 Lathrop General Plan Update (TA-23-93).

- 4.4 SECOND READING AND ADOPTION OF ORDINANCE 23-450 OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING LATHROP MUNICIPAL CODE TITLE 12 "STREET, SIDEWALKS AND PUBLIC PLACES", CHAPTER 12.12 "IMPROVEMENTS AND DEDICATIONS", SECTION 12.12.060 "IMPROVEMENTS TO EXISTING BUILDINGS" TO MODIFY LANGUAGE TO REQUIRE FRONTAGE IMPROVEMENTS UPON ADDITION OF IMPROVEMENTS TO EXISTING SITES

Waived full reading and adopted **Ordinance 23-450** amending Lathrop Municipal Code Title 12 "Street, Sidewalks and Public Places", Chapter 12.12 "Improvements and Dedications", Section 12.12.060 "Improvements to Existing Buildings" modifying language to require frontage improvements upon addition of improvements to existing sites.

- 4.5 OUT-OF-STATE TRAVEL APPROVAL FOR CITY STAFF TO PARTICIPATE IN THE IAMC SPRING FORUM IN APRIL 2024 AND ICSC SHOW IN MAY 2024

Adopted **Resolution 23-5399** authorizing out of state travel for city staff to attend and represent the City of Lathrop as follows:

1. Economic Development Administrator attendance at the Industrial Asset Management Council's Spring Forum in Greenville, South Carolina, April 6, 2024 – April 10, 2024; and
2. Economic Development Administrator and Community Development Director attendance at the Innovating Commerce Serving Communities Conference in Las Vegas, Nevada, May 19, 2024 – May 22, 2024.

- 4.6 COMMUNITY FACILITIES DISTRICTS ANNUAL BOND ACCOUNTABILITY REPORT FOR FY 2022-23

Received Report for Bonded and Non-Bonded Community Facilities Districts.

- 4.7 APPROVE ANNUAL REVIEW AND ADOPTION OF THE CITY'S INVESTMENT POLICY

Adopted **Resolution 23-5400** approving the Annual Investment Policy for Fiscal Year 2023-24.

4.8 APPROVE TEMPORARY STREET CLOSURE FOR THE LATHROP CHRISTMAS PARADE ON DECEMBER 9, 2023 FOR THOMSEN ROAD, CAMBRIDGE DRIVE, J STREET, AND 5TH STREET

Adopted **Resolution 23-5401** approving temporary street closures for the Lathrop Christmas Parade on December 9, 2023, for Thomsen Road, Cambridge Drive, J Street, and 5th Street.

4.9 APPROVE 2024 FACILITY FEE WAIVER REQUESTS FOR LATHROP LITTLE LEAGUE, LATHROP COMMUNITY VOLUNTEER CLUB, LATHROP LIONS CLUB, LATHROP SUNRISE ROTARY, ALCOHOLICS ANONYMOUS, NEW LATHROP NEIGHBORHOOD WATCH, MITRA USA, AND LIFT YOUR HEAD UP THERAPEUTIC GROUP HOMES, INC.

- Adopted **Resolution 23-5402** approving Facility Fee Waiver request from Lathrop Little League;
- Adopted **Resolution 23-5403** approving Facility Fee Waiver request from Lathrop Community Volunteer Club;
- Adopted **Resolution 23-5404** approving Facility Fee Waiver request from Lathrop Lions Club;
- Adopted **Resolution 23-5405** approving Facility Fee Waiver request from Lathrop Sunrise Rotary;
- Adopted **Resolution 23-5406** approving Facility Fee Waiver request from Alcoholics Anonymous;
- Adopted **Resolution 23-5407** approving Facility Fee Waiver request from New Lathrop Neighborhood Watch;
- Adopted **Resolution 23-5408** approving Facility Fee Waiver request from Mitra USA; and
- Adopted **Resolution 23-5409** approving Facility Fee Waiver from Lift Your Head Up Therapeutic Group Homes, Inc.

4.10 APPROVE PURCHASE OF TWO NEW POLICE VEHICLES, APPROVAL OF CHANGE ORDER NO. 4 WITH NEXTGEN ALPHA UPFITTING

Adopted **Resolution 23-5410** approving purchase of two (2) 2023 Police Chevrolet Tahoes from American Chevrolet of Modesto, and approving Change Order No. 4 with NextGen Alpha Upfitting for the purchase and installation of police vehicle equipment.

4.11 APPROVE PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH DOKKEN ENGINEERING TO COMPLETE THE PROJECT INITIATION DOCUMENT PHASE FOR THE ROTH ROAD AND I-5 INTERCHANGE, CIP PS 14-04

Adopted **Resolution 23-5411** approving a Professional Consulting Services Agreement with Dokken Engineering to complete the project initiation document phase for the Roth Road and I-5 Interchange, CIP PS 14-04.

- 4.12 ACCEPT PUBLIC IMPROVEMENTS ASSOCIATED WITH EP NO. 2019-35, LOCATED AT 231 AND 240 TOWNE CENTRE DRIVE FROM BLUE MOUNTAIN CONSTRUCTION SERVICES, INC.

Adopted **Resolution 23-5412** accepting public improvements associated with Encroachment Permit No. 2019-35, located at 231 and 240 Towne Centre Drive, from Blue Mountain Construction Services, Inc.

- 4.13 ACCEPT PUBLIC IMPROVEMENTS ASSOCIATED WITH EP NO. 2022-133, LOCATED ON MOSSDALE ROAD FROM BROWN SAND, INC.

Pulled by Vice Mayor Akinjo. A question and answer period ensued. City Engineer Brad Taylor provided additional information.

Adopted **Resolution 23-5413** accepting public improvements associated with Encroachment Permit No. 2022-133, located on Mossdale Road from Brown Sand, Inc.

- 4.14 RATIFY THE PURCHASE OF AUTOMATIC LICENSE PLATE RECOGNITION SURVEILLANCE SYSTEM SOFTWARE AND HARDWARE FROM VIGILANT SOLUTIONS, LLC. FOR CIP GG 19-07 CITYWIDE SURVEILLANCE SYSTEM

Adopted **Resolution 23-5414** ratifying purchase of Automatic License Plate Recognition Surveillance System Software and Hardware from Vigilant Solutions, LLC, for CIP GG 19-07 Citywide Surveillance System.

RIVER ISLANDS DEVELOPMENT CONSENT ITEM(S)

Councilmember Lazard and Councilmember Diallo recused themselves at 7:33 p.m., following the vote of the consent calendar, prior to the vote of Item 4.15, Item 4.16, and Item 4.17 due to declared conflict of interested as noted on Item 1.8.

On a motion by Vice Mayor Akinjo, seconded by Councilmember Torres-O'Callaghan, the City Council approved Items 4.15, 4.16 and 4.17, 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 APPROVE AGREEMENT BETWEEN THE CITY OF LATHROP AND RIVER ISLANDS ACADEMIES TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES

Adopted **Resolution 23-5415** approving agreement between the City of Lathrop and River Islands Academies to provide School Resource Officer Services for the 2023-2024 School Year.

- 4.16 APPROVE ABANDONMENT OF RECYCLED WATERLINE EASEMENT IN THE RIVER ISLAND DEVELOPMENT AREA

Pulled by Vice Mayor Akinjo. A question and answer period ensued. City Engineer Brad Taylor provided additional information.

Adopted **Resolution 23-5416** approving abandonment of Recycled Waterline Easement in the River Islands Development Area (a portion of APNs 213-110-03; 213-210-06; 213-220-01 thru 04; 213-300-01 and 02).

- 4.17 ACCEPT PUBLIC IMPROVEMENTS FOR VILLAGES IN THE STAGE 2A AND 2B AREAS OF THE RIVER ISLANDS PROJECT FROM RIVER ISLANDS DEVELOPMENT, LLC

Adopted **Resolution 23-5417** accepting public improvements for Villages in the Stage 2A and 2B Areas of the River Islands project from River Islands Development, LLC.

Councilmember Lazard and Councilmember Diallo returned to the dais at 7:36 p.m.

5. SCHEDULED ITEMS

City Council consensus directed staff to present Item 5.6, before Item 5.1. Scheduled Items were presented in the following order: 5.6, 5.1, 5.2, 5.3, and 5.5.

Following the vote of Item 5.6, prior to Item 5.1, Councilmember Diallo left for the remainder of the meeting at 7:55 p.m.

- 5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER APPROVING CITYWIDE TRUCK ROUTE LISTING PURSUANT TO LATHROP MUNICIPAL CODE 10.16.030

Assistant City Manager Michael King provided the presentation. A question and answer period ensued thought the presentation. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

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

1. Held a Public Hearing; and
2. Adopted **Resolution 23-5419** approving Citywide Truck Route Listing Pursuant to Lathrop Municipal Code 10.16.030

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

5.2 CONTINUED DISCUSSION FROM OCTOBER 9, 2023 REGULAR MEETING REGARDING THE CENTRAL LATHROP SPECIFIC PLAN PHASE 2 AMENDMENT AND CODE TEXT AMENDMENT NO. TA-23-104

Community Development Director Rick Caguiat and City Planning Consultant David Niskanen with JB Anderson Planning, provided a summary of the continued discussions from the October 9, 2023 Regular Meeting. The Public Hearing was held during the October 9, 2023 Regular Meeting. PJ Khinda (in person attendee and Lathrop property owner) requested to express his support for approval of the project.

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

1. Testimony presented during the public hearing held October 9, 2023;
2. Adopted **Resolution 23-5420** finding the project exempt from further Environmental Review pursuant to Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183; and
3. Waived first reading and introduce ordinance approving the Central Lathrop Specific Plan (CLSP) Phase 2 Amendment and Code Text Amendment to modify Chapter 17.62, Central Lathrop Zoning Districts to add Article 6, IL-CL, Limited Industrial Zoning Districts and modify Section 17.62.120 B of the Lathrop Municipal Code.

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

5.3 CONTINUED DISCUSSION FROM OCTOBER 9, 2023 REGULAR MEETING REGARDING CONDITIONAL USE PERMIT NO. CUP-23-08 AND SITE PLAN REVIEW NO. SPR-23-09 FOR THE ASHLEY FURNITURE PROJECT

Community Development Director Rick Caguiat and City Planning Consultant David Niskanen with JB Anderson Planning, provided a summary of the continued discussions from the October 9, 2023 Regular Meeting. The Public Hearing was held during the October 9, 2023 Regular Meeting. A question and answer period followed the presentation. At the request of Vice Mayor Akinjo, Sean Asmus (in person speaker and Applicant) with the Hodgdon Group Realty, Inc. provided additional project information. Christina Laughing (zoom speaker) requested to express her concerns regarding the proposed project. Brian Flynn (zoom speaker) with Lozeau Drury, LLP, requested to express his opposition to the proposed project. Alicia Guerra (in person speaker) with Buchalter Law Firm, representing the applicant, requested to provide additional project information. At the request of Community Development Director Rick Caguiat, Steve Mayo with the San Joaquin Council of Governments, was asked to provide information related to multispecies wildlife requirements.

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

1. Testimony presented during the public hearing held October 9, 2023;
2. Adopted **Resolution 23-5421** finding the Project Exempt from further Environmental Review pursuant to Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183; and
3. Adopted **Resolution 23-5422** approving a Conditional Use Permit and Site Plan Review for the Ashley Furniture Project to allow for the construction of an approximately 1.5 Million square foot concrete tilt-up building located within the Central Lathrop Specific Plan Phase 2 Area.

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

Following the vote of Item 5.3, prior to Item 5.4, Councilmember Lazard left for the remainder of the meeting at 8:47 p.m.

5.4 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER THE 2024 SJMSCP DEVELOPMENT FEE ANNUAL ADJUSTMENT

Community Development Director Rick Caguiat provided the presentation. A question and answer period followed. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

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

1. Held a public hearing; and
2. Adopted **Resolution 23-5423** approving an Annual Adjustment to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fee for 2024

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

5.5 PUBLIC HEARING (PUBLISHED NOTICE) OF THE CITY COUNCIL TO CONSIDER ISSUANCE OF PHASE 2 REVENUE ANTICIPATION NOTES BY THE RIVER ISLANDS PUBLIC FINANCING AUTHORITY

Deputy City Manager Thomas Hedegard provided the presentation. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

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

1. Held a public hearing; and
2. Adopted **Resolution 23-5424** of the City Council of the City of Lathrop making findings with respect to and approving the issuance of Phase 2 Revenue Anticipation Notes by the River Islands Public Financing Authority

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

5.6 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP UPDATING MUNICIPAL CODE SECTION 2.08.010, TITLED CITY MANAGER, TO MODIFY AUTHORITY TO APPOINT AND REMOVE THE POLICE CHIEF; AND CONSIDER ADOPTING A RESOLUTION AMENDING THE POLICE CHIEF JOB DESCRIPTION, UPDATING THE SALARY GRADE STEP TABLE, AND APPROVING EMPLOYMENT CONTRACT WITH STEPHEN SEALY

City Attorney Salvador Navarrete provided the presentation. A question answer period followed. Mayor Dhaliwal opened the Public Hearing. Jim Hilson (in person speaker) expressed support with the proposed changes; expressed concern with police officers potentially leaving the department. Paul Camarena (in person speaker) requested additional information regarding cities with the same reporting structure as the one being proposed; expressed support in keeping the existing structure; and support for the City Manager. Ben Jex (in person speaker) expressed concern with the Police Chief Position become a politically influenced position. Reverend Lu Davis (in person speaker) expressed support for the City Council, City Manager and newly appointed Police Chief; expressed gratitude for the accomplishments of the city and staff. Bennie Gatto (in person speaker) expressed support in keeping the existing structure; and support for the City Manager. Christina Laughlin (zoom speaker) spoke in support of the proposed changes. Paul Camarena (in person speaker) requested to provide additional comments; requested additional information regarding placing the agreement on contract.

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

1. Held a public hearing;
2. Waived first reading and introduced ordinance amending Title 2 titled "Administration and Personnel", Chapter 2.08 titled "City Manager", Section 2.08.010 titled "City Manager" to modify authority to appoint and remove the Police Chief; and
3. Adopted **Resolution 23-5418** approving an amendment to the Police Chief Job Description, Salary Grade Step Table, and Employment Contract with Stephen Sealy, including the ability to cash out accrued vacation and sick leave accruals similar to the City Manager and City Attorney.

Ayes: Akinjo, Diallo, Lazard, 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 Torres-O'Callaghan asked for caution when driving around schools as it is getting darker earlier due to the time change. Vice Mayor Akinjo expressed appreciation to staff. Mayor Dhaliwal echoed similar sentiments and appreciation to staff, and wished everyone a Happy Thanksgiving.

- 7. ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 8:56 p.m.

/Teresa Vargas/

Teresa Vargas, MMC
Government Services Director
City Clerk