

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, OCTOBER 9, 2023
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

PLEASE NOTE: There was no Closed Session. The Regular Meeting began at 7:03 p.m.

1. PRELIMINARY

- 1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 7:03 p.m.
- 1.2 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Akinjo; Councilmembers: Diallo, Lazard and Torres-O’Callaghan.

Absent: None.
- 1.3 INVOCATION – Pastor Don Britton, Grace Community Church, provided the invocation.
- 1.4 PLEDGE OF ALLEGIANCE – Pastor Don Britton led the pledge of allegiance.
- 1.5 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Engineer Brad Taylor provided an updated on the realignment of River Islands Parkway and Paradise Road, and related street closures expecting to last approximately seven months. Mr. Taylor advised that additional information could be found on the City’s website, under the Public Works Road Closures and Road Work tab.

1.6 DECLARATION OF CONFLICT(S) OF INTEREST

Councilmember Lazard declared conflict of interest with Items 4.17, 4.18, and 4.19, due to her employment with Dell’Osso Farms. Councilmember Diallo declared conflict of interest with Items 4.17, 4.18, and 4.19, due to an agreement with the River Islands Development.

2. PRESENTATIONS

2.1 INTRODUCTION PROCLAMATION HONORING NATIONAL HISPANIC HERITAGE MONTH

Mayor Dhaliwal, accompanied by the City Council, presented a proclamation honoring National Hispanic Month to members of Our Lady of Guadalupe Parish.

2.2 QUARTERLY ECONOMIC DEVELOPMENT PRESENTATION

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

3. CITIZEN'S FORUM

Jack Varrella, Ashlyn Howard, Ray Bechler, Christina Laughlin (all in person speakers) and Michael Darby (zoom speaker) commented on the termination of former Police Chief Ray Bechler; spoke in opposition of the termination.

4. CONSENT CALENDAR

On a motion by Councilmember Torres-O'Callaghan, seconded by Vice Mayor Akinjo, the City Council approved Items 4.1 through 4.16, the Consent Calendar, 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 August 14, 2023.

4.3 SECOND READING AND ADOPTION OF **ORDINANCE 23-448** OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL", CHAPTER 2.36 "PURCHASING

SYSTEM”, SECTION 2.36.110 “EXCEPTIONS TO PURCHASING PROCEDURES AND LIMITS”

Waived full reading and adopted **Ordinance 23-448** amending Title 2, Chapter 2.36 “Purchasing System”, Section 2.36.110 “Exceptions To Purchasing Procedures and Limits” by adding a new Section (“D”) to Allow Cooperative Purchasing Agreements.

4.4 TREASURER’S REPORT FOR JUNE 2023

Approved Quarterly Treasurer’s Report for June 2023.

4.5 PLANNING FEE WAIVER REQUEST BY THRIVE CHURCH (TUP-23-105)

Adopted **Resolution 23-5381** waiving the Temporary Use Permit application processing and document retention fees for the Thrive Church, in the combined amount of \$392.

4.6 APPROVE 2023 FACILITY FEE WAIVER REQUEST FOR LATHROP LITTLE LEAGUE

Adopted **Resolution 23-5382** approving a Facility Fee Waiver Request from Lathrop Little League for the use of Scott Brooks Gymnasium on October 20, 2023, from 10:00 a.m. to 10:00 p.m., for a registration night event.

4.7 APPROVE 2023 FACILITY FEE WAIVER REQUEST FOR LIFT UP YOUR HEAD THERAPEUTIC GROUP HOMES, INC.

Adopted **Resolution 23-5383** approving a Facility Fee Waiver Request from Lift Up Your Head Therapeutic Group Homes, Inc., for the use of the Lathrop Senior Center on December 16, 2023, from 10:00 a.m. to 7:00 p.m., to host a Christmas luncheon.

4.8 APPROVE THE NAMING OF NEW CITY PARK

Adopted **Resolution 23-5384** naming the new Acres Community Neighborhood Park after Missionary Minnie Lee Cotton.

4.9 APPROVE CONTRACT WITH HOLT OF CALIFORNIA INC. FOR CITYWIDE GENERATOR AND FIRE PUMP MAINTENANCE AND APPROVE BUDGET AMENDMENT

Adopted **Resolution 23-5385** approving a Service Contract with Holt of California Inc. for citywide generator and fire pump maintenance and approve budget amendment.

4.10 APPROVE CONTRACT CHANGE ORDER NO. 31 WITH DAVID SILVA, DBA SILVA LANDSCAPE FOR LANDSCAPE IRRIGATION SYSTEMS MAINTENANCE SERVICES AND APPROVE BUDGET AMENDMENT
Adopted **Resolution 23-5386** approving a Service Contract Change Order No. 31 with David Silva, dba Silva Landscape for landscape irrigation systems maintenance services and approve budget amendment.

4.11 APPROVE APPOINTMENT OF A PUBLIC MEMBER TO THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY BOARD OF DIRECTORS

Adopted **Resolution 23-5387** appointing a public member to the San Joaquin Area Flood Control Agency Board of Directors and to the Enhanced Infrastructure Financing District Public Financing Authority.

4.12 APPROVE PURCHASE AND INSTALLATION OF SWARCO MCCAIN, INC. PRODUCTS FOR CITY-WIDE TRAFFIC SYSTEMS AND SAFETY UPGRADES PROJECT, CIP PS 23-01 AND APPROVE BUDGET AMENDMENT

Adopted **Resolution 23-5388** approving the purchase and installation of Swarco McCain Inc. products for the Citywide Traffic Systems and Safety Upgrades Project, CIP PS 23-01, and approve budget amendment.

4.13 AWARD CONSTRUCTION CONTRACT TO DSS COMPANY DBA KNIFE RIVER CONSTRUCTION FOR CONSTRUCTION OF LOUISE AVENUE AND MCKINLEY AVENUE INTERSECTION IMPROVEMENTS, CIP PS 15-02 AND APPROVE BUDGET AMENDMENT

Adopted **Resolution 23-5389** awarding Construction Contract to DSS Company, dba Knife River Construction, for construction of Louise Avenue and McKinley Avenue Intersection Improvements, CIP PS 15-02 and approve budget amendment.

4.14 AWARD CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR CONSTRUCTION OF SIDEWALK INFILL AT "J" STREET AND 5TH STREET INTERSECTION, CIP PS 23-09

Adopted **Resolution 23-5390** awarding Construction Contract to Dirt Dynasty, Inc., for construction of sidewalk infill at "J" Street and 5th Street intersection, CIP PS 23-09.

4.15 ACCEPT PUBLIC IMPROVEMENTS WITH ASSOCIATED CONDITIONS FOR STANFORD PLACE, SPARTAN WAY AT CENTRAL PACIFIC, AND PHASE 1D PARK IMPROVEMENTS FROM LATHROP LAND ACQUISITION, LLC, LOCATED WITHIN THE CLSP AREA, AND APPROVE BUDGET AMENDMENT AND CHANGE ORDERS FOR MAINTENANCE

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

Adopted **Resolution 23-5391** accepting public improvements with associated conditions for Stanford Place, Spartan Way at Central Pacific, and Phase 1D Park improvements from Lathrop Land Acquisition, LLC, located within the CLSP Area, approving related budget amendment and contract change orders for maintenance services.

- 4.16 CREATE CIP PK 24-26, EAGLE'S LANDING PARK, APPROVE REIMBURSEMENT AGREEMENT WITH D.R. HORTON, AND APPROVE BUDGET AMENDMENT FOR NEIGHBORHOOD PARK WITHIN TRACT 4151

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

Adopted **Resolution 23-5392** creating CIP PK 24-26, Eagle's Landing Park, approving Reimbursement Agreement with D.R. Horton, and approving budget amendment for Neighborhood Park within Tract 4151.

RIVER ISLANDS DEVELOPMENT CONSENT ITEM(S)

Councilmember Lazard and Councilmember Diallo recused themselves at 7:57 p.m., prior to the vote of Items 4.17, 4.18 and 4.19, due to declared conflict of interested as noted on Item 1.6.

On a motion by Mayor Dhaliwal, seconded by Vice Mayor Akinjo, the City Council approved Items 4.17, 4.18 and 4.19, by the following roll call vote, unless otherwise indicated:

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

- 4.17 RESCIND PREVIOUS APPROVAL AND APPROVE MODIFIED FINAL MAP FOR TRACT 4131 VILLAGE "KK" AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 75 LOTS WITHIN OLD RIVER DISTRICT OF RIVER ISLANDS

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

Adopted **Resolution 23-5393** rescinding previous approval and approved modified Final Map for Tract 4131 Village "KK" within the Old River District, totaling 75 multi-family lots, and Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

4.18 APPROVE FINAL MAP, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 95 LOTS IN TRACT 4130 VILLAGE "II" WITHIN OLD RIVER DISTRICT OF RIVER ISLANDS

Adopted **Resolution 23-5394** approving Final Map for Tract 4130 Village "II" within the Old River District, totaling 95 single-family lots, and Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

4.19 APPROVE FINAL MAP, CFD ANNEXATION, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 29 LOTS IN TRACT 4173 VILLAGE 41 UNIT 1 WITHIN LAKE HARBOR WEST DISTRICT OF RIVER ISLANDS

Adopted **Resolution 23-5395** approving Final Map for Tract 4173 Village 41 Unit 1 within the Lake Harbor West District, totaling 29 single-family lots, annexation into CFD 2023-1, and Subdivision Improvement Agreement with River Islands Development Area 1, LLC.

Councilmember Lazard and Councilmember Diallo returned to the dais at 8:00 p.m.

5. SCHEDULED ITEMS

(Please Note - A discussion item was noticed for a Public Hearing to consider an ordinance to amend the Lathrop Municipal Code Title 2 (Administration and Personnel), Chapter 2.04 (City Council), Section 2.04.020 (Compensation of City Council), to increase City Council Compensation in Accordance with new Senate Bill 329 (Dodd). This item was pulled by staff prior to the publication of the agenda. Therefore, there was no action taken by the City Council on the matter.)

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER THE GENERAL PLAN AND ZONING CONSISTENCY PROJECT (TA-23-93)

Community Development Director Rick Caguiat provided the presentation, which included a summary of the proposed text amendment, analysis overview, amendments and modifications to the related zoning map(s) and zoning requirements of the Lathrop Municipal Code, CEQA, amongst other related matters. Mayor Dhaliwal opened the public hearing. Adriana Lopez (zoom speaker) expressed concern with amendments being exempt from further environmental review, asked for additional clarification. Mr. Caguiat provided additional information. There were no other speakers. Mayor Dhaliwal closed the public hearing. A brief question and answer period ensued amongst City Council and staff.

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

1. Held a public hearing;
2. Adopted **Resolution 23-5396** 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;
3. Adopted **Resolution 23-5397** amending the Mossdale Landing and Mossdale Landing South Urban Design Concepts (UDC's) for consistency with the 2022 Lathrop General Plan Update; and
4. Waived first reading in full and introduced an ordinance 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.

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

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER THE CENTRAL LATHROP SPECIFIC PLAN PHASE 2 AMENDMENT AND CODE TEXT AMENDMENT NO. TA-23-104

Community Development Director Rick Caguiat introduced City Planning Consultant David Niskanen with JB Anderson Planning. Mr. Niskanen provided the presentation, which included a summary of the Central Lathrop Specific Plan (CLSP) Phase 2 Amendment, development project background, proposed land use map, land use summary, landscape buffer along the north side of Dos Reis Road, vehicular circulation plan, pedestrian and bike circulation plan, existing and proposed truck route(s), design guidelines, code text amendment, CEQA, Planning Commission determination and recommendation, amongst other related matters. Mr. Niskanen also announced public comment letter, dated September 28, 2023, received from Manteca Unified School District (MUSD) in support of the proposed project, in which they expressed the project design requirements ensured minimal impacts to MUSD schools within the project area. A question and answer period ensued following the presentation. The City Council held a discussion regarding truck routes, and potentially postponing Item 5.2 until the truck routes matter could be discussed. Vice Mayor Akinjo spoke against delaying Item 5.2. City Council consensus directed staff to bring back an amendment to the existing truck routes at the next regular City Council Meeting.

Mayor Dhaliwal opened the public hearing. Trevor Smith (in person speaker) with TS Planning & Development, representing Lathrop property owner Sam Chahal, spoke in support of the proposed project. Alicia Guerra (in person speaker) with Buchalter Law Firm, representing the applicant, provided additional project information. A question and answer period ensued. City Manager Stephen Salvatore and City Attorney Salvador Navarrete provided additional information. Kara Herrick (in person speaker) requested additional information regarding the project and impacts to property owners within the area. Mr. Caguiat provided additional information. Ben Ritchie (zoom speaker), Principal with De Novo Planning Group, made himself available for questions related to the project. Adriana Lopez (zoom speaker) requested additional information related to CEQA requirements. There were no other speakers. Mayor Dhaliwal closed the public hearing. The question and answer period continued amongst the City Council.

On a motion by Councilmember Diallo, seconded by Councilmember Lazard, the City Council directed staff to continue Item 5.2 to the Regular Meeting of November 13, 2023. Additionally, the City Council:

1. Held a public hearing;
2. Continued Adoption of a Resolution 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. Continued the First Reading and Introduction of an Ordinance to Approve 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, to the Regular Meeting of November 13, 2023, by the following roll call vote:

Ayes: Diallo, Lazard and Torres-O'Callaghan and Dhaliwal

Noes: Akinjo

Absent: None

Abstain: None

5.3 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CONDITIONAL USE PERMIT NO. CUP-23-08 AND SITE PLAN REVIEW NO. SPR-23-09 FOR THE ASHLEY FURNITURE PROJECT

City Attorney Salvador Navarrete recommended that the City Council consider the noticed public hearing and hear potential public testimony related to Item 5.3.

Community Development Director Rick Caguiat introduced public comment letter from Lozeau Drury, LLP, dated October 6, 2023, requesting the City Council to refrain from approving the project; public comment letter, dated September 28, 2023, from MUSD in support of mitigation measures that would lessen impacts to related MUSD sites; and public comment letter, dated October 9, 2023, from Alicia Guerra with Buchalter, in support of the project and additional information CEQA exemption. Mayor Dhaliwal opened the public hearing. Marjan Arubo (zoom speaker) representing LIUNA, requesting the City Council to refrain from approving the project, citing additional CEQA review requirements. There were no other speakers. Mayor Dhaliwal closed the public hearing. A brief question and answer period ensued amongst City Council and staff.

On a motion by Mayor Dhaliwal, seconded by Councilmember Diallo, the City Council directed staff to continue Item 5.3 to the Regular Meeting of November 13, 2023. Additionally, the City Council:

1. Held a Public Hearing;
2. Continued Adoption of a Resolution 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. Continued Adoption of a Resolution 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, to the Regular Meeting of November 13, 2023, by the following roll call vote:

Ayes: Diallo, Lazard, Torres-O'Callaghan and Dhaliwal

Noes: Akinjo

Absent: None

Abstain: None

Mayor Dhaliwal provided a brief recess from 9:23 p.m. to 9:33 p.m.

5.4 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADOPTING AN ORDINANCE AMENDING THE LATHROP MUNICIPAL CODE TITLE 12 "STREETS, SIDEWALKS AND PUBLIC PLACES", CHAPTER 12.12 "IMPROVEMENTS AND DEDICATIONS", SECTION 12.12.060 "IMPROVEMENTS TO EXISTING BUILDINGS"

City Engineer Brad Taylor provided the presentation, provided that the proposed Municipal Code Text Amendment aimed to modify Lathrop Municipal Code Section 12.12.060, expanding the types of development subject to public improvements if specific criteria are met. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

A question and answer period followed. City Manager Stephen Salvatore, City Engineer Brad Taylor, and City Attorney Salvador Navarrete provided additional information.

Mayor Dhaliwal stepped down from the dais at 9:57 p.m. to 9:59 p.m.

The question and answer period continued.

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

1. Hold a Public Hearing; and
2. Waived first reading in full and introduced an ordinance amending Title 12 "Streets, Sidewalks and Public Places", Chapter 12.12 "Improvements and Dedications", Section 12.12.060 "Improvements to Existing Buildings" to modify the language to require frontage improvements upon addition of improvements to existing sites, with the exemption that any improvements done by homeowners to their primary dwelling units shall be excepted from application of the provisions of this chapter, by the following roll call vote:

Ayes: Diallo, Torres-O'Callaghan and Dhaliwal

Noes: Akinjo and Lazard

Absent: None

Abstain: None

5.5 REVIEW AND CONSIDER TRAFFIC SAFETY ENHANCEMENT OPTIONS FOR RIVER ISLANDS PARKWAY AT THE INTERSECTIONS OF BOSCH AVENUE AND IMPERIAL DRIVE, CIP PS 24-07

Assistant City Manager Michael King and City Engineer Brad Taylor provided the presentation. A question and answer period followed. Chief of Police Stephen Sealy provided additional information, and expressed support for the options presented. City Manager Stephen Salvatore also provided additional information. In person speaker (name not provided) commented on the matter, expressed traffic safety concerns, and opposed the installation of a pedestrian beacon.

On motion by Mayor Dhaliwal, seconded by Councilmember Diallo, the City Council considered options for traffic safety enhancement for River Islands Parkway, at the intersections of Bosch Avenue and Imperial Drive, CIP PS 24-07, and approved four-way stop signs with botts' bots (raised pavement markers) and related improvements on Imperial Drive and Bosch Avenue.

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

5.6 CITY COUNCIL DISCUSSION REGARDING REGULATION AND PERMIT OPTIONS FOR HOOKAH LOUNGE

Community Development Director Rick Caguiat provided the presentation, which included a summary of related regulations for hookah lounge establishments, amongst other related matters. A question and answer period followed the presentation. Mansoor Fazel (in person speaker) commented on the matter; spoke in support of hookah lounge establishments. The question and answer period continued. The City Council expressed the need for additional information. The City Council received information, discussed the matter, and considered whether to prepare an ordinance for review by the Planning Commission, and subsequent consideration of the City Council, for regulation and permit options for hookah lounge establishments. No further action taken.

5.7 FISCAL YEAR (FY) 2022-23 YEAR-END BUDGET REPORT AND RELATED AMENDMENTS AND AMENDMENTS TO THE FISCAL YEAR 2023-24 BUDGET

Deputy City Manager Thomas Hedegard and Finance Director Cari James provided the presentation. On a motion by Mayor Dhaliwal, seconded by Councilmember Lazard, the City Council adopted **Resolution 23-5398** approving the FY 2022-23 Year-End Report, related budget amendments, and amending the FY 2023-24 Budget.

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)

Vice Major Akinjo reported attendance to public meetings and activities of the San Joaquin Area Flood Control Agency.

6.2 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Torres-O'Callaghan wished everyone a happy fall break.

Councilmember Diallo reported attendance to the Annual CalCities Conference; expressed appreciation and support to newly appointed Police Chief Sealy. Chief Sealy expressed the unwavering dedication of the Police Department staff to the Lathrop community. Other Councilmembers made similar supportive comments. Councilmembers thanked those in attendance and expressed appreciation for the public participation.

- 7. ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 11:04 p.m.



Teresa Vargas, MMC,
Government Services Director
City Clerk

**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 updated 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