



*Office of the City Attorney*

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[www.ci.lathrop.ca.us](http://www.ci.lathrop.ca.us)

August 26, 2014

George J. Abdallah, Jr.  
Judge of the Superior Court and Advisor  
To the San Joaquin County Grand Juries  
222 E Weber Avenue, Room 303  
PO Box 201022  
Stockton, CA 95201

Re: 2013-2014 Case No. 1613 Agency Response to Grand Jury Reports

Dear Honorable Judge Abdallah:

I received your letter dated August 20, 2014 today. In order to provide further detail, I attach a copy of the Minutes of the Council meeting held on August 4, 2014 and presentation made to Council by staff. In Item 5.7 of the Minutes, Councilmember Dresser made a motion which was seconded by Mayor Dhaliwal and approved by Council on a 5-0 vote accepting the Grand Jury Report and directing the City Attorney to submit a letter to the presiding Judge of the San Joaquin County Superior Court responding to the finding and recommendation of the Grand Jury Report.

Therefore, my letter dated August 6, 2014 is the response of the "Governing Body" in compliance with Penal Code §933(c) and §933.05. I hereby re-submit my letter dated August 6, 2014 with this supplemental letter as the response of the Lathrop City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Salvador V. Navarrete".

Salvador V. Navarrete  
City Attorney



*City Attorney's Department*

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August 6, 2014

**VIA E-MAIL AND REGULAR US MAIL TO:**

[grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

Honorable Lesley D. Holland, Presiding Judge  
San Joaquin County Superior Court  
Post Office Box 201022  
Stockton, CA 95201

Re: 2013-2014 Case No. 1613: Agency Approval of Responses to Grand Jury Reports

Honorable Judge Holland:

Pursuant to Penal Code Section 933.05, this letter is to inform you that the City Council of the City of Lathrop reviewed the above referenced Grand Jury Report and directed me to write this letter in response.

**FINDING AND RESPONSE:**

Finding F2.1: Over the last four years, almost all responses by the County and the Cities were approved by unanimous votes after little or no discussion by the elected officials or the public.

Response: Council disagrees with this finding as it pertains to the City of Lathrop. Grand Jury responses are prepared by the City Attorney's office and presented to Council in open session and voted on at its regularly scheduled public council meetings after what is deemed by Council as sufficient discussion. Nonetheless, in order to encourage public discussion, City Staff plans to list future Grand Jury Reports in the "Scheduled" portion of the agenda instead of the "Consent" portion of the agenda. Council requests Grand Jury replies to this and Council's future responses. Council would like those replies to contain an evaluation of City's responses including a statement by the Grand Jury explaining whether it agrees with the City's response.

Grand Jury Response

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August 6, 2014

RECOMMENDATION AND RESPONSE:

Recommendation R2.1: All legislative bodies publicly explain the reasons for its response to Grand Jury Findings and Recommendations prior to voting to approve their response.

Response: The recommendation has been implemented as follows: City Council has requested the listing of future Grand Jury Reports in the "Scheduled" portion of Council's agenda instead of the "Consent" portion of the agenda. Council seeks Grand Jury replies to this and Council's future responses. Council would like those Grand Jury replies to contain an evaluation of the City's response including a statement by the Grand Jury explaining whether it agrees with the City's response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Navarrete", is written over a horizontal line.

Salvador V. Navarrete  
City Attorney



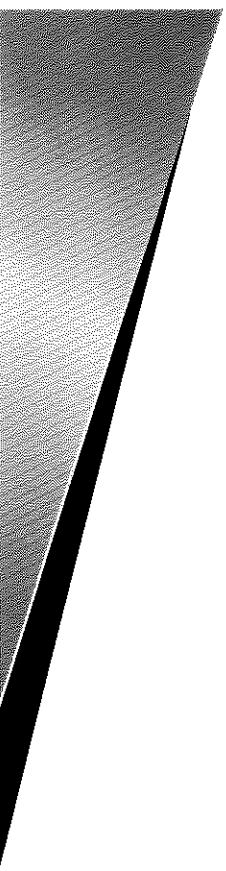
# RESPONSE TO GRAND JURY REPORT

*City Council Meeting, August 4, 2014  
Item 5.7*

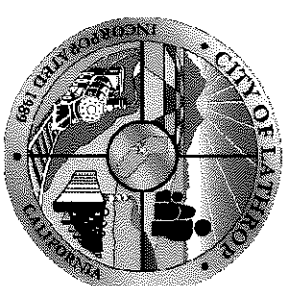


# Summary

- On June 16, 2014, the San Joaquin County Grand Jury submitted their 2013 - 2014 Report entitled "Agency Approval of Responses to Grand Jury Reports: *Do They Know What They Approve?*"



# Summary

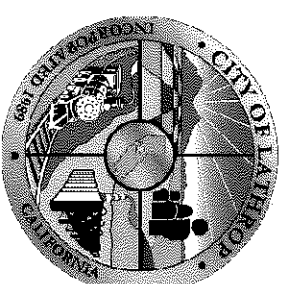


• The Grand Jury decided to survey the County and each City within the County to determine:

- ✓ Who wrote the responses to Grand Jury Reports;
- ✓ When the responses were approved;
- ✓ Whether there was any discussion by the respective legislative bodies prior to approval; and
- ✓ The final vote by each entity's governing body.

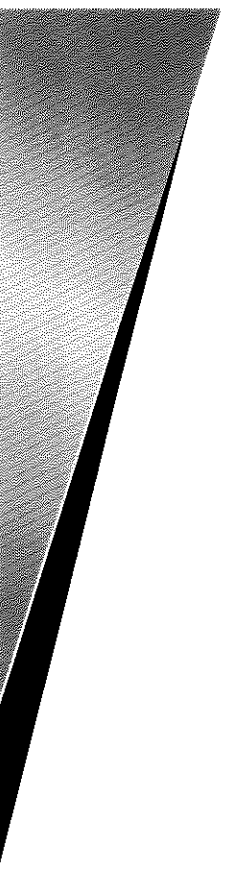


# Response by City

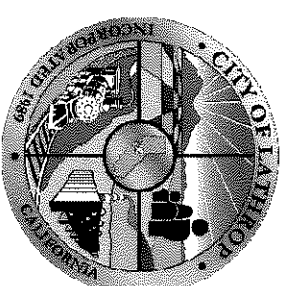


## GRAND JURY'S FINDING:

“Over the last four years, almost all responses by the County and the Cities were approved by unanimous votes after little or no discussion by the elected officials or the public.”

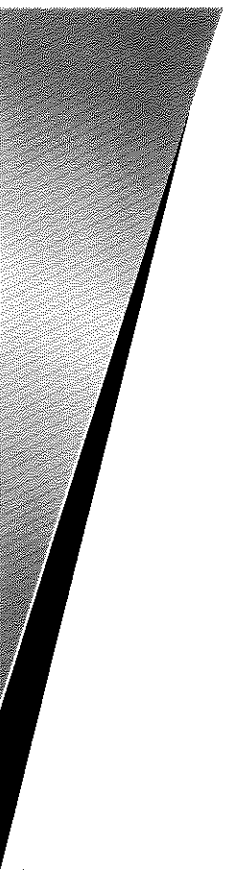


# Response by City



## GRAND JURY'S RECOMMENDATION:

All legislative bodies publicly [should] explain the reasons for [their] ... response to Grand Jury Findings and Recommendations prior to voting to approve their response.



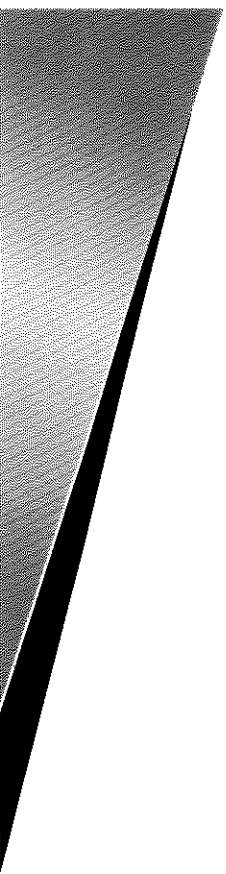


# Response by City



## Recommended Response:

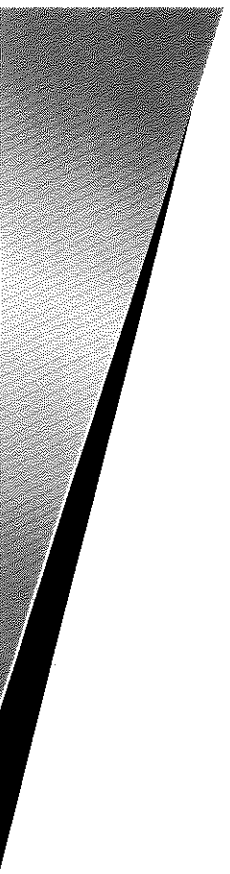
Grand Jury responses are prepared by the City Attorney's office and presented to Council in open session and voted on at its regularly scheduled public council meetings. In order to encourage public discussion, City Staff plans to list future Grand Jury Reports in the "Scheduled" portion of the agenda instead of the "Consent" portion of the agenda.



# Recommendation



- ▶ Staff recommends City Council accept the Grand Jury Report and direct the City Attorney to submit the response to the Presiding Judge of the San Joaquin County Superior Court agreeing with the finding of the Grand Jury Report on behalf of the City Council and responding to the recommendation.





On a motion by Councilmember Akinjo, seconded by Mayor Dhaliwal, the City Council rejected all proposals as nonresponsive and directed staff to reissue the Request for Proposals with more-detailed specifications.

Ayes: Akinjo, Dresser, Ornelas, Salcedo and Dhaliwal.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

#### 5.5 DISCUSSION OF FIREWORKS ORDINANCE AND FUNDING OF CITY CELEBRATION FROM FIREWORKS PROCEEDS

Community Development Director Rebecca Willis provided an overview. A question and answer period followed. City Attorney Salvador Navarrete provided additional information. Mayor Dhaliwal opened for public comment. Rosalinda Valencia (Lathrop, CA) expressed support to allow partnership between non-profit groups. There were no other speakers. Councilmembers commented on the matter.

Council consensus directed staff to prepare options for City Council considerations at a future date.

#### 5.6 INSTALLATION OF WATER FEATURES AT CITY PARKS

Projects and Programs Manager Ken Reed provided an overview. A question and answer period followed. Mayor Dhaliwal opened for public comment. Rosalinda Valencia (Lathrop, CA) requested a City pool on the east side of town. There were no other speakers. Councilmembers commented on the matter.

Council consensus directed staff to provide additional information for installation options at Park West Park and Sangalang Park for City Council consideration at a future date.

#### 5.7 GRAND JURY REPORT RESPONSE

City Attorney Salvador Navarrete provided an overview. A question and answer period followed. Councilmembers commented on the matter.

On a motion by Councilmember Dresser, seconded by Mayor Dhaliwal, the City Council accepted Grand Jury Report and directed the City Attorney to submit letter to the Presiding Judge of the San Joaquin County Superior Court responding to the finding and recommendation of the Grand Jury Report.

Ayes: Akinjo, Dresser, Ornelas, Salcedo and Dhaliwal.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

**6. COUNCIL COMMUNICATIONS**

6.1 COUNCIL REFERRAL(S) – None.

6.2 MAYOR & COUNCILMEMBER COMMITTEE REPORT

- *Central Valley Executive Committee/LOCC (Salcedo/Akinjo)*

Councilmember Akinjo reported on lack of participation by various cities in the Central Valley region.

6.3 MAYOR'S COMMITTEE REPORTS

- *International Festival Committee*

Projects and Programs Manager Ken Reed reported that the date of the event has been changed to May.

- *Lathrop Holiday Parade Committee*

Projects and Programs Manager Ken Reed reported that the event is scheduled on December 13, 2014.

6.4 MAYOR & COUNCILMEMBER COMMENTS

Councilmember Dresser requested information on National Night Out. Councilmember Akinjo commented on the electronic billboard project. Mayor Dhaliwal commented on National Night Out; and the memorial basketball game in honor of Firefighter Anthony Sawyer.

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

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Mitzi Ortiz, MMC  
City Clerk

**CITY OF LATHROP  
CITY COUNCIL REGULAR MEETING  
MONDAY, AUGUST 4, 2014  
7:00 P.M.  
COUNCIL CHAMBERS, CITY HALL  
390 Towne Centre Drive  
Lathrop, CA 95330**

**AGENDA**

**PLEASE NOTE: There was a Closed Session which commenced at 6:01 p.m. The Regular Meeting reconvened at 7:03 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)
- 3 Potential Cases

**RECONVENE** – Mayor Dhaliwal reconvened the meeting at 7:03 p.m.

1.2.2 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that no reportable action was taken.

1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Ornelas;  
Councilmembers: Akinjo, Dresser and Salcedo.

Absent: None.

1.4 INVOCATION – Pastor Paul Pellizzari, Grace Community Church, provided the invocation.

1.5 PLEDGE OF ALLEGIANCE – Pastor Paul Pellizzari, Grace Community Church, led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Engineer Glenn Gebhardt announced the Senior Advisory BBQ Competition to be held on August 23, 2014; National Night Out to be held from 6:00 p.m. to 8:00 p.m. on August 5, 2014 at Lathrop Generations Center; vacancies on the Senior Advisory Commission, Youth Advisory Commission and Parks and Recreation Commission; and roadwork on August 8, 2014 at Lathrop Road between McKinley Avenue and 7<sup>th</sup> Street.

## 1.7 INFORMATIONAL ITEM(S) - None.

## 1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Mayor Dhaliwal and Councilmember Dresser declared conflicts of interest with Item 5.3 relating to Fiscal Year 2014/15 Landscape & Lighting Maintenance District 93-1 (Woodfield Park) Budget due to their residences within the area. There were no further declarations.

**2. PRESENTATIONS**

## 2.1 ECONOMIC DEVELOPMENT UPDATE

Community Development Director Rebecca Willis provided an update.

**3. CITIZEN'S FORUM**

Lavon Tindell (French Camp, CA) extended an invitation to the Lathrop District Chamber of Commerce coffee to be held at 8:00 a.m. on August 5, 2014 at Starbucks in Lathrop; and extended an invitation to the Senior Advisory Commission BBQ competition on August 23, 2014. Rosalinda Valencia (Lathrop, CA) extended an invitation to Relay for Life on August 9-10, 2014 at Manuel Valverde Park. Susan Dell'Osso (Lathrop, CA) commented on River Islands Development's proposal to be annexed into Manteca Unified School District.

**4. CONSENT CALENDAR**

On a motion by Councilmember Salcedo, seconded by Councilmember Dresser, the City Council approved the Consent Calendar by the following roll call vote, unless otherwise indicated:

Ayes: Akinjo, Dresser, Ornelas, Salcedo and Dhaliwal.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

## 4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

Waived the reading of ordinances and resolutions on agenda unless otherwise requested by the Mayor or a Councilmember.

**\*4.2 APPROVAL OF MINUTES**

Approved Minutes for the Regular Meeting of July 21, 2014.

Ayes: Akinjo, Dresser, Salcedo and Dhaliwal.  
 Noes: None.  
 Absent: None.  
 Abstain: Ornelas.

**4.3 CONTRACT FOR THE "O" STREET SIDEWALK IMPROVEMENTS PROJECT (CIP PS 14-12)**

A question and answer period ensued. Public Works Director Patrick Flynn provided information.

Adopted Resolution No. 14-3798 awarding a construction contract to MCI Engineering for the "O" Street Sidewalk Improvements Project (CIP PS 14-12).

**4.4 CONTRACT FOR THE FY 14/15 PAVEMENT MAINTENANCE AND REPAIR PROJECT (CIP PS 15-01)**

A question and answer period ensued. Public Works Director Patrick Flynn provided information.

Adopted Resolution No. 14-3799 awarding a construction contract to VSS International for the FY 14/15 Pavement Maintenance and Repair Project (CIP PS 15-01).

**4.5 CONTRACT FOR SIGNAL & LIGHTING MAINTENANCE SERVICES**

A question and answer period ensued. Public Works Director Patrick Flynn and City Engineer Glenn Gebhardt provided information.

Adopted Resolution No. 14-3800 awarding a contract to Bear Electrical Solutions, Inc. for traffic signal, street light, radar speed feedback sign and City facilities lighting maintenance services.

**4.6 AMENDMENT NO. 1 WITH GOODWIN CONSULTING GROUP FOR BOND WORKOUT AND RESTRUCTURING OF COMMUNITY FACILITIES DISTRICT 2006-1**

Adopted Resolution No. 14-3801 of the City Council, acting as the Legislative Body of Community Facilities District No. 2006-1, approving Amendment No. 1 to an agreement with Goodwin Consulting Group for continued professional services associated with district restructures.

**4.7 URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIP ACT**

A question and answer period ensued. Community Development Director Rebecca Willis provided information.

Adopted Resolution No. 14-3802 authorizing the City of Lathrop to remain a participant in the Urban County Consortium for the purpose of administering the Community Development Block Grant Program and authorizing Amendment No. 1 to the Urban County CDBG and Home Investment Partnership Act Cooperative Agreement with San Joaquin County.



#### 4.8 CONSOLIDATED TREATMENT FACILITY EXPANSION TO 2.5 MGAL/D

Adopted Resolution No. 14-3803 authorizing budget amendment to the Consolidated Treatment Expansion to 2.0 Mgal/d WW 14-14 Project.

#### 4.9 MEETING CANCELLATION

Cancelled the City Council Meeting on September 8, 2014 due to holiday schedule.

### 5. SCHEDULED ITEMS

#### 5.1 CONTINUED PUBLIC HEARING TO CONSIDER AMENDING SECTION 2.24.050 OF THE LATHROP MUNICIPAL CODE REGARDING THE SENIOR ADVISORY COMMISSION SPENDING LIMITS

Parks and Recreation Director Zachary Jones provided an overview. A question and answer period followed. City Attorney Salvador Navarrete provided additional information. Mayor Dhaliwal opened the continued public hearing. Reverend Lucius Davis (Lathrop, CA) expressed support for the amendment. Lavon Tindell (Senior Advisory Commission) commented on the Commission's desire to assist Lathrop seniors in need. Mayor Dhaliwal closed the public hearing. Councilmembers commented on the matter.

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

1. Opened the continued Public Hearing; and
2. Introduced and waived first reading of an ordinance amending Section 2.24.050(E) of the Lathrop Municipal Code to allow greater flexibility in spending limits and expand authorized expenditures.

Ayes: Akinjo, Dresser, Ornelas, Salcedo and Dhaliwal.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

#### 5.2 PUBLIC HEARING REGARDING COMMUNITY FACILITIES DISTRICT 2013-1 (RIVER ISLANDS PUBLIC SERVICES AND FACILITIES) AMENDMENT OF SPECIAL TAX

Finance Director Cari James provided an overview. A question and answer period followed. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing. Councilmembers commented on the matter.

City Clerk Mitzi Ortiz opened the ballot and announced the results of the election.

On a motion by Vice Mayor Ornelas, seconded by Councilmember Salcedo, the City Council:

1. Held a Public Hearing;
2. Adopted Resolution No. 14-3804 amending special tax for Community Facilities District authorizing the levy of a special tax and submitting levy of tax to qualified electors for Community Facilities District 2013-1 (River Islands Public Services and Facilities);
3. Adopted Resolution No. 14-3805 declaring results of amendment of special election, determining validity of prior proceedings, and directing recording of Amended Notice of Special Tax Lien for the Community Facilities District 2013-1 (River Islands Public Services and Facilities); and
4. Introduced an ordinance levying special taxes within Community Facilities District 2013-1 (River Islands Public Services and Facilities).

Ayes: Akinjo, Dresser, Ornelas, Salcedo and Dhaliwal.  
 Noes: None.  
 Absent: None.  
 Abstain: None.

Mayor Dhaliwal and Councilmember Dresser recused themselves and left the chambers at 8:08 p.m.

#### 5.3 FY 2014/15 LANDSCAPE & LIGHTING MAINTENANCE DISTRICT 93-1 (WOODFIELD PARK) BUDGET

Finance Director Cari James provided an overview. A question and answer period followed.

On a motion by Councilmember Salcedo, seconded by Councilmember Akinjo, the City Council adopted Resolution No. 14-3806 approving the Fiscal Year 2014/15 Budget for Landscape and Lighting Maintenance District No. 93-1 (Woodfield Park).

Ayes: Akinjo, Salcedo and Ornelas.  
 Noes: None.  
 Absent: None.  
 Abstain: Dresser and Dhaliwal.

Mayor Dhaliwal and Councilmember Dresser returned to the dais at 8:11 p.m. for the remainder of the meeting.

#### 5.4 PROPOSALS RECEIVED FOR DIGITAL BILLBOARDS IN THE CITY OF LATHROP

Community Development Director Rebecca Willis provided an overview. A question and answer period followed. City Attorney Salvador Navarrete provided additional information. Mayor Dhaliwal opened for public comment. Reverend Lucius Davis (Lathrop, CA) urged Council to reissue the request for proposals. Rosalinda Valencia (Lathrop, CA) requested clarification display and commented on distracted drivers. There were no other speakers. Councilmembers commented on the matter.