



Office of the City Attorney

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July 8, 2009

Honorable William J. Murray, Jr.
San Joaquin County Superior Court
222 E. Weber Avenue, Room 303
Stockton, CA 95202

Re: Grand Jury Report/Information Technology Security (Case No. 03-08) Response.

Honorable Judge Murray:

Pursuant to Penal Code Section 933.05, this letter is to inform you that the City Council of the City of Lathrop accepted the above referenced Grand Jury Report and directed me to write this letter of response on their behalf at their regular meeting of July 7, 2009.

Grand Jury Findings:

“City of Lathrop – Meets or is addressing expectations for IT security

1. IT Manager has only been on the job for a short time, yet he has a clear vision of security goals and is working to meet them
2. Written Security Policy was clear and all employees were made aware of its content
3. Recently upgraded Email filtering has dramatically reduced spam
4. Hardware redundancy on critical systems with plans to expand as budget allows
5. Plans for disaster recovery and business continuity are currently in development”

The City Council agrees with all of the findings listed above.

Sincerely,

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

Salvador V. Navarrete
City Attorney

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
TUESDAY, JULY 7, 2009
7:00 P.M.
COUNCIL CHAMBERS, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

PLEASE NOTE: There was a Closed Session which commenced at 6:02 p.m. The Regular Meeting reconvened at 7:05 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Sayles called the meeting to order at 6:02 p.m.

1.1.1 CLOSED SESSION:

Conference with Legal Counsel: Anticipated Litigation – Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)

- 4 Potential Cases

1.1.2 CLOSED SESSION:

Conference with Labor Negotiator Pursuant to Government Code Section 54957.6

Agency Negotiator: Cary Keaten

Employee Organization: Service Employee International Union (SEIU) Local 1021

1.1.3 CLOSED SESSION:

Conference with Labor Negotiator Pursuant to Government Code Section 54957.6

Agency Negotiator: Cary Keaten

Unrepresented Employees: Accounting Manager, Animal Control Manager, Assistant Chief Building Official, Assistant City Manager, Assistant Public Works Director, Chief Building Official, Chief Planning Official, Chief Utility Operator, City Clerk, Code Compliance Supervisor, Economic Development Administrator, Finance Director, Human Resource Director, Legal Secretary, Maintenance Services Supervisor, Management Analyst I/II (Confidential), Parks and Recreation Director, Permit Center Manager, Police Office Manager, Principal Engineer, Public Works Director, Senior Accountant, Senior Administrative Assistant, Senior Center Manager, Senior Engineer, Senior Management Analyst, Senior Planner, Special Districts Manager, Street Maintenance Supervisor, Technology Manager, Technology Analyst, Utility and Streets Maintenance Superintendent, Utility and Streets Maintenance Supervisor

RECONVENE – Mayor Sayles reconvened the meeting at 7:06 p.m.

1.1.4 REPORT FROM CLOSED SESSION – None.

1.2 ROLL CALL Present: Mayor Sayles; Vice Mayor Salcedo;
Councilmembers: Dhaliwal and Mateo.

Absent: Councilmember Oliver.

1.3 INVOCATION – Pastor Tim Voogd, Lighthouse Community Church, gave the invocation.

1.4 PLEDGE OF ALLEGIANCE – Mayor Sayles led the pledge of allegiance.

1.5 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

Mayor Sayles commented on a letter received from Governor Arnold Schwarzenegger, a community garden project and the Community Prosecutor Program.

1.6 INFORMATIONAL ITEMS

1.6.1 THOMSEN ROAD & LATHROP ROAD PROJECT UPDATE

Following a question and answer period, Mayor Sayles opened for public comment. Dan Doyle (Lathrop, CA) expressed kudos for project progress.

1.6.2 UTILITY DISCOUNT PROGRAM UPDATE

1.7 DECLARATION OF CONFLICT(S) OF INTEREST – None.

2. PRESENTATIONS

2.1 PRESENTATION: Recognition of Frankie Cebreros, Home Depot, Mahoning Valley Manufacturing, Baskin Robbins and Community Resource Officer Andrea Lopez.

2.2 PRESENTATION: Presentation of a Donation by Dave Cahill, Modesto Area Street Rod Association, to the Parks and Recreation Department.

3. CITIZEN'S FORUM

Rosalinda Valencia (Lathrop, CA) spoke regarding Matt Browne matter and public records requests. Chaka Santos (Lathrop, CA) requested report from One Voice trip. Reverend Lucius Davis, Jr. (Senior Advisory Commission) expressed kudos to Police Services and provided information regarding the International BBQ to be held July 11, 2009. Bennie Gatto (Lathrop, CA) spoke regarding Texas 4000 for Cancer bicyclists. Jerry Sims (Lathrop, CA) spoke regarding Matt Browne matter. Dan MacNeilage (Lathrop, CA) spoke regarding Texas 4000 for Cancer bicyclists, Relay for Life event and July 1st Celebration.

4. CONSENT CALENDAR

On a motion by Councilmember Dhaliwal, seconded by Vice Mayor Salcedo, the Consent Calendar was approved by the following roll call vote, unless otherwise indicated:

Ayes: Dhaliwal, Mateo, Salcedo and Sayles.
Noes: None.
Absent: Oliver.
Abstain: None.

4.1 WAIVING OF READING

Waived the reading of Ordinances and Resolutions on tonight's agenda unless otherwise requested by the Mayor or a Councilmember.

4.2 APPROVAL OF MINUTES

Approved the minutes of the Special Meetings of June 9, 2009 and June 10, 2009; and the Regular Meeting of June 16, 2009.

4.3 SECOND READING OF ORDINANCE AMENDING VARIOUS SECTIONS OF THE LATHROP MUNICIPAL CODE REGARDING THE PENALTY FOR MISCELLANEOUS PARKING VIOLATIONS

Adopted Ordinance No. 09-294 amending various sections of the Lathrop Municipal Code regarding the penalty for miscellaneous parking violations.

4.4 TREASURER'S REPORT FOR MAY 2009

Approved the Treasurer's Report for May 2009.

*4.5 CONTINUING THE STANDBY CHARGE IN STANDBY CHARGE DISTRICT NO. 2005-01 AND CONFIRMATION OF FISCAL YEAR 2009/10 ASSESSMENTS

Finance Director Terri Vigna introduced Special District Manager Mike Sylvia who provided an overview. A brief question and answer period followed. Councilmembers commented on the matter.

On a motion by Mayor Sayles, seconded by Councilmember Dhaliwal, the City Council adopted Resolution No. 09-2840 continuing the Standby Charge District No. 2005-01 standby charges, approving the Engineer's Report, confirming the levy of standby charge assessments and directing related actions for Fiscal Year 2009/10.

Ayes: Dhaliwal, Salcedo and Sayles.
Noes: Mateo.
Absent: Oliver.
Abstain: None.

*(This item was removed from the Consent Calendar.)

4.6 CUB SCOUT PACK 425 2009-2010 FACILITY FEE WAIVER REQUEST

Adopted Resolution No. 09-2841 authorizing the City Manager to waive facility fees associated with the Lathrop Community Center Gym for 2009-2010 Cub Scout Pack 425 meetings.

4.7 LATHROP POLICE SERVICES JUNIOR POLICE ACADEMY FEE WAIVER

Adopted Resolution No. 09-2842 ratifying the City Manager's action to waive tuition fees associated with the June 2009 Lathrop Police Services Junior Police Academy and to authorize the City Manager to reimburse fees paid by the June 2009 Academy participants and waive tuition fees for the upcoming July 2009 session.

*4.8 APPROVE TOLLING AGREEMENT WITH TCN PROPERTIES AND DEVELOPERS SURETY AND INDEMNITY COMPANY

Public Works Director Steve Salvatore provided an overview. A brief question and answer period followed.

On a motion by Mayor Sayles, seconded by Councilmember Dhaliwal, the City Council adopted Resolution No. 09-2843 authorizing the City Manager to execute the Tolling Agreement with TCN Properties and Developers Surety and Indemnity Company for the construction of two linear parks and a neighborhood park.

Ayes: Dhaliwal, Mateo, Salcedo and Sayles.
Noes: None.
Absent: Oliver.
Abstain: None.

*(This item was removed from the Consent Calendar.)

4.9 APPROVE ADDENDUM TO OFFSITE IMPROVEMENT AGREEMENT AND COMPLETION GUARANTY DATED SEPTEMBER 14, 2007 WITH TCN PROPERTIES, LP AND FERN ISLANDS, LLC

Adopted Resolution No. 09-2844 authorizing the Mayor to execute the Addendum to the Offsite Improvement Agreement and Completion of Guaranty dated September 14, 2007 with TCN Properties and Fern Islands for the completion of work associated with the Community Bank.

4.10 AGREEMENT WITH HYDROFOCUS FOR GROUNDWATER AND WATER SUPPLY MONITORING AND REPORTING FOR WRP-1 STAGE 1 MBR AND CROSSROADS PERMIT COMPLIANCE

Adopted Resolution No. 09-2845 authorizing the City Manager to approve an Agreement with HydroFocus for groundwater and water supply monitoring and reporting for WRP-1 MBR and Crossroads Waste Discharge Requirements permit compliance.

4.11 APPROVAL OF PURCHASE AGREEMENT FOR REAL PROPERTY AT 1700 E. LOUISE AVENUE AND 1850 E. LOUISE AVENUE

1. Adopted Resolution No. 09-2846 approving Acquisition Agreement for Purchase and Sale of Real Property between the City of Lathrop and Collishaw Enterprises, LLC (a portion of 1850 E. Louise Avenue, Lathrop – APN 198-160-01); and
2. Adopted Resolution No. 09-2847 approving Acquisition Agreement for Purchase and Sale of Real Property between the City of Lathrop and CBC Steel Buildings LLC (a portion of 1700 E. Louise Avenue, Lathrop – APN 198-140-13).

4.12 REJECT ALL BIDS FOR THE WATER SUPPLY WELLS ARSENIC REDUCTION PROJECT EQUIPMENT DESIGN AND PRE-SELECTION (PW05-07)

Adopted Resolution No. 09-2848 rejecting all bids for the Louise Avenue Water Treatment Facility Arsenic Treatment System and Solids Handling Facility equipment design and pre-selection for the Water Supply Wells Arsenic Reduction Project (PW05-07).

*4.13 APPROVE THE CREATION OF CIP PS10-13 GOLDEN VALLEY PARKWAY IMPROVEMENTS PHASE 3A FROM RIVER ISLANDS PARKWAY TO LATHROP ROAD AND APPROVE CONTRACTS WITH MACKAY & SOMPS CIVIL ENGINEERS, INC. AND FEHR & PEERS TRANSPORTATION CONSULTANTS

Mayor Sayles opened for public comment. Dan Doyle (Lathrop, CA) requested clarification on the project. Rosalinda Valencia (Lathrop, CA) requested clarification on the sewer allocation in the area.

On a motion by Mayor Sayles, seconded by Councilmember Dhaliwal, the City Council:

1. Adopted Resolution No. 09-2849 approving the creation of CIP PS10-13 Golden Valley Parkway Improvements Phase 3A from River Islands Parkway to Lathrop Road;
2. Adopted Resolution No. 09-2850 approving Task Order #8 with MacKay & Somps Civil Engineers, Inc.; and
3. Adopted Resolution No. 09-2851 approving a Contract with Fehr & Peers Transportation Consultants.

Ayes: Dhaliwal, Mateo, Salcedo and Sayles.
Noes: None.
Absent: Oliver.
Abstain: None.

*(This item was removed from the Consent Calendar.)

*4.14 APPROVE NEW CIP PS10-14 GOLDEN VALLEY PARKWAY IMPROVEMENTS PHASE 3B FROM RIVER ISLANDS PARKWAY TO LATHROP ROAD TO CAPTURE \$1,000,000 IN FEDERAL ARRA FUNDS

On a motion by Mayor Sayles, seconded by Councilmember Dhaliwal, the City Council adopted Resolution No. 09-2852 approving the creation of CIP PS10-14 Golden Valley Parkway Improvements Phase 3B from River Islands Parkway to Lathrop Road.

Ayes: Dhaliwal, Mateo, Salcedo and Sayles.
Noes: None.
Absent: Oliver.
Abstain: None.

*(This item was removed from the Consent Calendar.)

4.15 APPROVE THE CREATION OF NEW CIP (WW10-15) FOR WRP-1 MBR TO EXPLORE OPTIONS FOR INCREASING SEWER TREATMENT CAPACITY

Adopted Resolution No. 09-2853 creating new CIP (WW10-15) for WRP-1 MBR to explore options for increasing sewer treatment capacity and authorizing the City Manager to approve an Agreement with ECO:LOGIC Engineering to perform a plant capacity assessment.

***4.16 APPROVE THE CREATION OF CIP PS10-16 HARLAN ROAD PEDESTRIAN PATHWAY FROM STONEBRIDGE TO LATHROP ROAD**

There was a brief question and answer period.

On a motion by Councilmember Dhaliwal, seconded by Councilmember Mateo, the City Council adopted Resolution No. 09-2854 approving the creation of CIP PS10-16 Harlan Road Pedestrian Pathway from Stonebridge to Lathrop Road.

Ayes: Dhaliwal, Mateo, Salcedo and Sayles.
Noes: None.
Absent: Oliver.
Abstain: None.

*(This item was removed from the Consent Calendar.)

4.17 ASSESSMENT OF DELINQUENT CODE COMPLIANCE CHARGES

Adopted Resolution No. 09-2855 authorizing the assessment of delinquent Code Compliances charges to the San Joaquin County tax roll.

4.18 SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH LAND SYSTEMS GROUP TO PROVIDE EVALUATION, SELECTION, AND IMPLEMENTATION SERVICES FOR A PERMIT AND PROJECT TRACKING (PPT) SYSTEM AND A GEOGRAPHIC INFORMATION SYSTEM (GIS)

Adopted Resolution No. 09-2856 authorizing the City Manager to execute a Second Amendment to Agreement with Land Systems Group for additional work.

5. SCHEDULED ITEMS

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO UPDATE THE WEST LATHROP SPECIFIC PLAN REIMBURSEMENT FEE

Finance Director Terri Vigna introduced Senior Accountant Lynn Garcia who provided an overview. A brief question and answer period followed. Mayor Sayles opened the public hearing. There were no speakers. Mayor Sayles closed the public hearing.

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

1. Held a Public Hearing; and
2. Adopted Resolution No. 09-2857 approving the 2009 West Lathrop Specific Plan (WLSP) reimbursement fee update.

Ayes: Dhaliwal, Mateo, Salcedo and Sayles.
Noes: None.
Absent: Oliver.
Abstain: None.

5.2 2009 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

City Clerk Mitzi Ortiz provided an overview. Mayor Sayles opened for public comment. Rosalinda Valencia (Lathrop, CA) requested additional information on the conference sessions. Chaka Santos (Lathrop, CA) expressed concern regarding attendees providing report after the conference. Councilmembers commented on the matter.

On a motion by Councilmember Mateo, seconded by Councilmember Dhaliwal the City Council:

1. Approved travel for Councilmember Mateo and the City Manager to attend the LOCC Annual Conference;
2. Adopted Resolution No. 09-2858 approving a budget amendment to transfer attendance costs from the City Manager's Contingency Account to the departmental Training and Travel Accounts; and
3. Appointed Councilmember Mateo as the City's Voting Delegate.

Ayes: Dhaliwal, Mateo and Sayles.
Noes: Salcedo.
Absent: Oliver.
Abstain: None.

5.3 SIGNAGE TO DIVERT PARK AND RIDE USERS AT VALVERDE PARK

Public Works Director Steve Salvatore provided an overview. A question and answer period followed. Mayor Sayles opened for public comment. Tosh Ishihara (Lathrop, CA) expressed concern regarding the parking situation and urged action by the Council. Chaka Santos (Lathrop, CA) spoke in favor of parking sticker system and relocating Park and Ride. Councilmembers commented on the matter.

By consensus, the City Council tabled this matter and no further action was taken.

5.4 MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE PLAN FOR THE CITY OF LATHROP (NOFE-08-020)

City Engineer Tom Ruark introduced Kristie Wheeler, RBF Consulting, who provided an overview.

On a motion by Councilmember Dhaliwal, seconded by Councilmember Mateo, the City Council adopted Resolution No. 09-2859 approving the Municipal Service Review and Sphere of Influence Plan for the City of Lathrop and recommending approval by San Joaquin LAFCO.

Ayes: Dhaliwal, Mateo, Salcedo and Sayles.
Noes: None.
Absent: Oliver.
Abstain: None.

5.5 GRAND JURY REPORT RESPONSE

Finance Director Terri Vigna introduced Information Technology Manager Tony Fernandes who provided an overview. A brief question and answer period followed. Councilmembers commented on the matter.

On a motion by Councilmember Dhaliwal, seconded by Vice Mayor Salcedo, 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 agreeing with the findings of the Grand Jury Report on behalf of City Council.

Ayes: Dhaliwal, Mateo, Salcedo and Sayles.
Noes: None.
Absent: Oliver.
Abstain: None.

6. COUNCIL COMMUNICATIONS

6.1 Council Referral(s)

6.1.1 COUNCILMEMBER DHALI WAL REFERRAL: Discussion Regarding Lathrop High School Student Safety and Transportation Issues

Councilmember Dhaliwal and Mayor Sayles provided an overview. Consensus of Council directed staff to agendize this matter for a future agenda. No further action was taken.

6.1.2 COUNCILMEMBER DHALI WAL AND MAYOR SAYLES REFERRAL: Discussion Regarding Truck Parking for Lathrop Residents

Councilmember Dhaliwal provided an overview. Consensus of Council directed staff to agendaize this matter for a future agenda. No further action was taken.

6.2 Mayor & Councilmember Committee Report(s)

- *LAFCo (Sayles)*

Mayor Sayles reported LAFCo concerns regarding fire district budget issues.

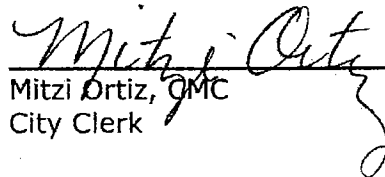
- *San Joaquin Partnership Board of Directors (Sayles/Dhaliwal)*

Mayor Sayles announced upcoming meeting regarding budget measures and reductions.

6.3 Mayor & Councilmember Comment(s)

Councilmember Dhaliwal commented on Item 2.1 and the impact of community involvement. Mayor Sayles commented on the need to ensure open access to the City Council meetings including keeping the doorway clear and respect and safety of all attendees. The rest of the City Council concurred. There were no other comments.

7. **ADJOURNMENT** – There being no further business, Mayor Sayles adjourned the meeting at 10:10 p.m.



Mitzi Ortiz, CMC
City Clerk