

February 14, 2022 – City Council Regular Meeting – 7:00 p.m.



City Council Chamber
390 Towne Centre Drive
Lathrop, California
(209) 941-7200
www.ci.lathrop.ca.us

City Council

Sonny Dhaliwal, Mayor
Diane Lazard, Vice Mayor
Paul Akinjo
Minnie Diallo
Jennifer Torres-O'Callaghan

City Staff

Stephen Salvatore, City Manager
Salvador Navarrete, City Attorney
Teresa Vargas, Government Services
Director / City Clerk
Glenn Gebhardt, City Engineer
Michael King, Public Works Director
Cari James, Finance Director
Theresa Roland, Human Resources
Director
Mark Meissner, Community Development
Director
Zachary Jones, Parks, Recreation and
Maintenance Services Director
Raymond Bechler, Chief of Police
(Commission Start Date 7/1/2022)
Lieutenant Michael Alagna, Acting Chief
of Police

General Order of Business

1. Preliminary
 - Call to Order
 - Closed Session
 - Roll Call
 - Invocation
 - Pledge of Allegiance
 - Announcements by Mayor/City Mgr.
 - Informational Items
 - Declaration of Conflict of Interest
2. Presentations
3. Citizen's Forum
4. Consent Calendar
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Referrals and Reports from Commissions and Committees
 - All Other Staff Reports and/or Action Items
 - Study Sessions
6. Council Communications
7. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested residents, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken.

Consent Calendar

Items on the Consent Calendar are considered routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or interested resident so requests, in which case the item will be removed from the Consent Calendar and considered separately.



FEBRUARY 14, 2022 – Regular Meeting Agenda – 7:00 p.m.



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See Reverse

IMPORTANT NOTICE REGARDING THIS MEETING & COVID-19

Executive Order N-29-20, issued by the Governor on March 17, 2020, set provisions which relaxed the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency, said provisions expired after September 30, 2021.

This public meeting will be conducted in person; all members of the City Council will attend in person. Members of the public are welcomed in person. COVID-19 and social distancing guidelines will be enforced. As a courtesy, this meeting will be available for public participation by teleconference via ZoomGov at the following link:

<https://www.zoomgov.com/j/1607937773?pwd=aVNLYmdFSEZwUWloVWtEcEdHQWpOZz09>

- ✦ During the meeting, those joining by ZoomGov, will be allowed to speak prior to the close of public comment on an item. If you are using this method, please “raise the hand” feature to inform the City Clerk (meeting host) you wish to speak on the matter. Please ensure your computer speaker and microphone are fully functional.
- ✦ For audio / calling in only, dial: +1 (669) 254-5252 or +1 (669) 216-1590
 - To request to speak (same as the “raise hand” feature) press *9 / When the City Clerk calls your name, press *6 to unmute.
- ✦ Meeting Webinar ID: 160 793 7773/ Passcode: 610413
- ✦ If you are not able to attend the meeting in person or virtually - Public comment/questions will be accepted by email to City Clerk Teresa Vargas at website_cco@ci.lathrop.ca.us or by calling (209) 941-7230
- ✦ Questions or comments must be submitted by 4:00 p.m., on the day of the meeting.
- ✦ To address City Council in person, please submit a purple card to the City Clerk indicating name, address, and number of the item upon which a person wishes to speak.

Council Meetings are live-streamed (with Closed Captioning) on Comcast Cable Channel 97, and on the City Council Webpage: <https://www.ci.lathrop.ca.us/citycouncil/page/live-stream>

Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Purple speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name and address. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker form). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said. If you challenge the nature of a proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Citizen's Forum

Any person desiring to speak on a matter, which is not scheduled on this agenda, may do so under the Citizen's Forum section. Please submit your purple speaker card to the City Clerk prior to the commencement of Citizen's Forum, or submit your request to speak via the "raise hand" feature in ZoomGov. Only those who have submitted speaker cards, or have expressed an interest to speak, prior to the conclusion of Citizen's Forum will be called upon to speak. Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item, which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker form) and each speaker may only speak once on this agenda item. Please note, the Council Chamber has limited occupancy due to social distancing.

To leave a voice message for all Councilmembers simultaneously, dial (209) 941-7230. To send an e-mail for Councilmembers simultaneously email: citycouncil@ci.lathrop.ca.us. This City Council Agenda and meeting materials can be accessed by computer or any smart device at: <https://www.ci.lathrop.ca.us/meetings>

General Information

For reports citing supplemental documents relating to specific agenda items, these are available for review in the City Clerk's Office. This agenda was posted at the following locations: City Hall, Community Center, Generations Center, Senior Center, and the Lathrop-Manteca Fire District "J" Street and Somerston Parkway Offices. The meetings of the Lathrop City Council are broadcast on Lathrop Comcast Cable Television Channel 97 and live streamed on the City's website.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility and/or accommodations to this meeting. [28 CFR 35.102-35.104 ADA Title II] Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (209) 941-7230. Information about the City or items scheduled on the Agenda may be referred to:

Teresa Vargas, MMC
Government Services Director / City Clerk
390 Towne Centre Drive
Lathrop, CA 95330
Telephone: (209) 941-7230

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 14, 2022
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

AGENDA

PLEASE NOTE: There will be a Closed Session commencing at 5:30 p.m. The Regular Meeting will reconvene at 7:00 p.m., or immediately following the Closed Session, whichever is later.

1. PRELIMINARY

1.1 CALL TO ORDER

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 Case(s)

The following facts and circumstances known to plaintiff or plaintiffs regarding (Gov. Code § 54956.9(e)(2))

- Complaints by Councilmember Minnie Diallo Regarding Communications with City Manager Stephen J. Salvatore.

1.2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8

Property: 7000 Michael Canlis Boulevard, French Camp, CA 95231
Agency Negotiator: Stephen J. Salvatore, City Manager
Negotiating Parties: County of San Joaquin
Under Negotiation: Lease / Use Agreement

RECONVENE

1.2.3 REPORT FROM CLOSED SESSION

1.3 ROLL CALL

1.4 INVOCATION

1.5 PLEDGE OF ALLEGIANCE

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

- 1.7 INFORMATIONAL ITEM(S) – None
- 1.8 DECLARATION OF CONFLICT(S) OF INTEREST

2. PRESENTATIONS

- 2.1 PROCLAMATION DECLARING FEBRUARY AS BLACK HISTORY MONTH
- 2.2 INTRODUCTION OF NEW EMPLOYEES
 - Theresa Roland, Director of Human Resources
 - Kyle Oki, Police Commander
 - Stephen Sealy, Police Commander
- 2.3 LATHROP POLICE DEPARTMENT PROJECT UPDATE, CIP GG 21-11

3. CITIZEN’S FORUM

Any person desiring to speak on a matter, which is not scheduled on this agenda, may do so under Citizen’s Forum. Please submit a purple speaker card to the City Clerk prior to the commencement of Citizen’s Forum. Only those who have submitted speaker cards, or have expressed an interest to speak, prior to the conclusion of Citizen’s Forum will be called upon to speak. Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item, which does not appear on the agenda, unless the item meets stringent statutory requirements. The City Council can, however, allow its members or staff to briefly (no more than five (5) minutes) respond to statements made, to ask questions for clarification, make a brief announcement or report on his or her own activities. (See California Government Code Section 54954.2(a)). Unless directed otherwise by a majority of the City Council, all questions asked and not answered at the meeting will be responded to in writing within 10 business days. ALL PUBLIC COMMENTS MUST BE MADE IN COMPLIANCE WITH THE LATHROP CITY COUNCIL HANDBOOK OF RULES AND PROCEDURES!

4. CONSENT CALENDAR

Items on the Consent Calendar are considered routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless the Mayor, Councilmember, or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately.

- 4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS
Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading of Title Only, Unless Otherwise Requested by the Mayor or a Councilmember
- 4.2 APPROVAL OF MINUTES
Approve Minutes for the Regular Council Meeting of January 10, 2022

- 4.3 SECOND READING AND ADOPTION OF ORDINANCE 22-431 OF THE CITY OF LATHROP AMENDING VARIOUS SECTIONS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, ZONING CODE, AND TITLE 10, VEHICLES AND TRAFFIC (TA-21-151)
Waive Full Reading and Adopt Ordinance 22-431 by Title Only To Update Various Sections to the Lathrop Municipal Code to Modernize, Simplify, and Streamline Various Sections of Title 17, Zoning Code, and Title 10, Vehicles and Traffic (TA-21-151)
- 4.4 TREASURER’S REPORT FOR DECEMBER 2021
Approve Quarterly Treasurer’s Report for December 2021
- 4.5 OPPOSE 2022 BALLOT INITIATIVE 21-0042A1 “THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT”
Adopt Resolution to Oppose Initiative 21-0042A1 “The Taxpayer Protection and Government Accountability Act” State Ballot Measure Restricting Voters’ Input and Local Taxing Authority
- 4.6 APPROVE TASK ORDER NO. 26 WITH 4LEAF, INC. FOR STAFF AUGMENTATION SERVICES IN THE BUILDING DIVISION
Adopt Resolution Approving Task Order No. 26 with 4LEAF, Inc. for Staff Augmentation Services in the Building Division Pursuant to Master Professional Services Consulting Agreement dated September 21, 2015 with 4LEAF, Inc.
- 4.7 APPROVE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 271 LOTS IN TRACT 4105 WITHIN PHASE 1D OF THE CENTRAL LATHROP SPECIFIC PLAN
Adopt Resolution Approving Final Map for Tract 4105 within Phase 1D of the Central Lathrop Specific Plan, Totaling 271 Single Family Lots and Subdivision Improvement Agreement with Lathrop Land Acquisition, LLC
- 4.8 AWARD CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR THE LATHROP ROAD AND HARLAN ROAD INTERSECTION IMPROVEMENTS, CAPITAL IMPROVEMENT PROJECT PS 21-06 AND APPROVE RELATED BUDGET AMENDMENT
Adopt Resolution Awarding a Construction Contract to Dirt Dynasty, Inc. for the Lathrop Road and Harlan Road Intersection Improvements, Capital Improvement Project (CIP) PS 21-06 and Approving Related Budget Amendment
- 4.9 AWARD CONSTRUCTION CONTRACT TO COMMERCIAL PUMP & MECHANICAL, INC. FOR WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, CAPITAL IMPROVEMENT PROJECT PW 22-37 AND APPROVE RELATED BUDGET AMENDMENT

Adopt Resolution Awarding a Construction Contract to Commercial Pump & Mechanical, Inc. (CPM) for Well 10 Testing, Analysis and Modifications, Capital Improvement Project (CIP) PW 22-37 and Approve Related Budget Amendment

- 4.10 ACCEPT PUBLIC IMPROVEMENTS FOR STANFORD CROSSING PHASE 1B NEIGHBORHOOD PARK LOCATED IN CENTRAL LATHROP SPECIFIC PLAN AND AUTHORIZE THE RELEASE OF BONDS ASSOCIATED WITH EP NO. 2021-30

Adopt Resolution Accepting Public Improvements for Stanford Crossing Phase 1B Neighborhood Park Located in Central Lathrop Specific Plan and Authorize the Release of Bonds Associated with Encroachment Permit No. 2021-30

5. SCHEDULED ITEMS

- 5.1 REVIEW AND PROVIDE DIRECTION ON DESIGN OPTIONS FOR CIP PK 20-02 MILESTONE MANOR PARK REVITALIZATION

Review Design Options for CIP PK 20-02 Milestone Manor Park Revitalization Project and Approval of Associated Budget Amendment

- 5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAM ALLOCATIONS FOR FISCAL YEAR 2022/2023

Council to Consider the Following:

- Hold a Public Hearing; and
- Adopt a Resolution Recommending the Allocation of the CDBG and HOME Funds for FY 2022/2023 for consideration by San Joaquin County and the US Department of Housing and Urban Development (HUD)

- 5.3 APPROVE THE SELECTION PROCESS AND THE ISSUANCE OF A REQUEST FOR PROPOSALS, REVISED MERIT BASED SELECTION CRITERIA, AND APPEAL PROCEDURES FOR A COMMERCIAL CANNABIS DISPENSARY IN THE CITY OF LATHROP

Council to Consider Approval of a Resolution Approving a Cannabis Dispensary Selection Process, Resolution to Adopt a Revised Merit-Based Selection Criteria, and Resolution to Adopt an Appeal Procedure and Applicable Rules for Commercial Cannabis Activities in the City of Lathrop

6. COUNCIL COMMUNICATIONS

- 6.1 MAYOR DHALIWAL REFERRAL – Appointment of One (1) Member to the Measure C Oversight Committee, with Term Ending June 30, 2022, due to Unexpired Term Vacancy

- Three (3) Applications Received

6.2 COUNCILMEMBER DIALLO – Amendment to the City Council Handbook of Rules and Regulations to Consider Changes to the City Council Regular Meeting Schedule

6.3 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

- *Central Valley Executive Committee/LOCC (Akinjo/Diallo)*
- *Council of Governments (Lazard/Diallo)*
- *Integrated Waste Management Solid Waste Division (Akinjo/Torres-O'Callaghan)*
- *Reclamation District 17 Joint Powers Authority (Salvatore)*
- *San Joaquin Partnership Board of Directors (Salvatore)*
- *San Joaquin County Commission on Aging (Zavala)*
- *San Joaquin Valley Air Pollution Control District (Akinjo/Dhaliwal)*
- *Water Advisory Board (Torres-O'Callaghan/Lazard)*
- *Tri Valley-San Joaquin Valley Regional Rail Authority (Akinjo)*
- *San Joaquin Area Flood Control Agency (Akinjo & Lazard)*
- *LAFCo (Diallo)*

6.4 MAYOR & COUNCILMEMBER COMMENT(S)

7. ADJOURNMENT

/Teresa Vargas/

Teresa Vargas, MMC
Government Services Director/ City Clerk

ITEM 4.2

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, JANUARY 10, 2022
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 6:30 p.m. The Regular Meeting reconvened at 7:07 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:30 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)
- 2 Potential Case(s)

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:07 p.m.

1.2.2 REPORT FROM CLOSED SESSION

City Attorney Salvador Navarrete reported that direction was provided to staff in regards to Item 1.2, no other reportable action was taken.

1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Lazard;
Councilmembers: Akinjo and Torres-O’Callaghan

Absent: Councilmember Diallo

1.4 INVOCATION – Associate Pastor Jacob Buchannan, Grace Community Church, provided the invocation.

1.5 PLEDGE OF ALLEGIANCE – Associate Pastor Jacob Buchannan led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

City Manager Stephen Salvatore announced that the Government Finance Officers Association (GFOA) awarded the City of Lathrop the Certificate of Achievement for Excellence in Financial Reporting for the 24th year in a row.

Councilmembers commented on the matter and congratulated staff on the achievement. City Manager Stephen Salvatore also announced that as of year-end 2021, the City of Lathrop was the only city in San Joaquin County that was able to expend all the City's CDBG-CV Emergency General Assistance Grant funds to Lathrop residents in need during the pandemic.

1.7 INFORMATIONAL ITEM(S) – None

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Vice Mayor Lazard declared conflict of interest with Items 4.8 and 4.9, due to her employment with Dell'Osso Farms.

2. PRESENTATIONS

2.1 ECONOMIC DEVELOPMENT UPDATE

Economic Development Administrator Shelley Burcham provided a presentation related to economic development activity for the period of October 1, 2021 to December 31, 2021. A question and answer period ensued throughout the presentation.

2.2 AMERICAN RESCUE PLAN ACT (ARPA) UPDATE

Deputy Finance Director Thomas Hedegard provided the presentation, including an overview of the American Rescue Plan Act of 2021 (ARPA), which established the Coronavirus State and Local Fiscal Recovery Fund; and the funding expected to be received by the City of Lathrop. A question and answer period ensued throughout the presentation.

2.3 LATHROP POLICE DEPARTMENT PROJECT UPDATE, CIP GG 21-11

City Consultant Dr. Merlin Switzer (Municipal Resource Consulting Group) and incoming City of Lathrop Police Department, Chief of Police Raymond Bechler provided the presented, which included an update on on-going recruitments, joint agreement with City of Ripon to provide dispatch communications services, necessary vehicles and equipment for the new police department, and update on the CLETS application status. A question and answer period followed the presentation.

3. CITIZEN'S FORUM

James Cadell (in person speaker) spoke on various matters related to pulling a building permit and code compliance fines related to his project, commented on a recent PRA response from the City Attorney, and a future road realignment near his property. City Manager Stephen Salvatore provided additional information.

Irene Torres (zoom speaker) expressed concern regarding on-going commercial truck traffic on Lathrop Road and requested information on CHP assistance for illegal truck route compliance in residential areas. Acting Police Chief Alagna provided additional information. Lawrence Abbott (zoom speaker) commented on various matters including being part of a prior General Plan Advisory Committee and landscaping ideas for storm drain retention ponds. Gertrude (zoom speaker) inquired about projects funded by the Coronavirus State and Local Fiscal Recovery Fund. Mayor Dhaliwal instructed the resident to contact Finance Director Cari James during regular business hours.

4. CONSENT CALENDAR

On a motion by Councilmember Torres-O’Callaghan, seconded by Mayor Dhaliwal, the City Council approved the Consent Calendar, except *Items 4.8 and 4.9, by the following roll call vote, unless otherwise indicated:

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

**Items 4.8 and 4.9 were voted on separately from the Consent Calendar.*

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 December 13, 2021.

4.3 SECOND READING AND ADOPTION OF ORDINANCE 22-430 AMENDING TITLE 10, CHAPTER 10.24, SECTION 10.24.030 DESIGNATED NO PARKING AREAS OF THE LATHROP MUNICIPAL CODE

Waived full reading and adopted **Ordinance 22-430** by title only amending Title 10, Chapter 10.24, Section 10.24.030 “Designated No Parking Areas” of the Lathrop Municipal Code.

4.4 REVIEW OF THE CAPITAL FACILITY FEE FUNDS REPORT FOR FISCAL YEAR 2020-2021

Reviewed and approved the Capital Facility Fee Funds Report for Fiscal Year 2020-2021.

4.5 APPROVE COOPERATIVE AGREEMENTS WITH SAN JOAQUIN COUNCIL OF GOVERNMENTS

Adopted **Resolution 22-5013** approving two Cooperative Agreements with San Joaquin Council of Governments for funding towards active transportation projects CIP PS 22-17 and CIP PS 22-18.

4.6 APPROVE INFORMATION SYSTEMS SERVER REPLACEMENTS AND SOFTWARE LICENSES

Adopted **Resolution 22-5014** approving a Lease Purchase Agreement with Hewlett Packard Financial Services for end-of-life server replacements and software licenses provided by Solid Networks, Inc. for disaster recovery site.

4.7 APPROVE RESERVE WASTEWATER TREATMENT CAPACITY TRANSFER FROM CITY OF LATHROP TO SAYBROOK CLSP, LLC AND A RELATED BUDGET AMENDMENT

Pulled by Councilmember Akinjo. A question and answer period ensued. Land Development Manager Brad Taylor provided additional information.

Adopted **Resolution 22-5015** approving the Sale and Transfer Agreement of 54,200 GPD reserve wastewater treatment capacity in the Consolidated Treatment Facility from City of Lathrop to Saybrook CLSP, LLC for phase 1D1 final maps and a related budget amendment.

RIVER ISLANDS CONSENT ITEM(S)

Councilmember Lazard recused herself, following the vote of the consent calendar (Items 4.1 to 4.7), and left the chamber at 8:13 p.m., prior to the vote of Items 4.8 and 4.9, due to declared conflict of interest as noted in Item 1.8.

On a motion by Councilmember Akinjo, seconded by Mayor Dhaliwal, the City Council approved Items 4.8 and 4.9, by the following roll call vote, unless otherwise indicated:

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

4.8 APPROVE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 43 LOTS IN TRACT 4090 VILLAGE "HH2" WITHIN OLD RIVER DISTRICT OF RIVER ISLANDS

Adopted **Resolution 22-5016** approving Final Map for Tract 4090 Village "HH2" within the Old River District, totaling 43 single-family lots and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

4.9 APPROVE FINAL MAP, COMMON USE AGREEMENT, AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 62 LOTS IN TRACT 4092 VILLAGE "GG2" WITHIN OLD RIVER DISTRICT OF RIVER ISLANDS

Adopted **Resolution 22-5017** approving Final Map for Tract 4092 Village "GG2" within the Old River District, totaling 62 single-family lots, a Common Use Agreement, and a Subdivision Improvement Agreement with River Islands Stage 2B, LLC.

Councilmember Lazard returned to the chamber/dais after the vote of Items 4.8 and 4.9, at 8:15 p.m. for the remainder of the meeting. Mayor Dhaliwal recused himself due a family emergency, following the vote of Items 4.8 and 4.9, and left for the remainder of the meeting at 8:15 p.m. Vice Mayor Lazard presided over the meeting commencing with Item 5.1.

5. SCHEDULED ITEMS

5.1 APPROVE RESOLUTION OF INTENTION TO ESTABLISH THE PROPOSED "MOSSDALE TRACT ENHANCED INFRASTRUCTURE FINANCING DISTRICT"

City Manager Stephen Salvatore introduced guest speakers Executive Director Chris Elias with the San Joaquin Area Flood Control Agency (SJAFCA), and Project Consultant Seth Wurzel with Larsen Wurzel & Associates, Inc.

City Manager Stephen Salvatore provided a brief overview of the proposed item. Executive Director Chris Elias followed, and provided additional information related to the project history. Project Consultant Seth Wurzel gave the presentation, which included the SJAFCA strategic plan priority actions related to Mossdale Tract urban level of protection, Mossdale Tract funding and proposed Mossdale Tract Enhanced Infrastructure Financing District (EIFD), summary of actions requested of the City Council related to the EIFD formation process, and introduction of changes to Section 11 and Section 12 of the proposed Resolution of Intention. A question and answer period followed. Councilmembers discussed the public member appointment process. Special Counsel Constantine C. Baranoff representing SJAFCA and City Attorney Salvador Navarrete provided additional information regarding the public member appointment process. The question and answer period continued. Gertrude (zoom speaker) spoke on the matter, inquired about the proposed tax assessments /financing districts. City Manager Stephen Salvatore provided additional information. Lawrence Abbott (zoom speaker) commented on the importance of public engagement on the formation of the proposed EIFD. The question and answer period continued.

*On a motion by Councilmember Akinjo, seconded by Vice Mayor Lazard, the Council voted to approve Item 5.1, as amended to reflect changes introduced to Section 11 and Section 12, by the following roll call vote, unless otherwise indicated:

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

*Following the vote, City Attorney Salvatore Navarrete announced during the meeting that the 2-1 vote was sufficient to approve the Resolution. After subsequent research, it was determined that due to lack of three affirmative votes to adopt the "*Resolution of Intention Proposing to Establish an Enhanced Infrastructure Financing District to Finance the Construction and/or Acquisition of Capital Improvements, Establish a Public Financing Authority (PFA), Appoint 2 Lathrop Council Members and 2 Public Members to the PFA and Authorize Certain Other Actions Related Thereto*", the Resolution was not legally adopted, and was not be assigned a number in the City's book of records. (GC Section 36936)

5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER MUNICIPAL CODE AMENDMENT TO UPDATE VARIOUS SECTIONS TO THE LMC TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, ZONING CODE, AND TITLE 10, VEHICLES AND TRAFFIC (TA-21-151)

Principal Planner Rick Caguiat provided the presentation. A question and answer period ensued throughout the presentation. City Attorney Salvador Navarrete and City Manager Stephen Salvatore provided additional information. Vice Mayor Lazard opened the public hearing. Jim Hilson (zoom speaker) inquired about wireless communication facilities and code regulations set forth in compliance with the FCC. Principal Planner Rick Caguiat provided additional information. There were no other speakers. Vice Mayor Lazard closed the public hearing.

On a motion by Councilmember Akinjo, seconded by Councilmember Torres-O'Callaghan, the City Council considered the following, by the following roll call vote, unless otherwise indicated:

1. Held a public hearing; and
2. Held first reading and introduction of an ordinance adopting various amendments to the Lathrop Municipal Code (LMC) to modernize, simplify, and streamline various sections of Title 17, Zoning Code, and Title 10, Vehicles and Traffic.

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

The Amendments to the Municipal Code included the following:

- Chapter 10.24 (Parking): Allow Recreational Vehicles such as travel trailers, motorhomes, marine vessels, all-terrain vehicles, and similar vehicles to park on the street for the purposes of loading, unloading, cleaning, etc.

- Chapter 17.16 (General Requirements and Exceptions): Update the code reference for the application type for temporary subdivision sales office.
- Chapter 17.32 (R One-Family Residential District): Amend the Chapter to clarify that Large Family Day Care Home is a permitted use pursuant to Senate Bill 234.
- Chapter 17.36 (RM Multifamily Residential District): Remove RM 1.5 from the Purpose and Application Section and Add Small and Large Family Day Care Home as a permitted use pursuant to Senate Bill 234.
- Chapter 17.52 (Combining Districts): Update Section 17.52.030, Mossdale Village combining district (MV) to reference that development of property within the MV combining district are subject to the regulations found in the West Lathrop Specific Plan and the applicable Urban Design Concept.
- New Chapter 17.57 (Mossdale Landing Zoning Districts): New Chapter to reference that the Mossdale Landing Zoning Districts are subject to the applicable Urban Design Concept.
- Chapter 17.60 (Southeast Stewart Tract Zoning Districts): Remove Section 17.60.030, MX-ST, Mixed-Use Zoning District, Section 17.60.040, CR-ST, Regional Commercial Zoning District, and Section 17.60.050, R-REC-ST, Recreational Residential Zoning Districts as these Zoning Districts do not exist. Update Section 17.60.060, R-ST, Residential Zoning District to permit single-family residential uses and clustered housing consistent with a density in compliance with the City's General Plan.
- Chapter 17.62 (Central Lathrop Zoning Districts): Amend the Chapter to clarify that Large Family Day Care Home is a permitted use in the VR-CL, Variable Density Residential District, HR-CL, High Density Residential, R/MU-CL, Residential/Mixed-Use Zoning District consistent with Senate Bill 234. Update Non-Residential Site Development Standards to remove Lathrop Center District in Off-street parking and reference to Chapter 17.76, Off-street parking and loading and update the R/MU-CL, Residential/Mixed Use Zoning District Section to remove the VR-CL district reference from the permitted use list.
- Chapter 17.64 (Home Occupations): Amend the Chapter to allow Mobile Personal Services authorized by the State.
- Chapter 17.76 (Off-Street Parking and Loading): Add "utility trailer" to the list of recreational vehicles required to be stored within an enclosed side or rear yard or within a garage or carport.

- Chapter 17.80 (Accessory Dwelling Units): Amend Section 17.80.030(C) to clarify that doorway access for a detached accessory dwelling unit may front the street as long as the detached ADU is recessed from the main dwelling unit and amend Section 17.80.040 to provide provisions for utility connections for ADUs not contained within an existing structure.
- Chapter 17.97 (Wireless Communication Facilities): Clarify that Wireless Communication Facilities are subject to a Site Plan Review process, and a Conditional Use Permit.
- Chapter 17.100 (Site Plan Review): Amend the Chapter to update the code reference for revocation of a site plan.
- Chapter 17.108 (Administrative Approval of Certain Uses): Add temporary construction/laydown yard that is associated with a construction project to the list of temporary uses that are exempt from the Temporary Use Permit requirements (Section 17.108.090, Review of temporary uses).

5.3 CONSIDER CREATION OF CIP PW 22-36 FOR AQUIFER STORAGE AND RECOVERY, AND APPROVAL OF AGREEMENT WITH CAROLLO ENGINEERS, INC. AND RELATED BUDGET AMENDMENT

Public Works Director Michael King provided the presentation. A question and answer period followed the presentation. Consultant Senior Project Manager Chris Cleveland with Carollo Engineers, and City Manager Stephen Salvatore provided additional project information.

On a motion by Vice Mayor Lazard, seconded by Councilmember Torres-O'Callaghan, the City Council adopted **Resolution 22-5018** approving the creation of Capital Improvement Project (CIP) PW 22-36 for the aquifer storage and recovery, approving a Professional Services Agreement with Carollo Engineers, Inc., and approving related budget amendment, by the following roll call vote, unless otherwise indicated:

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

5.4 REVIEW AND CONSIDER OPTIONS FOR ROUNDABOUT IMPROVEMENTS

Public Works Director Michael King provided the presentation. A question and answer period followed. City Manager Stephen Salvatore and Acting Chief Alagna provided additional project information. Jim Hilson (zoom speaker) commented on the importance of traffic and pedestrian safety.

The Council considered options for roundabout improvements near Mossdale Elementary School. Council consensus selected Options 1 and 2.

6. COUNCIL COMMUNICATIONS

- 6.1 MAYOR DHALIWAL REFERRAL – Appointment of One (1) Member to the Measure C Oversight Committee, with Term Ending June 30, 2022, due to Unexpired Term Vacancy
- Three (3) Applications Received

Due to Mayor Dhaliwal's absence during the second half of the meeting, Item 6.1 will be agendized at the next Regular Meeting.

- 6.2 COUNCILMEMBER DIALLO – Amendment to the City Council Handbook of Rules and Regulations to Consider Changes to the City Council Regular Meeting Schedule

Due to Councilmember Diallo's absence, Item 6.2 will be agendized at the next Regular Meeting.

- 6.3 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S) - None

- 6.4 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Akinjo commented on the importance of following health guidelines to prevent serious illness from COVID-19. Councilmember Torres-O'Callaghan commented on the free COVID-19 testing and vaccination sponsored by San Joaquin County Clinics at the Lathrop Generations Center Outdoor Amphitheater, available every 2nd and 4th Tuesday of the Month, from January 11, 2022 through March 31, 2022. Vice Mayor Lazard thanked those in attendance.

7. **ADJOURNMENT** – There being no further business, Vice Mayor Lazard adjourned the meeting at 10:36 p.m.


Teresa Vargas, MMC
Government Services Director / City Clerk

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ITEM 4.3

**CITY MANAGER'S REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING**

ITEM: **SECOND READING AND ADOPTION OF ORDINANCE 22-431 OF THE CITY OF LATHROP AMENDING VARIOUS SECTIONS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, ZONING CODE, AND TITLE 10, VEHICLES AND TRAFFIC (TA-21-151)**

RECOMMENDATION: **Waive Full Reading And Adopt Ordinance 22-431 By Title Only To Update Various Sections To The Lathrop Municipal Code To Modernize, Simplify, And Streamline Various Sections Of Title 17, Zoning Code, And Title 10, Vehicles And Traffic (TA-21-151)**

RECOMMENDED ACTION:

The City Council to conduct second reading and adopt Ordinance 22-431 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING VARIOUS AMENDMENTS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, THE ZONING CODE AND TITLE 10, VEHICLES AND TRAFFIC (TA-21-151)

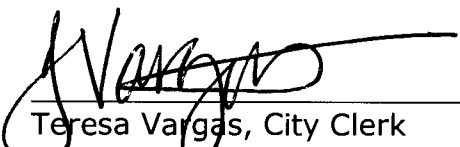
SUMMARY:

On January 10, 2022, the City Council approved the introduction and first reading of the subject Ordinance by the following vote:


AYES: Akinjo, Lazard, and Torres-O'Callaghan
NOES: None
ABSTAIN: None
ABSENT: Diallo and Dhaliwal

The Ordinance will take effect 30 days after adoption.

SUBMITTED BY:



Teresa Vargas, City Clerk



Date

ORDINANCE NO. 22-431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING VARIOUS AMENDMENTS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, THE ZONING CODE AND TITLE 10, VEHICLES AND TRAFFIC (TA-21-151)

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a regular meeting on December 15, 2021, at which they adopted PC Resolution No. 21-30 recommending City Council adopt Municipal Code Text Amendment No. TA-21-151 pursuant to the Lathrop Municipal Code; and

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing at a regular meeting on January 10, 2022 to review and consider Municipal Code Amendment No. TA-21-151; and

WHEREAS, the proposed code amendment is Citywide and affects all applicable properties in the City; and

WHEREAS, Chapter 17.124 of the Lathrop Municipal Code mandates the transmittal of a Planning Commission recommendation to the City Council by resolution; and

WHEREAS, the proposed code amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "Common Sense Exemption" that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council finds that the proposed code amendment is consistent with applicable provisions of the Lathrop General Plan and will implement the City's Economic Development goals by providing streamline procedures, minor clarifications and incorporate updated policies; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve Municipal Code Amendments as shown on Attachments "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", and "15" incorporated by reference herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Lathrop Municipal Code is hereby amended as shown in Attachments "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", and "15" incorporated by reference herein.

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 10th day of January, 2022, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on _____ 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

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Chapter 10.24 PARKING

[...]

10.24.110 Parking of trailers and recreational vehicles prohibited.

A. No person who owns, has possession, custody or control of any trailer or any semi-trailer shall park such trailer or semi-trailer upon any street, alley, public way or public place, unless such trailer or semi-trailer, at such times it is so parked, is attached to a motor vehicle capable of providing the motive power for moving the trailer or semi-trailer upon the street, alley, public way or public place.

B. This section shall not prohibit the parking of a trailer or semi-trailer in the process of being loaded or unloaded, nor of a trailer or semi-trailer which is disabled in such a manner and to such an extent that it requires some vehicle or facility other than its normal means of motivation to move the same along such street, alley, public way or public place; provided, however, such trailer or semi-trailer so disabled may remain so parked while unattached to the motor vehicle described in this section only for the time necessary for the vehicle or facility to be provided for its removal, and in no event longer than two hours. (Ord. 93-104)

C. Recreational vehicles such as travel trailers, motorhomes, marine vessels, all-terrain vehicles, and similar vehicles can park on the street no longer than 48-hours for the purpose of loading, unloading, cleaning, and preparation before or after use.

[...]

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Chapter 17.16 GENERAL REQUIREMENTS AND EXCEPTIONS

17.16.010 Temporary subdivision signs and sales offices.

Temporary subdivision signs and sales offices may be located within subdivisions for a period not to exceed two years from the date of recordation of the subdivision. Subdivision signs and sales offices shall be removed at the expense of the owner, unless, prior to the expiration of two years, a renewal of time is granted by the community development director. Upon expiration of such renewal period, subdivision signs and sales offices shall be removed at the expense of the owner. Subdivision signs shall be governed by the regulations prescribed in Chapter 17.84. A temporary subdivision sales office shall not be permitted until an application for a subdivision sales office permit shall be made to and approved by the community development director in accordance with Chapter 17.108~~12~~. (Ord. 13-329 § 1; Ord. 92-73)

[...]

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Chapter 17.32 R ONE-FAMILY RESIDENTIAL DISTRICT

[...]

17.32.020 Permitted uses.

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a noncommercial basis;
- C. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement;
- D. A “small family day care home” as defined and regulated by the State Health and Safety Code, which provides care to eight or fewer children, including children who reside in the home;
- E. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the home;
- ~~FE.~~ A “Residential Care Facility” as defined by the State Health and Safety Code, which provides care to six or fewer persons, whether or not related;
- ~~GF.~~ Accessory structures and uses located on the same site with a permitted use;
- HG. Other uses which are added to this list according to the procedure in Section 17.16.020;
- IH. The keeping of animals in accordance with the standards of Chapter 17.28. (Ord. 21-418 § 10; Ord. 16-365 § 1; prior code § 176.02)

17.32.030 Permitted uses—Administrative approval required.

The following uses may be permitted in accordance with Chapter 17.108:

- A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with Section 17.16.010;
- B. Gas and electric transmission lines in accordance with Section 17.108.080,

electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks;

C. Garden structures in accordance with Section 17.32.050;

D. Mobilehomes on permanent foundations designed in accordance with the standards of Chapter 17.68;

~~E. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the home;~~

EF. Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use;

FG. Home occupations in accordance with Chapter 17.64;

GH. Incidental and accessory structures and uses as defined in Section 17.04.080, located on the same site as a use permitted by administrative approval or conditional use;

HF. A second housing unit in accordance with the provisions of Chapter 17.80;

I. Other uses which are added to this list according to the procedure in Section 17.16.020. (Ord. 97-151; Ord. 92-73)

[...]

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Chapter 17.36 RM MULTIFAMILY RESIDENTIAL DISTRICT

17.36.010 Purposes and application.

The RM multifamily residential districts are intended primarily for the development of multifamily residential structures at densities consistent with policies of the general plan, as follows:

A. The RM-MH8 district is intended exclusively for application to areas designated by the general plan or any applicable specific plan for mobilehome park development.

B. The RM-3 district is intended exclusively for application to areas designated by the general plan for medium density.

C. The RM-2 district is intended primarily for application to areas designated by the general plan for high density ~~which are removed from the central business district.~~

~~D. The RM 1.5 district is intended for exclusive application to areas designated for high density in the immediate vicinity of the central business district and regional commercial areas. (Ord. 92-73)~~

17.36.020 Permitted uses.

A. One-family dwellings;

B. Multifamily dwellings;

C. A residential care facility, as defined in Section 17.32.020;

D. A “small family day care home” as defined and regulated by the State Health and Safety Code, which provides care to eight or fewer children, including children who reside in the home;

E. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the home;

FD. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement or a front yard;

GE. Incidental and accessory structures and uses located on the same site with a permitted use;

HF. Other uses which are added to this list according to the procedure in Section 17.16.020;

IG. The keeping of animals in accordance with the standards of Chapter 17.28;

JH. Emergency shelters, in accordance with the provisions of Chapter 17.74. (Ord. 21-418 § 11; Ord. 20-411 § 1; Ord. 16-365 § 1; Ord. 92-96; Ord. 92-73)

17.36.030 Permitted uses—Administrative approval required.

The following uses may be permitted in accordance with Chapter 17.108:

A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with Section 17.16.010;

B. Gas and electric transmission lines in accordance with Section 17.108.080, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks;

C. Rest homes and nursing homes, and boarding or rooming houses;

~~D. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children inclusive, including children who reside in the home;~~

DE. Garden structures in accordance with Section 17.36.050(F);

EF. Private clubs and lodges;

FG. Mobilehomes on permanent foundations designed in accordance with the standards of Chapter 17.68;

GH. A second housing unit in accordance with the provisions of Chapter 17.80;

HI. Home occupations in accordance with the provisions of Chapter 17.64;

IJ. Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use;

JK. Other uses which are added to this list according to the procedure in Section 17.16.020. (Ord. 97-151; Ord. 92-73)

[...]

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Chapter 17.52 COMBINING DISTRICTS

[...]

17.52.030 Mossdale Village combining district (MV).

A. Application. The Mossdale Village combining district (MV) is intended for application to all lands located within the Mossdale Village portion of the West Lathrop Specific Plan. The designation of MV after any zoning district indicates that the zoning district so combined is modified by the regulations included in the West Lathrop Specific Plan then in effect.

B. Applicable Regulations and Procedures. The development of property within the MV combining district shall be subject to the regulations found in the West Lathrop Specific Plan and the applicable Urban Design Concept. In addition, it is anticipated that agricultural use of the land within the MV combining district will continue for many years. Therefore, the following shall be considered conforming uses in any zoning district which is combined with the MV combining district:

1. Field crops, tree crops, row crops, berry or bush crops, provided no additional land shall be planted in cotton, trees, or vines;

2. Farms for the keeping or raising of animals, excluding poultry farms, rabbit or other small animal farms, fish or frog farms, dairies, hog farms, feedlots, slaughterhouses and kennels unless otherwise specifically permitted in the zoning district which is combined or if they exist on the day the property annexes. Any new poultry farms, rabbit or other small animal farms, fish or frog farms, dairies, hog farms, feedlots, slaughterhouses and kennels proposed subsequent to annexation are specifically prohibited.

C. Conditionally Permitted Uses—Commission Approval Required. The following use may be approved according to the procedures in Chapter 17.122:

1. Recycled water storage ponds and sprayfields. (Ord. 04-237 § 4; Ord. 96-132)

[...]

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Chapter 17.57 Mossdale Landing Zoning Districts

17.57.010 Mossdale Landing Zoning Districts – purpose and application

The Mossdale Landing Zoning Districts are subject to the Mossdale Landing Urban Design Concept, the Mossdale Landing East Urban Design Concept or Mossdale Landing South Urban Design Concept.

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Chapter 17.60 SOUTHEAST STEWART TRACT ZONING DISTRICTS

17.60.010 Southeast Stewart Tract districts; Purposes and application.

The zoning districts in this chapter are designed to provide the opportunity for a wide variety of residential and commercial uses that are compatible with the West Lathrop Specific Plan. The following regulations are supplemented by the entire text of the West Lathrop Specific Plan and are always combined with the ST (Southeast Stewart Tract) combining zone. Except as specifically noted, these zoning districts are limited to the Southeast Stewart Tract. (Ord. 03-215 § 1; Ord. 96-132)

17.60.020 C-REC-ST: commercial recreation zoning district.

A. Application. The C-REC-ST zoning district is intended to provide a variety of commercial uses that will include resorts, theme parks, specialty lodging, typical highway-oriented uses and recreational related uses. Such a variety of uses will need special attention as to their design to ensure proper integration and compatibility. The urban design concept review shall establish a precise mix of uses in accordance with the general categories described in this section.

B. Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept:

1. Theme parks and wildlife parks, family entertainment centers, special events and exhibition facilities;
2. Hotels, motels, resort hotels, chalets and related lodging establishments;
3. Highway-oriented retail uses, including restaurant, fast food restaurants, small food markets and service stations;
4. Farmer's market and related commercial and entertainment facilities;
5. Transit and commuter parking facilities;
6. Golf courses and other sport facilities;
7. Campgrounds, R.V. parks and similar uses;
8. Specialty retail and entertainment uses including the retail transit center as defined by the urban design concept;
9. Special events as defined by the urban design concept;

10. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.

C. Conditionally Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept subject to securing a conditional use permit in accordance with the review procedure described in the West Lathrop Specific Plan.

1. Marinas and related uses;
2. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.

D. Development Standards. Specific development standards for the commercial recreation (C-REC) district shall be established as part of the urban design concept review by utilizing the following design guidelines:

1. By utilizing a creative approach to landscaping and screening, parking areas shall not become the predominant feature of the streetscape, especially as it relates to adjacent open spaces and arterial streets.
2. Landscaping and irrigation standards shall generally follow those required by Chapter 17.92 and may be modified by the required UDC review by city staff, prior to issuance of development or building permits.
3. Building setbacks shall be varied in accordance with corresponding building heights, uses and proposed shop front and street activity. Higher structures may require a larger front yard setback, for example.
4. Signage and minimum parking requirements (such as type and number of parking stalls) shall generally follow Section 17.84.100 and Chapter 17.76 respectively, and may be modified by the required urban design concept review by city staff, prior to issuance of development or building permits. (Ord. 03-215 § 1; prior code § 194.02)

~~17.60.030 MX-ST: mixed use zoning district.~~

~~A. Application. The MX zoning district is intended to provide a variety of commercial uses that will include resorts, theme parks, specialty lodging, recreational related uses as well as a range of residential development. Such a variety of uses will need special attention as to their design to ensure proper integration and compatibility. The urban design concept review shall establish a precise mix of uses in accordance with the general categories described in this section.~~

~~B. Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept:~~

- ~~1. Theme parks and wildlife parks, family entertainment centers, special events and~~

exhibition facilities;

~~———— 2. ——— Hotels, motels, resort hotels, chalets and related lodging establishments;~~

~~———— 3. ——— Highway-oriented retail uses, including restaurant, fast food restaurants, cafes, small food markets and service stations;~~

~~———— 4. ——— Retail shops and related uses;~~

~~———— 5. ——— Transit and commuter parking facilities;~~

~~———— 6. ——— Golf courses and other sport facilities;~~

~~———— 7. ——— Campgrounds, R.V. parks and similar uses;~~

~~———— 8. ——— Public uses and places of assembly and entertainment, such as theaters, a library, cultural center and amphitheater;~~

~~———— 9. ——— Passive activity uses such as art galleries and studios, antique shops, arts and craft centers and related uses;~~

~~———— 10. ——— Specialty retail and entertainment uses including the retail transit center as defined by the urban design concept;~~

~~———— 11. ——— Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~———— C. ——— Development Standards. Specific development standards for the mixed use (MX) district shall be established as part of the urban design concept review by utilizing the following design guidelines:~~

~~———— 1. ——— By utilizing a creative approach to landscaping and screening, parking areas shall not become the predominant feature of the streetscape, especially as it relates to adjacent open spaces and arterial streets;~~

~~———— 2. ——— Landscaping and irrigation standards shall generally follow those required by Chapter 17.92 and may be modified by the required UDC review by city staff, prior to issuance of development or building permits.~~

~~———— 3. ——— Building setbacks shall be varied in accordance with corresponding building heights, uses and proposed shop front and street activity. Higher structures may require a larger front yard setback, for example.~~

~~———— 4. ——— Signage and minimum parking requirements (such as type and number of parking stalls shall generally follow Section 17.84.010 and Chapter 17.76, respectively, and may be modified by the required urban design concept review by city staff, prior to issuance of~~

development or building permits:

~~5. Pedestrian circulation of the village center environment is a priority and a strong emphasis on access to the central spine shall be maintained.~~

~~6. Buildings will be sited such that they frame the space in which they are sited, while maintaining a strong visual and pedestrian interface with surrounding areas.~~

~~7. Retail and service related uses shall maintain a pedestrian friendly design by utilizing wide sidewalks for use by pedestrians and for window shopping, cafe table use and the like. (Ord. 03-215 § 1; prior code § 194.03)~~

17.60.040 CR-ST: regional commercial zoning district.

~~A. Application. The CR zoning district is intended to provide primarily large scale retail uses that draw from a large regional market area. This district will allow uses that are similar to those located in other planning areas of the city; however, a higher degree of flexibility in the development regulations and guidelines for design of the uses will accommodate the unique nature of the Southeast Stewart Tract development.~~

~~B. Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept:~~

~~1. Large planned retail oriented uses, including regional shopping/entertainment centers;~~

~~2. Business parks;~~

~~3. Motels and hotels;~~

~~4. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~C. Development Standards. Specific development standards for the regional commercial (CR) district shall be established as part of the urban design concept review by utilizing the following design guidelines:~~

~~1. By utilizing a creative approach to landscaping and screening, parking areas shall not become the predominant feature of the streetscape, especially as it relates to adjacent open spaces and arterial streets.~~

~~2. Landscaping and irrigation standards shall follow those required by Chapter 1792.~~

~~3. Building setbacks shall be varied in accordance with corresponding building heights, uses and proposed shop front and street activity. Higher structures may require a larger front yard setback, for example.~~

~~4. Signage and minimum parking requirements (such as type and number of parking stalls) shall generally follow Section 17.84.100 and Chapter 17.76, respectively, and may be modified by the required urban design concept review by city staff, prior to issuance of development or building permits. (Ord. 03-215 § 1; prior code § 194.04)~~

17.60.050 R-REC-ST: recreational residential zoning district.

~~A. Application. The R-REC-ST zoning district is intended to provide a variety of recreational oriented housing types, in addition to some neighborhood serving commercial uses. The urban design concept review shall establish the precise mixture of housing types and other uses in accordance with the provisions of this section.~~

~~B. Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept subject to securing a building permit:~~

~~1. One family dwelling;~~

~~2. A small family day care home, a substance abuse recovery facility or a state authorized, certified or licensed family care home, foster home or group home serving six or fewer children, mentally disordered or otherwise handicapped persons, or dependent and neglected children;~~

~~3. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive, noncommercial basis; provided, that no swimming pool shall be located within a utility easement or front yard;~~

~~4. Incidental and accessory structures and uses located on the same site with a permitted use;~~

~~5. Retail shops and related uses, when located in a neighborhood shopping center;~~

~~6. Dining establishments, including restaurants and cafes, when located in a neighborhood shopping center;~~

~~7. Public uses and places of assembly and entertainment, such as theaters, a library, cultural center and amphitheater, when located in or adjacent to a neighborhood shopping center;~~

~~8. Passive activity uses such as art galleries and studios, antique shops, arts and crafts centers and related uses, when located in a neighborhood shopping center;~~

~~9. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~C. Permitted Uses – Administrative Approval Required. The following uses shall be permitted in areas covered by an urban design concept subject to an administrative approval in accordance with the review procedure described in the West Lathrop Specific Plan:~~

~~1. Duplexes;~~

~~2. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas;~~

~~3. Gas and electric transmission lines in accordance with Section 17.108.080, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks;~~

~~4. Rest homes and nursing homes; boarding or rooming houses;~~

~~6. Mobilehomes on permanent foundations designed in accordance with the standards of Chapter 17.68.~~

~~7. Home occupations in accordance with Chapter 17.64;~~

~~8. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~D. Permitted Uses – Site Plan Review Required. The following uses shall be permitted in areas covered by an urban design concept subject to approval of a site plan in accordance with the review procedure described in the West Lathrop Specific Plan:~~

~~1. Two or more single family dwellings proposed for the same site;~~

~~2. Multifamily dwellings or apartments other than duplexes;~~

~~3. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~E. Conditionally Permitted Uses. The following uses shall be permitted in areas covered by an urban design concept subject to approval of a conditional use permit in accordance with the review procedure described in the West Lathrop Specific Plan:~~

~~1. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools; private nonprofit schools and colleges; churches; parsonages and other religious institutions;~~

~~2. Public and private charitable institutions, hospitals, sanitariums, rest homes, and nursing homes, including a state authorized, certified or licensed family care home, foster home or group home serving seven or more mentally disordered or otherwise handicapped persons, including rehabilitation homes for the alcohol and/or chemically dependent, or dependent and neglected children, where such homes provide care on a twenty-four (24) hour basis;~~

~~3. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers;~~

~~4. Modest expansion or remodeling of an existing nonconforming use of a structure or land (except single family dwellings) limited to twenty five percent (25%) or less of the assessed value of existing structures, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars (\$100.00) and nonconforming fences, walls and hedges. Single family dwellings may be expanded or remodeled as permitted by Chapter 17.16;~~

~~5. Scattered commercial uses such as restaurants, cafes, neighborhood deli/markets and places of assembly that take advantage of the unique character of the residential areas while preserving the predominant residential character of the neighborhood;~~

~~6. Other compatible uses which are added to this list according to the procedure in Section 17.16.020.~~

~~F. Development Standards. Specific development standards for the recreational residential (R-Rec) district shall be established as part of the urban design concept review by utilizing the following design guidelines:~~

~~1. Site Area and Frontage Requirements:~~

~~a. Minimum site area requirements:~~

~~i. For dwellings requiring a building permit: six thousand (6,000) square feet.~~

~~ii. For dwellings requiring an administrative approval: three thousand (3,000) square feet per dwelling unit.~~

~~iii. For dwellings requiring a site plan review: one thousand five hundred (1,500) square feet per dwelling unit.~~

~~iv. For nonresidential uses: an area of sufficient size to accommodate the intended use with required parking, landscaping, and the like.~~

~~b. Minimum frontage requirements:~~

~~i. For dwellings requiring a building permit: sixty (60) feet.~~

~~ii. For dwellings requiring an administrative approval or site plan review: fifty (50) feet.~~

~~iii. For nonresidential uses: a width of sufficient size to accommodate required access to a public street.~~

~~e. The minimum site area and frontage requirements may be reduced under the urban design concept review and/or a PUD when significant open space is included to result in an overall density as follows:~~

~~i. One unit for every six thousand (6,000) square feet of site area for dwellings permitted by building permit.~~

~~ii. One unit for every three thousand (3,000) square feet of site area for dwellings permitted by administrative approval.~~

~~iii. One unit for every one thousand five hundred (1,500) square feet of site area for dwellings permitted by site plan review.~~

~~2. Distance between structures. The minimum distance between a residence and another structure shall be ten (10) feet.~~

~~3. Yard Requirements and Coverage Standards. Minimum depth, setbacks and coverage regulations, shall be established during the urban design concept review and by the design review board (DRB). Not more than one dwelling shall be allowed on each site for dwellings requiring a building permit, except for second unit dwellings permitted by conditional use permit. Not more than two dwellings shall be allowed on each site for dwellings requiring an administrative approval. For dwellings permitted by site plan review and nonresidential uses, the number of units per site, yard and coverage standards shall be determined by the urban design concept review and by the design review board (DRB).~~

~~4. Building Height. No building or structure shall exceed thirty five (35) feet in height except as required for certain conditional uses or by variance of the planning commission for dwellings or uses allowed by building permit, administrative approval or site plan review.~~

~~5. Signs and Off-Street Parking and Off-Street Loading. All sign requirements and restrictions, other than those for special signs included in Section 17.84.020(H), shall be established during the urban design concept review and by the design review board (DRB). Off-street parking and loading standards shall be consistent with Chapter 17.76, unless modified by urban design concept review and by the design review board (DRB).~~

~~6. Fences, Walls and Hedges. All fences, walls and hedges and similar screening device requirements and restrictions shall be established during the urban design concept review and by the design review board.~~

~~7. Urban Design Concept and Neighborhood Design Concept Consistency. All permitted or conditionally permitted uses shall comply with the UDC and NDR approvals for the area. (Ord. 03-215 § 1; Ord. 96-132)~~

17.60.0360 R-ST: residential zoning district.

Application. The residential zoning district shall only be applied to ~~one existing single-family residential area (approximately nine acres)~~ on the Southeast Stewart Tract and is defined as those uses and development standards found in Chapter 17.32. Single-family residential uses and clustered housing are permitted with a density in compliance with the City's General Plan. (Ord. 96-132)

17.60.0470 RCO: resource conservation and open space zoning district.

Application. The resource conservation and open space zoning district shall be that described in Chapter 17.20, except that uses listed in Section 17.20.040 (Conditional uses) shall be permitted uses herein subject to securing site plan approval. (Ord. 96-132)

17.60.0580 UR: urban reserve zoning district.

Application. The urban reserve zoning district shall be that described in Chapter 17.24. (Ord. 96-132)

17.60.0690 Review process.

The review process for all applications on the Southeast Stewart Tract or in Mossdale Village shall be those described in the West Lathrop Specific Plan. If any process or application is not included in the West Lathrop Specific Plan, then the process as found in the city code shall apply. (Ord. 03-215 § 1; Ord. 96-132)

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Chapter 17.62 CENTRAL LATHROP ZONING DISTRICTS

[...]

Article 2. VR-CL: Variable Density Residential District

17.62.021 Purpose and application.

The VR-CL zoning district provides for a mix of low- and medium-density residential uses, The VR-CL District regulations are designed to promote and encourage a pleasant environment for family life and to provide space for community facilities needed to complement residential neighborhoods. (Ord. 04-245 § 3)

17.62.022 Permitted uses.

- A. One-family dwellings;
- B. Multi-family dwellings;
- C. A “small family day care home” as defined and regulated by the State Health and Safety Code, which provides care to eight or fewer children, including children who reside in the home;
- D. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the home;
- ~~E.~~ A small residential care home;
- ~~F.~~ An alcoholic recovery facility as defined by the State Health and Safety Code, which provides care to six or less persons, whether or not related;
- G. Accessory structures and uses located on the same site with a permitted use;
- H. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive non-commercial basis, provided that no swimming pool shall be located within a utility easement or a front yard;
- I. Neighborhood parks;
- J. Open space;
- K. Public or private playgrounds;

LK. Public schools;

ML. The keeping of animals in accordance with Chapter 17.28 of the Lathrop Zoning Code;

NM. Other uses which are added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code. (Ord. 16-365 § 1; Ord. 04-245 § 3)

17.62.023 Permitted uses: administrative approval required.

The following uses may be permitted in accordance with the provisions of Chapter 17.108 of the Lathrop Zoning Code:

~~A.~~—Second housing units as permitted by Chapter 17.80 of the Lathrop Zoning Code.

AB. Rest homes and nursing homes; and boarding or rooming houses.

BC. Home occupations in accordance with the provisions of Chapter 17.64 of the Lathrop Zoning Code.

CD. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision in accordance with Section 17.16.010 of the Lathrop Zoning Code.

DE. Temporary subdivision sales offices and signs, model homes, and model home display areas in accordance with Section 17.16.010 of the Lathrop Zoning Code.

~~F.~~—A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside at the home.

EG. Garden structures in accordance with the development standards described in this section.

FH. Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use.

GI. Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Section 17.04.080 of the Lathrop Zoning Code.

HJ. Incidental and accessory structures and uses as defined in Section 17.04.080 of the Lathrop Zoning Code on the same site as a use that is permitted by administrative approval or a conditional use.

IK. Other uses added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code. (Ord. 04-245 § 3)

[...]

Article 3. HR-CL: High Density Residential

17.62.031 Purpose and application.

The HR-CL zoning district is intended to provide for the development of multi-family residential uses at densities consistent with the General Plan. These uses and regulations are designed to afford livable neighborhoods while incorporating other uses for community facilities and needs to facilitate urban living. (Ord. 04-245 § 3)

17.62.032 Permitted uses.

- A. One-family dwellings limited to:
 - 1. A single-family dwelling replacing an existing single-family dwelling on a one for one basis,
 - 2. A single-family dwelling on an existing lot of eight thousand (8,000) square feet or less, or
 - 3. Single-family dwellings that are part of a housing development with the majority of units affordable to extremely low, very low, and/or low income households; multifamily dwellings;
- B. Two or more single-family dwellings proposed for the same site limited to:
 - 1. One of the single-family dwellings is replacing an existing single-family dwelling on a one for one basis,
 - 2. The dwellings are on an existing lot of 8,000 square feet or less, or
 - 3. Single-family dwellings that are part of a housing development with the majority of units affordable to extremely low, very low, and/or low income households;
- C. Multifamily dwellings, flats, townhouses or apartments;
- D. Duplexes;
- E. Artist’s studios; live/work units;
- F. A small family day care home, a substance abuse recovery facility, or a small residential care home as provided in Section 17.32.020 of the Lathrop Zoning Code;
- G. A “large family day care home” as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children, inclusive, including children who reside in the

home;

HG. Fenced or enclosed swimming pools for either individual, family or communal use or an exclusive non-commercial basis, provided that no swimming pool shall be located within a utility easement or a front yard;

IH. Incidental and accessory structures and uses on the same site as a permitted use;

JI. Neighborhood parks;

KJ. Open space;

LK. Public or private playgrounds;

ML. The keeping of animals in accordance with Chapter 17.28 of the Lathrop Zoning Code;

NM. Other uses added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code. (Ord. 20-411 § 1; Ord. 16-365 § 1; Ord. 04-245 § 3)

17.62.033 Permitted uses: administrative approval required.

The following uses may be permitted in accordance with the provisions of Chapter 17.108 of the Lathrop Zoning Code:

~~A. Second housing units as permitted by Chapter 17.80 of the Lathrop Zoning Code.~~

~~B. A large family day care home as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children inclusive, including children who reside in the home.~~

AE. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision in accordance with Section 17.16.010 of the Lathrop Zoning Code.

BØ. Temporary subdivision sales offices and signs, model homes, and model home display areas in accordance with Section 17.16.010.

CE. Home occupations in accordance with the provisions of Chapter 17.64 of the Lathrop Zoning Code.

DF. Garden structures in accordance with the development standards described in this section.

EG. Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use.

FH. Incidental and accessory structures and uses on the same site as a use permitted by administrative approval or conditional use.

GI. Other uses added to this list according to the procedures in Section 17.16.020. (Ord. 04-245 § 3)

[...]

Article 4. R/MU-CL: Residential/Mixed-Use Zoning District

17.62.041 Purpose and application.

The R/MU-CL zoning district provides for a mix of or a single use of retail, services, restaurants, offices, higher density residential, and/or civic uses. This flexibility allows the ability to create interesting projects and other spaces at the core of the community, and to relate to the surrounding land uses and activities. (Ord. 04-245 § 3)

17.62.042 Permitted uses.

~~A.~~ Any use listed as permitted in Section 17.62.022; permitted uses in the VR-CL district.

AB. Any use listed as permitted in Section 17.62.032: permitted uses in the HR-CL district.

BC. Services including, but not limited to:

- (1) Arts instruction (music, dance, painting)
- (2) Appliance and equipment repair (small)
- (3) Automatic teller machine
- (4) Barber/beauty shop/nail salon
- (5) Copying and printing
- (6) Drapery and blind installation
- (7) Dry cleaner/laundry (no plant on premises)
- (8) Format wear/rental
- (9) Laundromat
- (10) Locksmith

- (11) Photographic studio
- (12) Tailor
- (13) Travel agency
- (14) Watch and clock repair
- CD. Local serving retail including, but not limited to:
 - (1) Apparel/accessories
 - (2) Art gallery/supply store
 - (3) Automotive supply
 - (4) Bagel/donut shop
 - (5) Bakery
 - (6) Beauty supply store
 - (7) Beer/wine store, sales-tasting
 - (8) Bicycle shop
 - (9) Bookstore/newsstand
 - (10) Cafe
 - (11) Camera equipment and supply
 - (12) Candy and confectioners
 - (13) Computers/electronic equipment
 - (14) Coffeehouse
 - (15) Costume/wig shop
 - (16) Consignment/thrift store
 - (17) Fabric/craft store
 - (18) Delicatessen

- (19) Drug/pharmacy (prescription and over the counter)
- (20) Dry goods
- (21) Floor coverings
- (22) Florist/plant shop (fertilizer to be stored and sold only in packaged form)
- (23) Food/grocery store—Supermarkets, markets, health, specialty, other
- (24) Gift shop/novelties
- (25) Hardware
- (26) Home appliances
- (27) Ice cream/yogurt shop
- (28) Jewelry store
- (29) Music store
- (30) Paint, glass and wallpaper store
- (31) Party supplies
- (32) Pet store and supplies
- (33) Phone/Internet service provider
- (34) Postal/mail store
- (35) Picture framing shop
- (36) Restaurant (no drive-through)
- (37) Shoe store/shoe repair
- (38) Specialty goods, including cooking supplies, house wares, linen, window coverings, china/glassware, etc.
- (39) Sporting goods
- (40) Stationary/office supplies/card shop
- (41) Toy store/hobby shop

(42) Variety store

(43) Video store, subject to limitations of Chapter 5.08 of the Lathrop Municipal Code

DE. Business and professional offices, including, but not limited to:

(1) Professional offices including accounting, architectural, dental, engineering, legal, etc.

(2) Small business offices

EF. Other uses including, but not limited to:

(1) Outdoor seating for food establishments

(2) Parking lot

G. Incidental and accessory structures and uses on the same site as a permitted use.

FH. Other uses added to this list by the planning commission according to the procedures in Section 17.16.020 of the Lathrop Municipal Code. (Ord. 04-245 § 3)

17.62.043 Permitted uses: administrative approval required.

The following uses may be permitted in accordance with the provisions of Chapter 17.108 of the Lathrop Zoning Code:

~~A.~~ ~~Second housing units as permitted by Chapter 17.80 of the Lathrop Zoning Code.~~

AB. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision in accordance with Section 17.16.010 of the Lathrop Zoning Code.

BC. Temporary subdivision sales offices and signs, model homes, and model home display areas in accordance with Section 17.16.010.

CD. Home occupations in accordance with the provisions of Chapter 17.64 of the Lathrop Zoning Code.

DE. Garden structures in accordance with the development standards described in this chapter.

EF. Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use.

FG. Banks, savings and loan and other financial institutions.

GH. Electrical transmission and distribution sub-stations, gas regulator stations, public service pumping stations and elevated pressure tanks.

HI. Garden supply and plant nurseries.

IJ. Liquor, packaged.

JK. Medical, optometry, and dental clinics and offices.

KL. Recreational facility—Indoor.

LM. Incidental and accessory structures and uses on the same site as a use permitted by administrative approval or conditional use.

MN. Other uses added to this list according to the procedures in Section 17.16.020. (Ord. 04-245 § 3)

17.62.044 Conditional uses—Planning commission approval required.

The following uses may be permitted in accordance with the provisions of Chapter 17.112 of the Lathrop Zoning Code:

- A. State authorized licensed day care centers ~~for thirteen (13) or more children.~~
- B. Churches and other religious facilities.

~~C. A large family day care home as defined and regulated by the State Health and Safety Code for nine to fourteen (14) children inclusive, including of children who reside in the home.~~

CD. Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent (50%) or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than two hundred dollars (\$200), and nonconforming fences, walls and hedges.

DE. Gas and electric transmission lines in accordance with Section 17.108.080 of the Lathrop Zoning Code, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

EF. Public and quasi-public uses of an educational or religious type, including parochial schools, colleges, nursery schools, private non-profit schools and colleges, churches, parsonages and other religious institutions.

FG. Public uses of an administrative, recreational, public service or cultural type including post offices, libraries, museums, art galleries, and other public buildings, structures and

facilities; and community centers, senior centers and youth centers.

GH. Public and private charitable institutions, hospitals, sanitariums, including a state authorized, certified or licensed family care homes, foster homes or group homes serving seven or more mentally disordered or otherwise handicapped persons, including rehabilitation homes for the alcohol and/or chemically dependent, or dependent and neglected children, where such homes provide care on a twenty-four (24) hour basis.

HI. Reclaimed water storage and water quality ponds.

IJ. Spray fields.

JK. Storm drain detention and retention ponds.

KL. Bars, cocktail lounges or nightclubs.

LM. Microbreweries.

N. Communications equipment.

MO. Street fair or farmer’s market.

NP. Theater—Indoor (dinner, movie, live play, etc.).

OQ. Video arcade.

PR. Other uses added to this list according to the procedures in Section 17.16.020 of the Lathrop Zoning Code. (Ord. 04-245 § 3)

[...]

Table 17.62.120 Central Lathrop Specific Plan: Non-Residential Site Development Standards

	Office Commercial (CO-CL)	Office-Comm./Var. Res./WWTP (OC/VR/WWTP-CL)	Neighborhood Commercial (NC-CL)	Specialty Commercial (SPC-CL)	Residential Mixed-Use (R/MU-CL)	Public/Semi-Public/Neighborhood Commercial (P/SP/NC-CL)
Min. Street Frontage Setbacks						
Lathrop Center District	n/a ¹	n/a ¹	0	n/a ¹	0	0
Golden Valley Parkway	10	10	10	n/a	n/a ¹	n/a ¹
Other Streets	10	10	n/a ¹	10	n/a	10
Other Setbacks						
Front, Rear and Side Yards	0	0	0	0	0	0
Height Requirements						
Maximum Building Height ³	75	75	45	35	65	45
Special Tower Elements	n/a	n/a	70	70	70	70
Minimum Building Height	n/a	n/a	15	15	15	15
Building Separation						

	Office Commercial (CO-CL)	Office-Comm./Var. Res./WWTP (OC/VR/WWTP-CL)	Neighborhood Commercial (NC-CL)	Specialty Commercial (SPC-CL)	Residential Mixed-Use (R/MU-CL)	Public/Semi-Public/Neighborhood Commercial (P/SP/NC-CL)
Standard	Per CBC ⁵	Per CBC ⁵	Per CBC ⁵	Per CBC ⁵	Per CBC ⁵	Per CBC ⁵
Pedestrian Access Width	15	15	15	15	15	15
Lot Size and Coverage						
Minimum Parcel Area	None	None	None	None	None	None
Minimum Width	None	None	None	None	None	None
Minimum Depth	None	None	None	None	None	None
Maximum FAR	0.60	0.60	0.60	0.40	4.0	0.60
Maximum Coverage	70%	70%	60%	60%	90%	70%
Off-Street Parking						
Lathrop Center District	1 stall per 400 net usable square feet					
Remainder of CLSP	1 stall per 400 net usable sq. ft. for office; other uses per Chapter 17.768 4 of the Lathrop Municipal Code					

Notes to Table 17.62.120

- ¹ n/a = not applicable.
- ² Building or parking area fronting any public street - measured from property line or right-of-way.
- ³ Exceptions to maximum height may be granted through Design Review for towers, steeples, cupolas, dormers, flagpoles and other architectural elements.
- ⁴ Minimum width between structures when pedestrian access way provided.
- ⁵ California Building Code.
- ⁶ Reductions of parking standards may be granted for shared parking subject to approval of a parking study concurrent with Design Review.

(Ord. 08-276 § 1)

[...]

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Chapter 17.64 HOME OCCUPATIONS

17.64.010 Procedure.

Home occupations shall be permitted only in accordance with the regulations in Chapter 17.108 and this chapter. (Ord. 92-73)

17.64.020 Standards.

A. Before approving an application for a home occupation in accordance with the provisions of Chapter 17.108 and this section, the planning director shall determine that the proposed home occupation will comply with the following standards:

1. A home occupation within a dwelling unit shall be clearly incidental to the use of the structure as a dwelling.

2. A home occupation shall not be conducted in any accessory structure, other than a garage, and there shall be no storage of equipment or supplies in any accessory structure, other than a garage, or outside the dwelling.

3. Only residents of the dwelling may be engaged in work activities at the residence. Employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, or similar purposes.

4. Sales of goods on the premises shall be limited to the products of the home occupation, and no merchandise or goods shall be sold, kept or displayed for the purposes of sale on the premises.

5. Merchandise not produced on the premises may be kept and stored for purposes of sale at locations off the premises; provided, that such merchandise is limited to small articles, such as jewelry, cosmetics and similar items of merchandise which can be carried by one person in a case or other container. For purposes of this standard, materials typically involved in providing contracting services, such as plumbing, heating, air conditioning, electrical, carpentry and landscaping are not included within the meaning of the clause “small articles.”

6. A home occupation may involve the performance of business and professional services in which goods, wares and merchandise are not commercially created, sold or exchanged, but shall not include beauty salons, barber shops, medical offices, tattoo parlors, fortune tellers, palm readers or similar services, unless otherwise permitted to operate a Mobile Unit authorized by the CA Department of Consumer Affairs, Board of Barbering and Cosmetology.

[...]

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Chapter 17.76 OFF-STREET PARKING AND LOADING

[...]

17.76.020 Off-street parking facilities required.

A. Definition. A “parking space” shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for safe access to and from the space. The area set aside to meet these provisions must be useable and accessible for the type of parking need that must be satisfied.

B. Special Limitations and Requirements in Residential Areas.

1. In any residential district, no recreation vehicle, including motor home, camping trailer, boat trailer, boat, pick-up camper, fifth wheel or dune buggy, utility trailer shall be stored or parked except within an enclosed side or rear yard or within a garage or carport; no semi truck and trailer, semi-truck, trailer or other truck exceeding one ton of capacity shall be parked within any residential district.

2. In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency accident or breakdown, shall be stored in an entirely enclosed space, garage or carport. No more than one such vehicle shall be so stored at any time, and no more than one such vehicle shall be allowed to be under repair at any time. Parking on lawns or other areas in front yards, other than on a driveway, is prohibited.

C. When Off-Street Parking is Required. Except as provided in subsection J below or in Section 17.76.100, there shall be provided off-street parking facilities in accordance with the provisions of this chapter when any of the following shall occur:

1. Initial occupancy of a site;
2. A major alteration or enlargement of a use, site or building;
3. A change in use that requires additional parking.

[...]

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Chapter 17.80 ACCESSORY DWELLING UNITS

[...]

17.80.030 Development standards.

A. Development Standards. Accessory dwelling units shall comply with the following standards:

1. ADU Type, Location & Size.
 - a. Attached Unit. An ADU attached to an existing primary dwelling shall not exceed fifty percent (50%) of the total existing or proposed living area of the primary dwelling.
 - b. Detached Unit. An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed one thousand two hundred (1,200) square feet.
 - c. ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.
 - d. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.
2. JADU Location, Size, and Standards.
 - a. A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed five hundred (500) square feet.
 - b. JADUs shall have an independent exterior entrance from the primary dwelling but may also include shared access between two units.
 - c. A JADU, at a minimum, shall include an efficiency kitchen as defined in Section 17.04.080.
 - d. The property owner shall reside in either the principal dwelling unit or the junior accessory dwelling unit.
 - e. Prior to issuance of a building permit for the JADU, the property owner shall file with the city a deed restriction for recordation with the County Recorder, which shall run with the land and include the provisions listed in Government Code Section 65852.22.

3. Setbacks.

a. Have minimum interior side and rear setbacks of four feet and street side setback of ten (10) feet.

b. No setback shall be required for an existing living area or accessory structure in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

c. Setback from Structures. Be set back from other structures on the parcel consistent with the city-adopted building code.

4. Height. Not to exceed one story or sixteen (16) feet in height, except that a detached accessory dwelling unit may be constructed above a detached garage to a maximum height of thirty (30) feet.

5. Location on Parcel. An accessory dwelling unit can either be attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing dwelling.

B. Compatibility. The accessory dwelling unit shall be designed and constructed to be compatible with the existing house as to height, style, materials, and colors.

C. Access. Doorway access shall be provided either to the side or rear of the accessory dwelling unit. Doorway access may front the street for detached ADUs as long as the detached ADU is recessed from the main dwelling unit and located behind the front yard fence. ~~Direct doorway access to the front yard is prohibited.~~ The accessory dwelling unit shall utilize the same vehicular access which serves the existing dwelling unit.

[...]

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Chapter 17.97 WIRELESS COMMUNICATION FACILITIES

17.97.010 Purpose and intent.

The purpose of this chapter is two-fold: (A) to implement within the jurisdictional boundaries of the city the applicable zoning, land use and other laws, rules, regulations and policies and procedures applicable to siting applications filed with the city by wireless communications facilities infrastructure owners and operators and wireless communications service providers, which seek to install or attach their facilities at locations in Lathrop; and (B) to accommodate new wireless technologies and continued improvements to existing wireless communications facilities while minimizing their adverse visual and structural health and safety impacts. Consistent with that purpose, the provisions of this section are to be construed in a manner that is consistent with: (1) the interest of consumers in receiving the benefits of the deployment of ultra-high-speed and high-capacity broadband wireless communication facilities technology and innovations and the delivery of ultra-high-speed and high-capacity broadband wireless communications facilities services; (2) the interest in safeguarding the environment, and addressing aesthetics and other local values; and (3) the interest in promoting the public health, safety and welfare in Lathrop.

A wireless communications facility is permitted to be sited in Lathrop subject to applicable requirements imposed by this chapter, which ~~may include~~ includes a site plan review process, and a conditional use permit application process, or both. These processes are intended to permit wireless communications facilities that blend with their existing surroundings and do not negatively impact the environment, historic properties, or public safety. The procedures prescribed by this chapter are tailored to the type of wireless communication facility that is sought. Building-mounted wireless communications facilities and collocation of facilities are preferred and encouraged, subject to all other provisions of this chapter. (Ord. 16-369 § 1)

[...]

17.97.080 Tier 3 WCF permit process and findings.

A. A Tier 3 WCF permit shall be reviewed by the planning commission as part of a site plan review ~~and~~ or conditional use permit. If denied by the planning commission, applicant may appeal to city council for reconsideration pursuant to Section 17.100.070.

B. The council on appeal shall grant a Tier 3 WCF permit provided the proposed WCF complies with the development standards in Section 17.97.090 and the conditions of approval in Section 17.97.100, and all of the site plan review findings in Chapter 17.100 and the conditional use permit findings in Chapter 17.112 can be made.

C. Planning commission or city council on appeal, shall deny a Tier 3 WCF permit if the above findings cannot be made. (Ord. 16-369 § 1)

[...]

New text is shown by underline; deleted text is shown by ~~strikethrough~~

Chapter 17.100 SITE PLAN REVIEW

[...]

17.100.110 Revocation.

The revocation of a site plan shall be governed by the provisions of Section 17.112.1230.
(Ord. 92-73)

[...]

New text is shown by underline; deleted text is shown by ~~strikethrough~~

Chapter 17.108 ADMINISTRATIVE APPROVAL OF CERTAIN USES

[...]

17.108.090 Review of temporary uses.

In order to assure the protection of the health, safety and welfare of the citizens of the city, while still providing for their pleasure and convenience, the community development director or the city manager's designee may issue a permit for the establishment of temporary uses within the city in accordance with the following procedure and conditions; however, at his or her discretion or at the request of the planning commission, he or she may refer any application for a temporary use or structure to the planning commission for consideration.

A. Prior to the establishment of any temporary use on any lot or parcel in the city, an administrative approval shall be obtained from the planning division. Such permit may be issued for a maximum of thirty (30) days after the date of issue for any use which is deemed by the community development director or the city manager's designee, to be of a temporary nature upon making the findings required in Section 17.108.030.

B. Temporary uses for which permits may be granted include, but are not limited to, carnivals, circuses, religious revivals, Christmas tree lots, promotions and sales in trucks or trailers, animal shows or displays and pumpkin patches.

C. Temporary uses conducted entirely within a structure that is occupied by an existing business or organization shall be exempt from the provisions of this section.

D. Ingress and egress shall be limited to that designated by the community development department. Appropriate directional signs, barricades, fences or landscaping shall be provided where required.

E. Off-street parking facilities shall be provided on the site of each temporary use.

F. Upon termination of the temporary use or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to its original condition.

G. The opening and closing time for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the community development director or the city manager's designee, based on the impact of the use on surrounding properties.

H. The following temporary uses are exempt from the permit requirements of this chapter, provided that they comply with the development standards listed herein:

1. Garage sales consistent with Section 17.16.110.
2. Fireworks stand, provided that the necessary permit(s) are obtained from the fire department and/or other regulatory agencies consistent with the requirements of Chapter 8.13.
3. Temporary events sponsored by the City and held on City owned facilities or property.
4. Temporary construction/laydown yard for a utility company that is associated with a construction project in the City.

I. Applications for temporary permits shall be submitted and processed as described in this chapter except that the application shall be accompanied by the following:

1. Five copies of a dimensional plot plan showing the following:
 - a. The subject property with the lot lines and abutting properties,
 - b. The location of the temporary use related to the subject and adjoining properties,
 - c. The parking, driveways and loading areas,
 - d. The vehicular ingress and egress;
2. One copy of the dimensioned elevations of any structure proposed for the location;
3. A description of the proposed means of providing sewer and water to the site, if appropriate;
4. A copy of the notice to animal control as required by Section 25989.1 of the California Health and Safety Code.

J. The community development director or the city manager's designee shall have the authority to approve or disapprove the application, or to approve it subject to compliance with such conditions as may be deemed necessary to carry out the purposes of this title and to meet the requirements listed in subsection A of this section.

K. In the event the applicant is not satisfied with the decision of the community development director or the city manager's designee, the applicant may appeal the decision as outlined in Section 17.108.050. (Ord. 13-329 § 1; Ord. 10-298 § 1; Ord. 99-168)

Quarterly Treasurer Report

December 2021

This report presents a detailed discussion of the City's fund balances and investment portfolio as of December 31, 2021. It includes all investments managed by the City on its own behalf as well as the City's Trustees. The report provides information on cash flows, broken down by both investment manager (City or Trustee) and by percentage allocation within the portfolio.

As of December 31, 2021, the investment portfolio was in compliance with all state laws and the City's Investment Policy.

Current Portfolio Summary

As directed by the Investment Policy adopted by City Council, City staff strives to attain three primary goals with the City's investments as follows (in order of priority):

1. Safety – Preservation of the principal of invested funds
2. Liquidity – Ability to liquidate one or more of the City's investments if unexpected expenditures arise
3. Return – Attainment of a market rate of return

The majority of the portfolio is invested in the Local Agency Investment Fund (LAIF), which is administered by the California State Treasurer's office. LAIF provides the City with an investment vehicle with yields that are slightly greater than U.S. Treasuries (T-bills) with a 2-year maturity or less. LAIF is a high quality investment in terms of safety, liquidity, and yield. Additionally, LAIF is an "On Demand" account; meaning funds may be withdrawn upon with 1 day notice, representing maximum liquidity.

In addition to LAIF, the City holds investments in Money Market Mutual Funds, Nonnegotiable Certificates of Deposit, and State and Local Government Securities (SLGS). These investments are prudent investment choices and are included in the City's Investment Policy as allowable investments.

Each investment mentioned above has a specific maturity date. However, much of the portfolio is On Demand. The short weighted average maturity provides the City with a great deal of liquidity during this period of heightened economic uncertainty and period of low investment yields. This liquidity places the City to invest in longer term maturity investments once interest rates begin to move up toward their historical norms; overall macroeconomic indicators signal solid and consistent growth in future years.

The following table (Table: 1) provides a summary of the City's cash and investments, by holding party, based on recorded value as of December 31, 2021 compared with the prior quarter:

Holding Party	September 30, 2021		December 31, 2021	
	Fund Amounts (1)	% of Portfolio	Fund Amounts (1)	% of Portfolio
Investments/Cash held by the City	\$195,138,357	84%	\$208,888,364	84%
Investments held by Trustees	38,267,543	16%	38,540,525	16%
TOTAL	\$233,405,900	100%	\$247,428,889	100%

(1) Small variances are due to the summation and rounding of multiple figures to the nearest whole dollar

Please see the following pages (Tables: 2 through 5) for a more detailed analysis of transactional additions and reductions due to cash flow needs, debt service payments, and maturities/rollovers of certain investments.

Revenues arrived during the quarter, per City staff expectations, are as follows: utility payments, property tax, franchise fees, sales tax (including Measure C), developer billing fees, grant reimbursements, building permit fees, plan check fees, and Transient Occupancy Tax (TOT).


Significant payables paid out during the quarter include:

- I. Nonrecurring Expenditure Capital Improvement Projects – General Government, Parks, Streets, Water, and Wastewater
- II. Recurring Expenditures
 - a. Contractual – Park & Street Landscaping, and Water Treatment Services
 - b. Intergovernmental payments – San Joaquin County (Police Services), Lathrop Manteca Fire District, City of Manteca (Wastewater Contract)

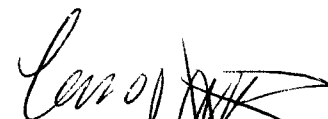
Quarterly Economic Update

According to the latest projections from PFM Asset Management; In Q4, U.S. economic conditions were characterized by: (1) a surge in COVID cases as the Omicron variant spread widely; (2) a sharply falling unemployment rate, rising wages, and near-record number of job openings; (3) stickier-than-expected inflation as pent-up consumer demand clashed with continued global supply chain disruptions amid a tight labor market and; (4) a pivot by the Fed to remove monetary accommodation more quickly, setting the stage for rate hikes to begin sooner than previously expected. Although the economy has largely rebounded from the pandemic-induced recession, the massive monetary and fiscal support from the Fed and Congress has triggered a multi-decade surge in inflation. While growth is forecast to remain above trend, the real challenge for 2022 is getting inflation down. Mounting inflationary pressures prompted accelerated tapering of bond purchases by the Fed and pulled forward expected rate hikes. Tapering is expected to be complete by mid-March followed by three rate hikes in 2022. The Fed may also let some of its \$8.7 trillion balance sheet roll off sometime later in the year. Locally, the San Joaquin Valley area experienced a decrease in unemployment rates (San Joaquin County: 6.4%; City of Lathrop: 5.5%).

I certify that all of the investments reported herein are in accordance with the "City of Lathrop Investment Policy" adopted on October 11, 2021, with the Government Code, and other contractual agreements. I further certify the investments reported herein provide for the ability of the City to meet cash flow needs for the next six months.



 Stephen J. Salvatore
 City Manager



 Cari James
 Director of Finance

TABLE: 2
CITY OF LATHROP
Summary of All Investments
As of December 31, 2021

City Held Investments	Recorded Value	Current Yield	Percent of Portfolio	Market Value
Local Agency Investment Fund	\$ 73,989,687	0.206%	58.87%	\$ 73,989,687
Wells Fargo Money Market Mutual Funds	\$ 2,886,448	0.010%	2.30%	\$ 2,886,448
California Asset Management Program	\$ 10,258,277	0.050%	8.16%	\$ 10,258,277
Total Investments Held by the City (1)	\$ 87,134,412	0.181%	69.33%	\$ 87,134,413

Trustee Held Investments	Recorded Value	Current Yield	Percent of Portfolio	Market Value
US Bank	\$ 3,790,752	0.010%	3.02%	\$ 3,790,752
UMB Bank	\$ 1,128,768	0.010%	0.90%	\$ 1,128,768
Union Bank	\$ -	0.000%	0.00%	\$ -
SJ County Pooled Funds	\$ 361,600	0.260%	0.29%	\$ 361,600
PFM Asset Management	\$ 32,770,285	0.660%	26.08%	\$ 32,770,285
Pacific Premier Bank	\$ 489,121	0.090%	0.39%	\$ 489,121
Total Investments Held by Trustees (2)	\$ 38,540,525	0.566%	30.67%	\$ 38,540,525

Total City & Trustee Held Investments & Cash	Recorded Value	Current Yield	Percent of Portfolio	Market Value
Investments Held by the City and Trustees	\$ 125,674,938	0.299%	100.00%	\$ 125,674,938
Cash in Checking Accounts - Recorded Value	\$ 121,753,951			
Total Cash and Investments	\$ 247,428,889			

One month benchmark for U.S. Treasuries: 0.07%
Three month benchmark for U.S. Treasuries: 0.04%

Notes:

(1) See Table: 4 for detailed investments held by the City.

(2) See Table: 5 for detailed investments held by Trustees.

TABLE: 3
CITY OF LATHROP
Investments Cash Flow Analysis
As of December 31, 2021

Investments Held by the City	Prior Month Recorded Value	Purchased (Buy)	Redeemed (Sell)	Current Month Recorded Value
Local Agency Investment Fund (1)	\$ 73,989,687	-	-	\$ 73,989,687
Wells Fargo Money Market Mutual Funds (2)	\$ 2,886,425	24	-	\$ 2,886,448
California Asset Management Program	\$ 10,257,838	438	-	\$ 10,258,277
Total Investments Held by the City	\$ 87,133,951	462	-	\$ 87,134,413

Investments Held by Trustees	Prior Month Recorded Value	Purchased (Buy)	Redeemed (Sell)	Current Month Recorded Value
Pacific Premier Bank	\$ 489,121	-	-	\$ 489,121
SJ County Pooled Funds	\$ 295,801	67,063	(1,264)	\$ 361,600
UMB Bank	\$ 1,128,739	29	-	\$ 1,128,768
US Bank (3)	\$ 3,491,962	298,790	-	\$ 3,790,752
PFM Asset Management	\$ 32,672,112	3,336,256	(3,238,083)	\$ 32,770,285
Total Investments Held by Trustees	\$ 38,077,735	\$ 3,702,138	\$ (3,239,347)	\$ 38,540,525

Total Cash in Checking Accounts Held by the City (2)	\$ 104,947,035	22,612,380	(5,805,464)	\$ 121,753,951
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Total Cash and Investments Held by the City and Trustees	\$ 230,158,721	\$ 26,314,980	\$ (9,044,811)	\$ 247,428,890
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Notes:

- (1) LAIF interest income is paid quarterly (Mar/Jun/Sept/Dec) and received in the following month (Apr/Jul/Oct/Jan).
- (2) Property Tax, Building permit revenue, TOT, Developer payments, and Utility payments; nonrecurring expenses paid during the month: General government, Parks, Streets, Wastewater, and Water CIPs; also, recurring expenses: Park & street landscape maintenance, and water treatment services; lastly, intergovernmental payments and transfers: Police Services expenses, and SSJID SCWSP O & M expenses.
- (3) Interest earnings from BlackRock Liquidity Funds T-Funds 30 Day Yield .01%, debt service payments.

TABLE: 4
CITY OF LATHROP
Investments Held by City - Detail
As of December 31, 2021

Agency (Broker)	Investment Description	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Market Value (No Accruals)	Recorded Value
Local Agency Investment Fund							
	Money Market Fund City Acct No. 98-39-437	N/A	0.206%	Varies	On Demand	73,989,687	73,989,687
						\$ 73,989,687	\$ 73,989,687
Wells Fargo Mutual Funds							
	Money Market Mutual Fund City Acct No. 12641627	N/A	0.010%	Varies	On Demand	2,886,448	2,886,448
						\$ 2,886,448	\$ 2,886,448
Califorina Asset Management Program							
	Liquidity Account No. 6084-001	N/A	0.050%	Varies	On Demand	10,258,277	10,258,277
						\$ 10,258,277	\$ 10,258,277
TOTAL INVESTMENTS HELD BY CITY						\$ 87,134,413	\$ 87,134,412

TABLE 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2021

Investment Description	Acct Number	CUSIP	Current Yield	Purchase Date	Maturity Date	Value	Recorded Value
Investments Held by US Bank							
2015 Series 2015 - Mossdale Village Assessment District							
Mossdale Village Assessment Dist. No. 03-1 Series 2015 - Redemption Fund	6712138601		0.010%	10/18/05	On Demand	\$ 0	\$ 0
Mossdale Village Assessment Dist. No. 03-1 Series 2005/2015 - Reserve Fund	6712138602		0.010%	10/18/05	On Demand	\$ 240,188	\$ 240,188
2000 North Harlan Improvement District 99-01							
Money Market - Reserve Account	6711651103		0.010%	7/12/00	On Demand	\$ -	\$ -
Money Market - Redemption Account	6711651101		0.010%	7/12/00	On Demand	\$ -	\$ -
2003-2A Lathrop CFD							
Money Market- Interest Account	6711720001		0.010%	12/12/03	On Demand	\$ 0	\$ 0
Money Market-Reserve Account	6711712200		0.010%	12/12/03	On Demand	\$ -	\$ -
LAIF - Interest Account	6711720002		0.206%	03/19/03	On Demand	\$ 699,774	\$ 699,774
CDPH/CDWR - SRF Loan							
Agreement Account	6711908800		0.010%	12/22/10	On Demand	\$ 301,017	\$ 301,017
Agreement Account - Reserve Fund	6711908801		0.010%	12/22/10	On Demand	\$ 597,588	\$ 597,588
2013-1 Mossdale Village							
2013-1 Refunding Improvement Bonds	6712076900		0.010%	10/01/13	On Demand	\$ -	\$ -
2013-1 Refunding Improvement Bonds	6712076901		0.010%	10/01/13	On Demand	\$ 0	\$ 0
2013-1 Refunding Improvement Bonds	6712076903		0.010%	10/01/13	On Demand	\$ 946,070	\$ 946,070
2013-1 Special Tax Bonds							
2013-1 Mossdale Special Tax	6712076801		0.010%	10/01/13	On Demand	\$ -	\$ -
2013-1 Mossdale Special Tax	6712076803		0.010%	10/01/13	On Demand	\$ -	\$ -
2013-1 Mossdale Special Tax	6712076804		0.010%	10/01/13	On Demand	\$ 264,447	\$ 264,447
2013-1 Mossdale Special Tax	6712076806		0.010%	10/01/13	On Demand	\$ -	\$ -
2015 Crossroads Series B							
2015 Crossroads Series B - LOIB RDP	6712138801		0.010%	09/01/15	On Demand	\$ 0	\$ 0
2015 Crossroads Series B - LOIB Reserve	6712138803		0.010%	09/01/15	On Demand	\$ 741,271	\$ 741,271
2015 Crossroads Series B - Cost of Issuance	6712138804		0.010%	09/01/15	On Demand	\$ -	\$ -
2015 Crossroads Series B - Improvements	6712138805		0.010%	09/01/15	On Demand	\$ 396	\$ 396
2015 Crossroads Series B - COI Custodian Agreement	6712198801		0.010%	09/01/15	On Demand	\$ -	\$ -
Total Investments Held by Trustee - US Bank						\$ 3,790,752	\$ 3,790,752
Investments Held by Pacific Premier Bank by Account							
2012 Water Loan (Refunding of 2000 Water COPs)							
Certificate of Deposit - Reserve Fund			0.090%	5/22/19		\$ 489,121	\$ 489,121
Total Investments Held by Trustee - Pacific Premier Bank						\$ 489,121	\$ 489,121

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2021

Investment Description	Acct Number	CUSIP	Current Yield	Purchase	Maturity Date	Value	Recorded Value
2006-1 Central Lathrop Phase I Infrastructure CFD							
Special Tax Fund	141226.1			09/12/06	On Demand	\$ -	\$ -
Interest Fund	141226.2			09/12/06	On Demand	\$ -	\$ -
Principal	141226.3			08/26/10	On Demand	\$ -	\$ -
Redemption	141226.4			08/26/10	On Demand	\$ -	\$ -
TTEE Fee & Comp Exp	141226.5			09/12/06	On Demand	\$ -	\$ -
Reserve Fund	141226.6			09/12/06	On Demand	\$ -	\$ -
Improvement Fund	141226.7			09/12/06	On Demand	\$ -	\$ -
2018-1 Central Lathrop CFD							
Improvement Area 1 - Admin Expense Reserve Fund	149232.1			02/01/19	On Demand	\$ 40,185	\$ 40,185
Other Improvement Areas - Admin Expense Reserve Fund	149232.2			02/01/19	On Demand	\$ 163,245	\$ 163,245
Improvement Area 1 - Principal Account	149232.3			02/01/19	On Demand	\$ 1	\$ 1
Improvement Area 1 - Redemption Account	149232.4			02/01/19	On Demand	\$ -	\$ -
Improvement Area 1 - Interest Account	149232.5			02/01/19	On Demand	\$ 36	\$ 36
Improvement Area 1 - Admin Expense Account	149232.6			02/01/19	On Demand	\$ 34,060	\$ 34,060
Improvement Area 1 - Reserve Fund	149232.7			02/01/19	On Demand	\$ 231,215	\$ 231,215
Improvement Area 1 - Surplus Fund	149232.8			02/01/19	On Demand	\$ -	\$ -
Improvement Area 2 - Principal Account	149265.1			02/01/19	On Demand	\$ 1	\$ 1
Improvement Area 2 - Redemption Account	149265.2			02/01/19	On Demand	\$ -	\$ -
Improvement Area 2 - Interest Account	149265.3			02/01/19	On Demand	\$ 22	\$ 22
Improvement Area 2 - Admin Expense Account	149265.4			02/01/19	On Demand	\$ 34,237	\$ 34,237
Improvement Area 2 - Reserve Fund	149265.5			02/01/19	On Demand	\$ 126,195	\$ 126,195
Improvement Area 2 - Surplus Fund	149265.6			02/01/19	On Demand	\$ -	\$ -
Improvement Area 3 - Principal Account	149267.1			02/01/19	On Demand	\$ 1	\$ 1
Improvement Area 3 - Redemption Account	149267.2			02/01/19	On Demand	\$ -	\$ -
Improvement Area 3 - Interest Account	149267.3			02/01/19	On Demand	\$ 44	\$ 44
Improvement Area 3 - Admin Expense Account	149267.5			02/01/19	On Demand	\$ 33,303	\$ 33,303
Improvement Area 3 - Reserve Fund	149267.6			02/01/19	On Demand	\$ 289,791	\$ 289,791
Improvement Area 3 - Surplus Fund	149267.7			02/01/19	On Demand	\$ -	\$ -
Improvement Area 4 - Principal Account	149268.1			02/01/19	On Demand	\$ -	\$ -
Improvement Area 4 - Redemption Account	149268.2			02/01/19	On Demand	\$ -	\$ -
Improvement Area 4 - Interest Account	149268.3			02/01/19	On Demand	\$ -	\$ -
Improvement Area 4 - Admin Expense Account	149268.4			02/01/19	On Demand	\$ 34,779	\$ 34,779
Improvement Area 4 - Reserve Fund	149268.5			02/01/19	On Demand	\$ 70,723	\$ 70,723
Improvement Area 4 - Surplus Fund	149268.6			02/01/19	On Demand	\$ -	\$ -
Improvement Area 5 - Principal Account	149269.1			02/01/19	On Demand	\$ -	\$ -
Improvement Area 5 - Redemption Account	149269.2			02/01/19	On Demand	\$ -	\$ -
Improvement Area 5 - Interest Account	149269.3			02/01/19	On Demand	\$ 12	\$ 12
Improvement Area 5 - Admin Expense Account	149269.4			02/01/19	On Demand	\$ 35,220	\$ 35,220

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2021

Investment Description	Acct Number	CUSIP	Current Yield	Purchase Date	Maturity Date	Value	Recorded Value
Improvement Area 5 - Reserve Fund	149269.5			02/01/19	On Demand	\$ 35,699	\$ 35,699
Improvement Area 5 - Surplus Fund	149269.6			02/01/19	On Demand	\$ -	\$ -
2018-2 Central Lathrop CFD							
Special Tax Fund	149261.1			02/01/19	On Demand	\$ -	\$ -
Surplus Fund	149261.2			02/01/19	On Demand	\$ -	\$ -
Total Investments Held by Trustee - UMB Bank						\$ 1,128,768	\$ 1,128,768
Investments Held by San Joaquin County by Account							
<i>Sanitary Sewer Assessment District #1</i>							
Pooled Funds - Redemption Account	SI CO FUND # 57961		0.260%	10/1/87	On Demand	\$ 361,600	\$ 361,600
Total Investments Held by Trustee -San Joaquin County						\$ 361,600	\$ 361,600
Investments Held by PFM Asset Management by Account							
<i>PFM Asset Management</i>							
Money Market Fund	20260109	PFM Funds - Govt Select		AAAAM		\$ -	\$ -
US Treasury Bond / Note							
US Treasury Notes	9128282S8		1.625%	08/31/17	08/31/22	\$ 166,470	\$ 166,470
US Treasury Notes	9128282S8		1.625%	08/31/17	08/31/22	\$ 277,449	\$ 277,449
US Treasury Notes	912828YK0		1.375%	10/15/19	10/15/22	\$ 756,094	\$ 756,094
US Treasury Notes	912828Z29		1.500%	01/15/20	01/15/23	\$ 1,010,938	\$ 1,010,938
US Treasury Notes	912828P38		1.750%	02/01/16	01/31/23	\$ 532,301	\$ 532,301
US Treasury Notes	912828ZD5		0.500%	03/15/20	03/15/23	\$ 350,055	\$ 350,055
US Treasury Notes	912828Q29		1.500%	03/31/16	03/31/23	\$ 1,669,851	\$ 1,669,851
US Treasury Notes	912828ZP8		0.125%	05/15/20	05/15/23	\$ 720,809	\$ 720,809
US Treasury Notes	91282CDA6		0.250%	09/30/21	09/30/23	\$ 496,484	\$ 496,484
US Treasury Notes	91282CAP6		0.125%	10/15/20	10/15/23	\$ 297,000	\$ 297,000
US Treasury Notes	91282CDD0		0.375%	10/31/21	10/31/23	\$ 646,344	\$ 646,344
US Treasury Notes	91282CBA8		0.125%	12/15/20	12/15/23	\$ 247,109	\$ 247,109
US Treasury Notes	91282CBE0		0.125%	01/15/21	01/15/24	\$ 987,344	\$ 987,344
US Treasury Notes	91282CBM2		0.125%	02/15/21	02/15/24	\$ 197,406	\$ 197,406
US Treasury Notes	91282CBM2		0.125%	02/15/21	02/15/24	\$ 1,135,086	\$ 1,135,086
US Treasury Notes	91282CBR1		0.250%	03/15/21	03/15/24	\$ 518,766	\$ 518,766
US Treasury Notes	91282CBV2		0.375%	04/15/21	04/15/24	\$ 321,699	\$ 321,699
US Treasury Notes	912828X70		2.000%	05/01/17	04/30/24	\$ 821,625	\$ 821,625
US Treasury Notes	91282CCG4		0.250%	06/15/21	06/15/24	\$ 492,656	\$ 492,656
US Treasury Notes	91282CCG4		0.250%	06/15/21	06/15/24	\$ 640,453	\$ 640,453
US Treasury Notes	91282CCG4		0.250%	06/15/21	06/15/24	\$ 985,313	\$ 985,313
US Treasury Notes	91282CCL3		0.375%	07/15/21	07/15/24	\$ 395,000	\$ 395,000
US Treasury Notes	91282CCL3		0.375%	07/15/21	07/15/24	\$ 543,125	\$ 543,125
US Treasury Notes	91282CCT6		0.375%	08/15/21	08/15/24	\$ 320,684	\$ 320,684
US Treasury Notes	91282CCT6		0.375%	08/15/21	08/15/24	\$ 641,367	\$ 641,367

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2021

Investment Description	Acct Number	CUSIP	Current Yield	Purchase	Maturity Date	Value	Recorded Value
US Treasury Notes		91282CCX7	0.375%	09/15/21	09/15/24	\$ 221,801	\$ 221,801
US Treasury Notes		91282CCX7	0.375%	09/15/21	09/15/24	\$ 320,379	\$ 320,379
US Treasury Notes		91282CCX7	0.375%	09/15/21	09/15/24	\$ 320,379	\$ 320,379
US Treasury Notes		91282CCX7	0.375%	09/15/21	09/15/24	\$ 492,891	\$ 492,891
US Treasury Notes		91282CDB4	0.625%	10/15/21	10/15/24	\$ 322,359	\$ 322,359
US Treasury Notes		912828YM6	1.500%	10/31/19	10/31/24	\$ 406,250	\$ 406,250
US Treasury Notes		91282CDH1	0.750%	11/15/21	11/15/24	\$ 621,582	\$ 621,582
US Treasury Notes		91282CDH1	0.750%	11/15/21	11/15/24	\$ 994,531	\$ 994,531
US Treasury Notes		912828YV6	1.500%	11/30/19	11/30/24	\$ 330,078	\$ 330,078
US Treasury Subtotal:						\$ 19,201,676	\$ 19,201,676

TABLE: 5
CITY OF LATHROP
Investments Held by Trustee - Detail
As of December 31, 2021

Investment Description	Acct Number	CUSIP	Current Yield	Purchase Date	Maturity Date	Value	Recorded Value
Supra-national Agency Bond / Note							
Int'l BK Recon & Develop 5N Note		459058GU1	2.125%	05/29/19	07/01/22	\$ 302,760	\$ 302,760
Int'l BK Recon And Dev Note		459058IV6	0.125%	04/20/21	04/20/23	\$ 452,427	\$ 452,427
Inter-American Devel BK Corporate Notes		4581X0DM7	0.500%	04/24/20	05/24/23	\$ 324,487	\$ 324,487
Int'l BK Recon & Develop Corporate		459058JM6	0.250%	11/17/20	11/24/23	\$ 312,086	\$ 312,086
Inter-American Devel BK Corporate Notes		4581X0DZ8	0.500%	09/23/21	09/23/24	\$ 459,054	\$ 459,054
						\$ 1,850,813	\$ 1,850,813
Supra-National Agency Subtotal							
Federal Agency Bond/Note							
Fannie Mac Notes		3137EAET2	0.125%	07/23/20	07/25/22	\$ 399,812	\$ 399,812
Fannie Mae Notes		3135G0W33	1.375%	09/06/19	09/06/22	\$ 619,608	\$ 619,608
FFCB Notes		3133EMGX4	0.125%	11/23/20	11/23/22	\$ 633,828	\$ 633,828
Federal Farm Credit Banks Notes		3133EMPH9	0.125%	02/03/21	02/03/23	\$ 269,102	\$ 269,102
Federal Home Loan Banks Notes		3130A7E3	1.375%	02/21/20	02/17/23	\$ 550,617	\$ 550,617
Fannie Mac Notes		3137EAEQ8	0.375%	04/20/20	04/20/23	\$ 598,922	\$ 598,922
Fannie Mac Notes		3137EAER6	0.375%	05/07/20	05/05/23	\$ 568,715	\$ 568,715
Fannie Mae Notes		3135G04Q3	0.250%	05/22/20	05/22/23	\$ 647,274	\$ 647,274
Fannie Mac Notes		3137EAES4	0.250%	06/26/20	06/26/23	\$ 875,671	\$ 875,671
Fannie Mae Notes		3135G05G4	0.250%	07/10/20	07/10/23	\$ 397,800	\$ 397,800
Fannie Mae Notes		3135G05G4	0.250%	07/10/20	07/10/23	\$ 919,913	\$ 919,913
Fannie Mae Notes (Callable)		3135G05R0	0.300%	08/10/20	08/10/23	\$ 397,554	\$ 397,554
Fannie Mac Notes		3137EAEV7	0.250%	08/21/20	08/24/23	\$ 645,822	\$ 645,822
Fannie Mae Notes		3137EAEW5	0.250%	09/04/20	09/08/23	\$ 397,103	\$ 397,103
Fannie Mac Notes		3137EAEW5	0.250%	09/04/20	09/08/23	\$ 411,994	\$ 411,994
Fannie Mae Notes		3137EAEW5	0.250%	09/04/20	09/08/23	\$ 496,379	\$ 496,379
Fannie Mac Notes		3137EAEW5	0.250%	09/04/20	09/08/23	\$ 555,944	\$ 555,944
Fannie Mac Notes		3137EAAY1	0.125%	10/16/20	10/16/23	\$ 470,042	\$ 470,042
Fannie Mac Notes		3137EAEZ8	0.250%	11/05/20	11/06/23	\$ 743,369	\$ 743,369
Fannie Mae Notes		3135G06H1	0.250%	11/25/20	11/27/23	\$ 430,952	\$ 430,952
Fannie Mac Notes		3137EAFA2	0.250%	12/04/20	12/04/23	\$ 529,869	\$ 529,869
						\$ 11,560,291	\$ 11,560,291
Federal Agency Subtotal:							
Interest						\$ 51,902	\$ 51,902
Accrued Interest						\$ 105,603	\$ 105,603
Total Investments Held by Trustee -PFM Asset Management						\$ 32,770,285	\$ 32,770,285

* Investments made per CLSP Bond Indenture

Total Investments Held by Trustees						\$ 38,540,525	\$ 38,540,525
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ITEM: OPPOSE 2022 BALLOT INITIATIVE 21-0042A1 "THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT"

RECOMMENDATION: Adopt Resolution to Oppose Initiative 21-0042A1 "The Taxpayer Protection and Government Accountability Act" State Ballot Measure Restricting Voters' Input and Local Taxing Authority

SUMMARY:

The proposed Taxpayer Protection and Government Accountability Act limits voters' authority, adopts new and stricter rules for raising taxes and fees, and makes it more difficult to hold violators of state and local laws accountable. Cal Cities is requesting Cities to adopt a resolution demonstrating how harmful this measure would be to communities and people of the State of California.

BACKGROUND:

In 2018, the "Tax Fairness, Transparency and Accountability Act" or (AG# 17-0050 Amendment #1), was being circulated to qualify for the November 2018 ballot. This initiative would have drastically limited local revenue authority. Through the successful work and advocacy of the League of California Cities and its coalition, the measure's proponents withdrew the initiative from the ballot in June 2018.

On January 4, 2022, the California Business Roundtable filed the proposed Taxpayer Protection and Government Accountability Act or AG# 21-0042A1. This measure is far more detrimental to cities than the measure filed in 2018, because it would limit local and state services to the benefit of corporations. Cal Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly oppose this initiative.

Staff is requesting City Council adopt a Resolution to oppose Initiative 21-0042A1 "The Taxpayer Protection and Government Accountability Act" and state ballot measure restricting voters' input and local taxing authority. If adopted, this resolution will be submitted to Cal Cities Ballot Measures Department.

REASON FOR RECOMMENDATION:

1) Limit Voter Authority And Accountability

- Limits voter input. Prohibits local voters from providing direction on how local tax dollars should be spent by prohibiting local advisory measures.
- Invalidates the Upland decision that allows a majority of local voters to pass special taxes. Taxes proposed by the Initiative are subject to the same rules as taxes placed on the ballot by a city council. All measures passed between January 2022 and November 2022 would be invalidated unless reenacted within 12 months.

2) Restrict Local Fee Authority To Provide Local Services

- Impacts franchise fees. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property. Rental and sale of local government property must be "reasonable" which must be proved by "clear and convincing evidence."
- Except for licensing and other regulatory fees, fees and charges may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." The burden to prove the fee or charge does not exceed "actual cost" is changed to "clear and convincing" evidence.

3) Restrict Authority Of State And Local Governments To Issue Fines And Penalties For Violations Of Law

- Requires voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

4) Restrict Local Tax Authority To Provide Local Services

- Requires voter approval to expand existing taxes (e.g., UUT, use tax, TOT) to new territory (e.g., annexation) or expanding the base (e.g., new utility service).
- City charters may not be amended to include a tax or fee.
- New taxes can be imposed only for a specific time period.
- Taxes adopted after Jan. 1, 2022, that do not comply with the new rules, are void unless reenacted.
- All state taxes require majority voter approval.
- Prohibits any surcharge on property tax rate and allocation of property tax to state.

5) Other Changes

- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.

FISCAL IMPACT:

Taxpayer Protection and Government Accountability Act of 2022 would significantly impact local government municipal finances and services which puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more.

**CITY MANAGER'S REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
OPPOSE 2022 BALLOT INITIATIVE 21-0042A1 "THE TAXPAYER
PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT"**

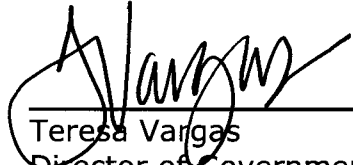
PAGE 3

ATTACHMENTS:

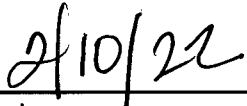
- A. Resolution opposing Initiative 21-0042A1 "The Taxpayer Protection And Government Accountability Act" State Ballot Measure restricting voters' input and Local Taxing Authority
- B. Initiative 21-0042A1 "The Taxpayer Protection And Government Accountability Act"

**CITY MANAGER'S REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
OPPOSE 2022 BALLOT INITIATIVE 21-0042A1 "THE TAXPAYER
PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT"**

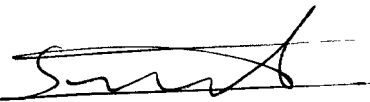
APPROVALS:



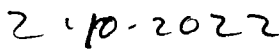
Teresa Vargas
Director of Government Services
City Clerk



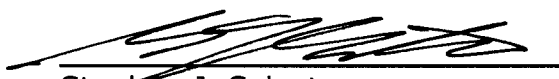
Date




Salvador Navarrete
City Attorney



Date



Stephen J. Salvatore
City Manager



Date

The foregoing resolution was passed and adopted this 14th day of February 2022, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

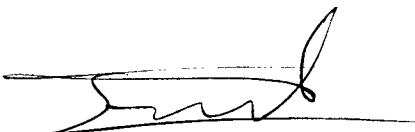
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

BELL, McANDREWS & HILTACHK, LLP
ATTORNEYS AND COUNSELORS AT LAW
455 CAPITOL MALL, SUITE 600
SACRAMENTO, CALIFORNIA 95814

(916) 442-7757
FAX (916) 442-7759
www.bmhlaw.com

21 - 0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) ~~(b)~~ As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge. ~~except the following:~~

(e) As used in this section, "exempt charge" means only the following:

~~(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.~~

~~(1) (2) A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.~~

~~(2) (3) A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.~~

(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.

~~(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.~~

~~(5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.~~

(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.

~~(f) (e) Any tax or exempt charge adopted after January 1, ~~2022~~ 2019, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.~~

(g) (1) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor. ~~that the amount is no more than necessary to cover the reasonable costs of the governmental activity and~~

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(c) (a)~~ "General tax" means any tax imposed for general governmental purposes.

~~(d)~~ "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

~~(e) (b)~~ "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g) (c)~~ "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(h) (d)~~ "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

~~(i) (e)~~ As used in this article, and in Section 9 of Article II, "tax" means every any levy, charge, or exaction of any kind, imposed by a local government law that is not an exempt charge., except the following:

~~(j)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

~~(1) (2)~~ A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2) (3)~~ A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3) (4)~~ A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4) (5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5) (6)~~ A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

~~(6) (7)~~ An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

~~The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.~~

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

~~(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (j) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed ~~by any agency~~ upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax ~~imposed pursuant to~~ described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.

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ITEM 4.6

CITY MANAGER'S REPORT FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ITEM: APPROVAL OF TASK ORDER NO. 26 WITH 4LEAF, INC. FOR STAFF AUGMENTATION SERVICES IN THE BUILDING DIVISION

RECOMMENDATION: Adopt Resolution Approving Task Order No. 26 with 4LEAF, Inc. for Staff Augmentation Services in the Building Division Pursuant to Master Professional Services Consulting Agreement dated September 21, 2015 with 4LEAF, Inc.

SUMMARY:

The City of Lathrop continues to experience rapid growth over the past few years, and even during the recent pandemic, the increase in construction and development projects has remained steady.

Due to the continued increase in construction and development activity related to capital improvement, private land development, residential, commercial, and industrial projects, staff has requested a proposal from 4LEAF, Inc. (4LEAF), to continue to provide professional services in the Building Division. A series of task orders have been previously approved to provide various professional services within the Building Division, such as professional building inspection, plan checking, and staff augmentation services.

Staff is requesting City Council approval of Task Order No. 26 with 4LEAF for continued professional consultant services to provide Staff Augmentation Services for an amount not to exceed \$300,000.

Sufficient funds have been allocated in budget fiscal years 21/22 & FY 22/23.

BACKGROUND:

The Public Works Department is comprised of five divisions: Administration, Building, Engineering, Construction, and Utility Operations. The Building Department is responsible for the permitting and inspection of construction (including but not limited to new construction, additions, alterations, repairs, and remodeling) throughout the City's building permit jurisdiction as required by the International Building Codes.

Due to the continued increase in construction activity related to capital improvement, private land development, residential, commercial, and industrial projects, staff requested a proposal from 4LEAF to provide continued professional services in the Building Division.

CITY MANAGER’S REPORT **PAGE 2**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
APPROVAL OF TASK ORDER NO. 26 WITH 4LEAF, INC. FOR STAFF
AUGMENTATION SERVICES IN THE BUILDING DIVISION

Table 1 below provides a summary of the previously approved task orders with 4LEAF to date.

Table 1 – Summary of Previously Approved Task Orders

Task Order No.	Date Approved	Building Division Work Scope Description
1,2	2015	Staff Augmentation, Plan Check Services
3,4,5	2016	Plan Check & Inspection Services
6,7	2017	Plan Check & Inspection Services
8,9,10,11	2018	Interim Chief Building Official (CBO), Plan Check & Inspection Services
12,13,14,15,16	2019	Staff Augmentation, Plan Check & Inspection Services, Interim CBO, Professional Services
17,18,19	2020	Interim CBO, Staff Augmentation, Inspection Services
20, 21, 22, 23, 24, 25	2021	Staff Augmentation, Plan Check & Inspection Services, Interim CBO

REASON FOR RECOMMENDATION:

Continued professional services are needed for the Building Division to keep up with the continued increase in construction activity related to capital improvement, private land development, and residential, commercial and industrial projects.

FISCAL IMPACT:

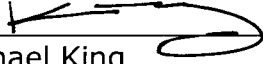
The cost of Task Orders No. 26 for Staff Augmentation Services is for an amount not to exceed \$300,000 and will be paid on a time and material basis. Sufficient funds have been allocated in budget fiscal years 21/22 & 22/23.

ATTACHMENTS:

- A. Resolution Approving Task Order No. 26 with 4LEAF, Inc., for Staff Augmentation Services in the Building Division Pursuant to Master Professional Services Consulting Agreement dated September 21, 2015 with 4LEAF, Inc.
- B. Task Order No. 26 Pursuant to Master Consulting Agreement dated September 21, 2015 with 4LEAF, Inc. for Staff Augmentation Services

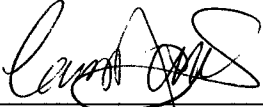
CITY MANAGER'S REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
APPROVAL OF TASK ORDER NO. 26 WITH 4LEAF, INC. FOR STAFF
AUGMENTATION SERVICES IN THE BUILDING DIVISION

APPROVALS:




Michael King
Public Works Director

1-25-2022
Date



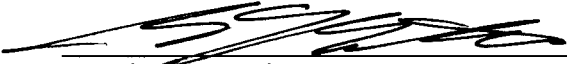
Cari James
Finance Director

1/25/2022
Date



Salvador Navarrete
City Attorney

1-26-2022
Date



Stephen J. Salvatore
City Manager

2-7-22
Date

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING TASK ORDER NO. 26 WITH 4LEAF, INC. FOR STAFF AUGMENTATION SERVICES IN THE BUILDING DIVISION PURSUANT TO MASTER PROFESSIONAL SERVICES CONSULTING AGREEMENT DATED SEPTEMBER 21, 2015 WITH 4LEAF, INC.

WHEREAS, due to the continued increase in construction activity related to capital improvement, private land development, residential, commercial, and industrial projects, staff requested a proposal from 4LEAF to provide continued professional services in the Building Division; and

WHEREAS, a series of task orders have been previously approved to provide professional services within the Building Division, such as professional building inspection, plan checking, and staff augmentation services; and

WHEREAS, the City utilizes contracting professional personnel services in the Building Division in order to keep pace with ongoing construction activity; and

WHEREAS, the cost of Task Order No. 26 for Staff Augmentation Services is for an amount not to exceed \$300,000 and will be paid on a time and material basis. Sufficient funds have been allocated in budget fiscal years 21/22 & 22/23; and

WHEREAS, the proposed Tasks Order No. 26 will be fully funded by plan check fees collected from development and costs for plan check services will only be paid if the revenue has been received.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby approve Task Order No. 26 for an amount not to exceed \$300,000 with 4LEAF, Inc. to provide continued professional consultant services in the capacity of Staff Augmentation services in the Building Division.

The foregoing resolution was passed and adopted this 14th of February 2022, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

CITY OF LATHROP

TASK ORDER NO. 26

**PURSUANT TO MASTER CONSULTING AGREEMENT DATED
SEPTEMBER 21, 2015 WITH 4LEAF, INC.**

TO PROVIDE BUILDING STAFF AUGMENTATION SERVICES

THIS TASK ORDER NO. 26 dated for convenience this **14th day of February 2022** is by and made and entered into by and between **4LEAF, Inc.** (“CONSULTANT”) and the CITY OF LATHROP, a California municipal corporation (“CITY”);

RECITALS:

WHEREAS, on September 21, 2015, CONSULTANT entered into a Master Agreement with the CITY, and parties approved an extension of the term to June 30, 2021, pursuant to Amendment No. 2, dated May 13, 2019. On March 8, 2021, City Council approved an extension of the term to June 30, 2023 pursuant to Amendment No.3 (“AGREEMENT”), by which the CONSULTANT has agreed to perform building professional services; and

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform Staff Augmentation Services, which are required by this agreement; and

WHEREAS, CITY selected the CONSULTANT pursuant to said qualifications; and

WHEREAS, CONSULTANT is willing to render such Staff Augmentation Services, as hereinafter defined, on the following terms and conditions.

NOW, THEREFORE, CONSULTANT and the CITY agree as follows:

AGREEMENT

(1) **Incorporation Of Master Agreement**

This Task Order hereby incorporates by reference all terms and conditions set forth in the Master Agreement for Consulting Services for this project, unless specifically modified by this Task Order.

(2) **Scope of Service**

CONSULTANT agrees to perform Staff Augmentation Services in accordance with the scope of work and fee proposal provided in Exhibit “A” to this Task Order.

CITY OF LATHROP – TASK ORDER NO. 26 WITH 4LEAF INC. TO PROVIDE BUILDING STAFF AUGMENTATION SERVICES

CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to the CITY'S satisfaction.

(3) **Effective Date and Term**

The effective date of this **Task Order No. 26 is February 14, 2022**, and it shall terminate no later than **June 30, 2022**.

(4) **Compensation**

CITY hereby agrees to pay CONSULTANT hourly rates and other charges detailed in Exhibit "A" up to a total sum not to exceed **\$300,000** for Staff Augmentation Services. CONSULTANT shall be paid any uncontested sum due and payable within thirty (30) days of receipt of billings containing all information pursuant to Paragraph 5 in the Master Consulting Agreement Dated September 21, 2015.

(5) **Notice to Proceed**

Prior to commencing work under this agreement, CONSULTANT shall receive a written "Notice to Proceed" from CITY. A Notice to Proceed shall not be issued until all necessary insurance have been received. City shall not be obligated to pay CONSULTANT for any services rendered prior to issuance of the Notice to Proceed.

(6) **Signatures**

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF LATHROP – TASK ORDER NO. 26 WITH 4LEAF INC. TO PROVIDE BUILDING STAFF AUGMENTATION SERVICES

Approved as to Form:

City of Lathrop
City Attorney



1.26.2022

Salvador Navarrete

Date

Recommended for Approval:

City of Lathrop
Public Works Director

Michael King

Date

Approved by:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

CONSULTANT:

4LEAF Inc.
2126 Rheem Drive
Pleasanton, CA 94588
Fed ID # 94-3393574
Bus License # 20088

Signature

Date

Kevin J. Duggan, President
(Print Name and title)



FY2021-2022 FEE SCHEDULE & BASIS OF CHARGES

For the City of Lathrop

All Rates are Subject to Basis of Charges

Plan Check Services	Fee for 1 st review and two (2) subsequent rechecks	Hourly rate for on-site and/or greater than three (3) reviews off-site (with authorization from Director):
Life Health Safety, Structural, ADA Requirements, and Title 24 Energy Requirement Plan Checks	65% of City fee	\$133/hour structural \$105/hour non-structural
Plumbing/Mechanical/Electrical Only Plan Checks	40% of City fee	\$105/hour non-structural
Structural Only Plan Checks	40% of City fee	\$133/hour structural

Additional Building Department Services

Senior Combination Building Inspector (BIII)	\$115/hour
Commercial Building Inspector (BII)	\$105/hour
Residential Building Inspector (BI)	\$95/hour
Training Building Inspector	\$85/hour
Code Enforcement	\$95/hour
Senior Permit Technician	\$75/hour
Permit Technician	\$69/hour
Administrative Support	\$64/hour
On-Site Plan Review Engineer	\$133/hour
On-Site Non-Structural Plans Examiner	\$105/hour
Fire Review	\$165/hour
Inspector of Record (including DSA or OSHPD)	\$143/hour
Public Works Inspector	\$155/hour
Interim Chief Building Official	\$139/hour
CASp Inspection	\$165/hour
Off-Site Project Manager	\$170/hour
Principal-in-Charge	\$197/hour
Hourly overtime charge per inspector	1.5 x hourly rate
Mileage (for inspections performed within the City)	IRS Rate+ 20%



BASIS OF CHARGES

Rates are inclusive of “tools of the trade” such as forms, telephones, and consumables.

- All invoicing will be submitted monthly.
- Staff Augmentation work (excluding plan review) is subject to 4-hour minimum charges unless stated otherwise.
- Most fire plan reviews will be done within 10 business days and within 5 business days for re-checks. This is not inclusive of holidays or the day of the pick-up of plans.
- Expedited reviews will be billed 45% of the plan check fee collected by the City, return time will be within seven (7) days of receipt of the plans from the City.
- Plan review of deferred submittals & revisions will be billed at the hourly rates listed above.
- All plan review services will be subject to a \$250.00 minimum fee if percentage-based fee or two (2) hour minimum charge if hourly rates apply.
- 4LEAF assumes that these rates reflect the fiscal year 2021-2022 contract period. 3% escalation for fiscal year 2022-2023 and 2023-2024 is negotiable per market conditions.
- Overtime and Premium time will be charged as follows:

- Regular time (work begun after 5AM or before 4PM)	1 x hourly rate
- Nighttime (work begun after 4PM or before 5AM)	1.125 x hourly rate
- Overtime (over 8-hour M-F or Saturdays)	1.5 x hourly rate
- Overtime (over 8 hours Sat or 1 st 8-hour Sun)	2 x hourly rate
- Overtime (over 8 hours Sun or Holidays)	3 x hourly rate
- Overtime will only be billed with prior authorization of designated Authority personnel.
- All work with less than 8 hours rest between shifts will be charged the appropriate overtime rate.
- Mileage driven during Inspections will be charged at cost plus 20%.
- Payment due on receipt. All payments over 30 days will be assessed a 1.5% interest charge.
- Client shall pay attorneys’ fees, or other costs incurred in collecting delinquent amounts.
- Client agrees that 4LEAF’s liability will be limited to the value of services provided.



SCOPE OF WORK

Plan Review Services

4LEAF will provide plan review for any and all types of structures to ensure compliance with all adopted codes, local ordinances (including Tier 1 of Cal Green, if required) and state and federal laws that pertain to Building and Safety, and for compliance with the adopted International Code Council (ICC) Building, Plumbing, Electrical, Mechanical, National Fire Protection codes and standards, and the Accessibility and Noise and Energy Conservation requirements as mandated by the State of California Title 24, State of California Water Efficient Landscape Ordinance, the State of California Certified Access Specialist (CASP) compliance, and all other applicable ordinances. **Types of projects we provide these services for include: Single-Family Dwellings, Multi-Family Dwelling Units, Commercial, and Industrial.**

On-Site Review Work Plan

4LEAF can supply Registered Professional Engineers to the City of Lathrop to work on-site performing structural plan review and non-structural reviews at the Jurisdiction’s discretion. 4LEAF currently supplies on-site review to such Municipalities as:

City of San Jose

City of Livermore

City of Hollister

City of Sacramento

Livermore/Pleasanton Fire Dept. (LPFD)

City of Palo Alto

City of San Mateo

City of Pleasanton

Town of Paradise

County of San Mateo

Off-Site Review Work Plan

4LEAF works effectively with design teams and assist Public Works, Planning, Fire, and Building Departments in the construction, rehabilitation, and repair of both public and private projects. Our experience includes checking for compliance with the structural, life-safety, accessibility, plumbing, mechanical, electrical, fire, and local codes/ordinances.

Approach

We understand that the specific building plan review responsibilities will include, but are not limited to:

- Examining plans, drawings, specifications, computations documents, soils reports, and additional data;
- Ascertaining whether projects are in accordance with applicable building and fire codes, and City ordinances, including but not limited to Title 24 and Title 25;
- Performing such reviews as, structural, MEP, green building, fire and life safety, grading and drainage;
- Reviewing plans to ensure conformity to the required strengths, stresses, strains, loads, and stability as per the applicable laws;
- Reviewing plans to ensure conformity with use and occupancy classification, general building heights and areas, types of construction, fire resistance construction and protection systems, means of egress, accessibility, structural design, soils and foundations; and masonry;
- Providing additional plan review services as requested by the City;
- Conducting all plan review at the City Department or at a site mutually agreed upon in writing and;



Plan Review QA/QC Process for all Reviews

Task 1 – Project Tracking Set-up

The first step of our process will be to set up the project in our system to enable 4LEAF and the City of Lathrop to track the progress of the review. Our plan tracking procedures are designed to track each submittal throughout the review process and maintain accurate and comprehensive records for each submittal.

Task 2 - Complete Submittal Review

Upon receiving the plans from the City, 4LEAF will triage (preliminary plan review performed by 4LEAF plan review project lead) the submittal to verify that the submittal received is complete (i.e., all pertinent plans, calculations, reports, and other related documents) in order that we can begin our review. If the submitted package is incomplete, we will communicate with the City to discuss the documents needed to proceed.

Task 3 - Plan Review Assignment

After the triage process is performed and a complete package is verified, the project will be assigned to a qualified Plans Examiner and a turnaround time will be established. We then log each application into our database the same day the plans are received to assure that they are routed in a timely manner and to allow for daily project tracking.

Task 4 - Plan Review

4LEAF will provide the project contact (Developer, Contractor, Architect, or Engineer) desired by the City of Lathrop with a list of any items needing correction and clarification to comply with applicable building codes, ordinances, and regulations. A correction list will be created based on the missing codes and ordinances.

Task 5 - Quality Control

Prior to submitting the plan review correction list to the City, the designated plan review project lead will review the correction list for adherence to applicable codes and ordinances as well as for accuracy and completeness. After completion of our quality control review a correction list will be e-mailed to a designated staff member at the City of Lathrop or as directed by the City. The correction list and a 4LEAF transmittal form will include the following information: a description of the work, type of construction, occupancy group, square footage, number of floors, and sprinkler requirements.

Task 6 - Plan Review Rechecks

Plans received for rechecks will be reviewed for conformance. Our goal is to work with the designers to resolve any unresolved issues after our second review. If it appears that there are issues that might cause a project to go beyond our second review, we will communicate directly with the designer to resolve any concerns.

Task 7 - Project Approval

Once the final plan reviews are completed and ready for approval, 4LEAF will organize the plans and supporting documents per the City of Lathrop processing requirements and return them to the City, along with our letter of completion.



Turn-Around Times

4LEAF has a tremendous reputation for completing projects on-time and under budget. 4LEAF’s plan review team is widely recognized for quick turn-around times and prompt service. Off-site plan reviews are performed at our office, with plans transmitted by personal delivery or overnight service. The standard turn-around time is within 10 business days for residential plan reviews and within 10 days for commercial/industrial plan reviews; however, these timeframes are negotiable based on your needs. **4LEAF also provides Fire Plan Review services.**

Type of Plans	Transportation	Initial Review	Resubmittal Review	2 nd Resubmittal Review	Expedited Review	Expedited Resubmittal
*Residential	< 24 Hours (pick up & delivery)	< 10 Days	< 5 Days	< 5 Days	< 5 Days	< 3 Days
**Multi-Family	< 24 Hours (pick up & delivery)	< 10 Days	< 5 Days	< 5 Days	< 5 Days	< 3 Days
Commercial	< 24 Hours (pick up & delivery)	< 10 Days	< 5 Days	< 5 Days	< 5 Days	< 3 Days
***Large Commercial > 15,000 s.f.	< 24 Hours (pick up & delivery)	Negotiable	Negotiable	Negotiable	Negotiable	Negotiable

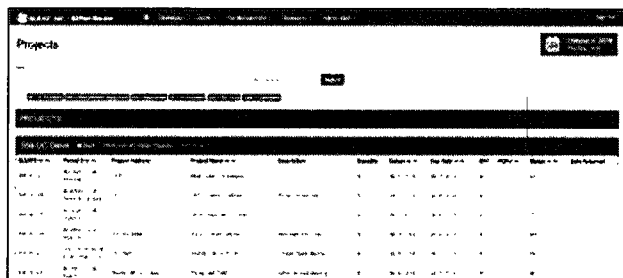
****Larger complex plan reviews can be negotiated to achieve the best possible pricing. 4LEAF has a proven track record of working with municipalities to provide expedited reviews with special discounted pricing.***

Pick-up of all plans will be performed by 4LEAF staff within 24 hours of the City’s phone call or e-mail. 4LEAF prefers to pick-up and deliver the plans in person to communicate information that may be pertinent to the project and maintain consistent communication. At no additional cost, 4LEAF staff will transport the plans to and from the City upon a phone call to the 4LEAF office or simply e-mail for “pick-up” to pickup@4leafinc.com.

Document Control & Electronic Plan Review

When plans and documents are received for review, 4LEAF’s Plan Review Manager and Document Control Technician analyzes the project, creates a job number, and completes a Job Setup Sheet. This form highlights both jurisdiction and project specific design criteria and notes applicable contact information. Jobs are transmitted through 4LEAF’s easily accessed EZPlan Review portal which tracks initial and subsequent reviews and is open for view by the customer.

Plans then get distributed for review to a 4LEAF team consisting of a Plan Review Engineer or Architect (a licensed state professional) and/or an ICC Certified Plans Examiner, as applicable. Our staff then performs their function of analyzing the plans and documentation for effective conformance to the California Codes, referenced construction standards,





4LEAF, INC.

ENGINEERING . CONSTRUCTION MANAGEMENT
PLAN CHECK . BUILDING INSPECTION . PLANNING

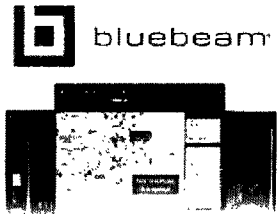
and City amendments. Code review methodology entails “The Effective Use of the CBC” reinforced through proprietary and jurisdictional checklists. When complete, the Plan Review Manager overviews the project for quality control purposes and forwards comments or approvals to the pre-designated contacts.

4LEAF’s EZPlan Review

EZPlan Review is our in-house tracking software that acts as a communication tool between 4LEAF and the jurisdictions we work with. The use of EZPlan makes communication easy. This web portal allows users to visualize project due dates, notes, and status updates so that projects can be followed from start to finish. Additionally, 4LEAF provides electronically stamped and uploaded copies of approved project plans, a value which saves clients time and resources. With the use of EZPlan, 4LEAF hopes to provide a level of ease and transparency during the plan review process.

Electronic Plan Review

4LEAF has successfully implemented and used Bluebeam for electronic review of files to help eliminate the use of paper and take the plan review workflow to a whole new level. 4LEAF’s offices are equipped with large scale monitors for easy review of plans. Bluebeam Revu combines powerful PDF editing, markup, and collaboration technology with reliable file creation.



Additional Technologies

Having served more than 140 jurisdictions, 4LEAF and our staff are knowledgeable and have experience working with a variety of different technologies for Electronic Plan Review, Permit Tracking, and Building Inspections. 4LEAF’s experience with tracking technologies include but are not limited to:



Structural Only Review

Upon request, 4LEAF will perform “structural only” reviews for the City. 4LEAF can communicate directly with the designers via email, in-person meetings, and through our EZPlan Review system. 4LEAF prefers PDF files for “structural only” reviews as they allow several Structural Engineers to review plans together should there be design-related questions. The majority of 4LEAF’s plan review engineers have a design background and work well with project designers.

Certified Access Specialist (CASp)

4LEAF has 9 Certified Access Specialists on staff. We have performed CASp inspections, plan review projects, and have consulted on numerous construction projects for accessibility questions and advice.





On Call Building Department Staff Services

Permit Technician

4LEAF has a proven track record of providing Permit Technician/Counter staff to jurisdictions. The 4LEAF pool of talented professionals includes qualified and experienced permit technicians capable of providing all permit processing and counter services. 4LEAF can deploy such staff on short notice and offer training programs for department staff, if required. Our staff encompasses the right combination of experience, education, and certifications. 4LEAF Permit Technician Staff must be experienced and dedicated to serving the public at the Planning and Building Department counter.

Typical duties include:

- Accepting plans for plan check and verifying that plans are accurate and complete
- Calculating permit fees
- Explaining ordinances and procedures to owners, contractors, developers, architects, and general public
- Assisting with preparation of permit applications
- Receiving plans for Planning and Building permits and route to various agencies (if requested)
- Accepting complaints on code violations, process, and record complaints
- Answering phone calls for field and office staff
- Processing inspection requests
- Maintaining files for building permits
- Operating the Building Department's computerized information system
- Inputting a variety of information, including building permits and inspections
- Completing related duties and responsibilities as assigned by Building Official and Senior staff members

4LEAF has numerous of Permit/Counter Technicians on staff, many who are currently assigned to Building Departments throughout the state. All staff will have the materials, resources, tools, and training required to perform the job.

Administrative Assistant

4LEAF is also able to provide administrative staff who are familiar with basic Building & Fire Life Safety information. These staff members can provide front counter services relating to reception duties such as answering and routing incoming phone calls, handling incoming and outgoing packages, filing documents, receiving and directing office visitors, providing general support to office staff, responding to emails, etc.

Interim Building Official

The 4LEAF Interim Building Official will provide in-house plan reviews to the City, limiting the amount of projects distributed to outside consultants and helping the City achieve significant cost savings. The Interim Building Official will also manage other 4LEAF contract staff.

The Building Official will act as an adjunct staff member to the City and work with City personnel and various departments to perform professional building services including but not limited to plan review, permit technician, building inspection, and code enforcement.



Staff qualifications for this role include evaluating and documenting projects for compliance with applicable building standards and housing codes, on- and off-site plan review, staff augmentation, and other building department related tasks. Proposed staff for this role will be appropriately trained and certified for all work assigned.

Building Department Services Placement Schedule

Building Department Staff	Interim	Full-Time
Permit Technician (ICC Certified)	< 2 Days	< 5 Days
Assistant Permit Technician / Admin Staff	< 2 Days	< 5 Days
Building Official	< 2 Days	< 15 Days

ITEM 4.7

CITY MANAGER'S REPORT FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ITEM: APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR 271 LOTS IN TRACT 4105 WITHIN PHASE 1D OF THE CENTRAL LATHROP SPECIFIC PLAN

RECOMMENDATION: Adopt Resolution Approving Final Map for Tract 4105 within Phase 1D of the Central Lathrop Specific Plan, Totaling 271 Single Family Lots and Subdivision Improvement Agreement with Lathrop Land Acquisition, LLC

SUMMARY:

The proposed Final Map for Tract 4105, included as Attachment "C", will subdivide the fourth and final single-family residential neighborhood in Phase 1D of the Central Lathrop Specific Plan (CLSP) area, known as Phase 1D, which will establish a total of 271 lots. A Vicinity Map is included as Attachment "B".

Staff recommends that City Council approve the proposed Final Map for Tract 4105 within Phase 1D of CLSP, totaling 271 single-family lots and a Subdivision Improvement Agreement (SIA) with Lathrop Land Acquisition, LLC (Saybrook), included as Attachment "D".

BACKGROUND:

On October 5, 2006, the City approved a Vesting Tentative Map (VTM) for Tract 3533 to create 62 parcels on 960 acres of land. On March 20, 2007, the City approved a VTM for Tract 3647 to subdivide a portion of Tract 3533 into 1,071 parcels on 190 acres of land. The land for the proposed Final Map for Tract 4105 is within the geographic boundaries of the VTMs for Tracts 3533 and 3647.

As required by the City's subdivision ordinance, all final maps must include a SIA to guarantee specific offsite and onsite improvements. The total cost of the improvements for CLSP Phase 1D is \$17,328,245, however, a large percentage of the improvements have already been constructed and therefore do not need to be guaranteed. Performance and labor & material securities have been provided to the City with the SIA in the amount of:

Unfinished Improvement Total:	\$14,115,176
Performance Bond (110% of Unfinished Improvements)	\$15,526,694
Labor & Material Bond (50% of Performance Bond)	\$7,763,347

CITY MANAGER’S REPORT **PAGE 2**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
APPROVAL OF FINAL MAP AND SIA FOR 271 LOTS IN TRACT 4105 WITHIN
PHASE 1D OF THE CENTRAL LATHROP SPECIFIC PLAN

Acceptance of the public improvements will be prepared for Council consideration by staff at a later date when the unfinished improvements are completed. Prior to acceptance, Saybrook will be required to provide a one (1) year warranty bond.

REASON FOR RECOMMENDATION:

Saybrook has fulfilled the requirements of the City’s subdivision ordinance as listed below:

Documents	Status
1. Final Map ready for signature	Completed
2. Subdivision Improvement Agreement	Completed
3. Faithful Performance and Labor & Materials Security	Completed
4. Street Improvement, Landscape, Light & Joint Trench Plans, Traffic Signal Plans	Completed
5. Geotechnical Report	Completed
6. Allocation of Water and Sewer capacity	Completed
Fees	Status
1. Final Map plan check fee	Paid
2. Improvement Plans - Plan check and inspection fees	Paid
3. Sierra Club Settlement fee	Paid

FISCAL IMPACT:

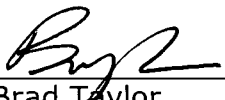
There is no fiscal impact to the City as all costs are covered by development fees and any shortfalls in the City’s maintenance and operating costs are covered by the existing Community Facility District 2019-2.

ATTACHMENTS:

- A. Resolution Approving Final Map for Tract 4105 within Phase 1D of the Central Lathrop Specific Plan, Totaling 271 Single Family Lots and Subdivision Improvement Agreement with Lathrop Land Acquisition, LLC
- B. Vicinity Map - CLSP Phase 1D
- C. Final Map - Tract 4105
- D. Subdivision Improvement Agreement with Lathrop Land Acquisition, LLC for Final Map Tract 4105

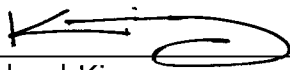
CITY MANAGER'S REPORT **PAGE 3**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
APPROVAL OF FINAL MAP AND SIA FOR 271 LOTS IN TRACT 4105 WITHIN
PHASE 1D OF THE CENTRAL LATHROP SPECIFIC PLAN

APPROVALS



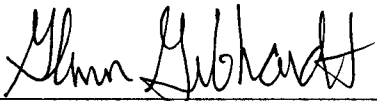
Brad Taylor
Land Development Manager

1/26/2022
Date



Michael King
Public Works Director

1-26-2022
Date




Glenn Gebhardt
City Engineer

1-27-22
Date




Carl James
Finance Director

2/6/22
Date



Salvador Navarrete
City Attorney

1-28-2022
Date



Stephen J. Salvatore
City Manager

2.7.22
Date

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING FINAL MAP FOR TRACT 4105 WITHIN PHASE 1D OF THE CENTRAL LATHROP SPECIFIC PLAN, TOTALING 271 SINGLE FAMILY LOTS AND SUBDIVISION IMPROVEMENT AGREEMENT WITH LATHROP LAND ACQUISITION, LLC

WHEREAS, on October 5, 2006, the City approved a Vesting Tentative Map (VTM) for Tract 3533 to create 62 parcels on 960 acres of land. On March 20, 2007, the City approved a VTM for Tract 3647 to subdivide a portion of Tract 3533 into 1,071 parcels on 190 acres of land; and

WHEREAS, the land for the proposed Final Map for Tract 4105 is within the geographic boundaries of the VTMs for Tracts 3533 and 3647; and

WHEREAS, required by the City’s subdivision ordinance, all final maps must include a Subdivision Improvement Agreement (SIA) to guarantee specific offsite and onsite improvements; and

WHEREAS, the total cost of the improvements for CLSP Phase 1D is \$17,328,245, however, a large percentage of the improvements have already been constructed and therefore do not need to be guaranteed. Performance and labor & material securities have been provided to the City with the SIA in the amount of the following; and

Unfinished Improvement Total:	\$14,115,176
Performance Bond (110% of Unfinished Improvements)	\$15,526,694
Labor & Material Bond (50% of Performance Bond)	\$7,763,347

WHEREAS, acceptance of the public improvements will be prepared for Council consideration by staff at a later date when the unfinished improvements are completed. Prior to acceptance, Lathrop Land Acquisition, LLC (Saybrook) will be required to provide a one (1) year warranty bond; and

WHEREAS, there is no fiscal impact to the City as all costs are covered by development fees and any shortfalls in the City’s maintenance and operating costs are covered by the existing Community Facilities District 2019-2.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lathrop approves and accepts the following actions:

1. The Final Map for Tract 4105 is hereby approved as submitted for recordation with the San Joaquin County Assessor/Recorder/County Clerk Office. The recorded executed copy will be filed with the City Clerk.
2. The City Manager, or their designee, is authorized to execute a Subdivision Improvement Agreement with Lathrop Land Acquisition, LLC, in substantially the form as attached to the February 14, 2022 staff report.

The foregoing resolution was passed and adopted this 14th day of February 2022, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

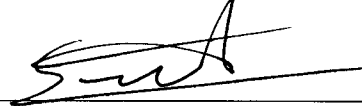
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

CENTRAL LATHROP SPECIFIC PLAN - TRACT 4105 VICINITY MAP



MACKAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
25235-000 09.23.2021

09-23-2021 10:45am Jeff Molton P:\25235\BES\LOH-D\TRACT 4105 - VICINITY MAP.DWG

ATTACHMENT C

OWNER'S STATEMENT:

THE UNDERSIGNED DOES HEREBY STATE THAT WE ARE THE OWNERS OF ALL THE LAND DELINEATED AND EMBRACED WITHIN COUNTY STANFORD CROSSING, PHASE 1C CONSISTING OF FOURTEEN (14) SHEETS THAT WE HAVE CAUSED SAID MAP TO BE PREPARED FOR RECORD AND CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP THAT SAID MAP PARTICULARLY SETS FORTH AND DESCRIBES ALL THE LOTS INTENDED FOR SALE BY NUMBER WITH THEIR PRECISE LENGTH AND WIDTH THE REAL PROPERTY DESCRIBED BELOW IS REDUCED TO THE CITY OF LATHROP IN FEE FOR PUBLIC PURPOSES

- 1. THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF LATHROP AS EASEMENTS FOR PUBLIC PURPOSES: DRIVE "GOLD COAST ROAD" "HERMOSA STREET" "MALIBU DRIVE" "MANHATTAN DRIVE" "MAMERICKS LANE" "MIRAMAR DRIVE" "MONASTERY DRIVE" "PIRATES COVE LANE" AND "PISMO DRIVE" FOR THE PURPOSE OF PUBLIC RIGHT OF WAY
2. A NON-EXCLUSIVE EASEMENT TOGETHER WITH THE RIGHT TO CONSTRUCT RECONSTRUCT REPAIR AND MAINTAIN
3. A NON-EXCLUSIVE EASEMENT TOGETHER WITH THE RIGHT TO CONSTRUCT RECONSTRUCT REPAIR AND MAINTAIN CABLES PIPES AND CONDUITS AND THEIR APPURTENANCES UPON OVER AND UNDER THE STRIPS OF LAND SHOWN UPON SAID MAP

THE UNDERSIGNED DOES HEREBY REINQUIRE TO THE CITY OF LATHROP ANY AND ALL RIGHTS OF INGRESS AND EGRESS TO NEIGHBORHOOD TRAFFIC (ADJUTERS RIGHTS) ALONG THE LOT LINES INDICATED BY THE SYMBOL
THE UNDERSIGNED DOES HEREBY RELEASE EXTINGUISH QUITCLAIM AND REMOVE THE PRIVATE ACCESS AND UTILITY EASEMENT OVER LOT 3, AS SHOWN ON TRACT 3633 AS RECORDED IN BOOK #0 OF MAPS AND PLATS AT PAGE 100, SAN JOAQUIN COUNTY RECORDS
TO ENSURE MUNICIPAL WATER SERVICES TO ALL LOTS SHOWN UPON THIS MAP, ALL WATER RIGHTS THAT THE UNDERSIGNED MAY HAVE WITHIN THE DISTRICTED BORDER UPON THIS MAP HEREBY ARE DEDICATED TO THE CITY OF LATHROP
THIS MAP SHOWS ALL EASEMENTS OF RECORD ON THE PREMISES

OWNER: LATHROP LAND ACQUISITION LLC A DELAWARE LIMITED LIABILITY COMPANY
PRINTED NAME
SIGNATURE
TITLE
DATE

NOTE:

THE CITY OF LATHROP SHALL RECONVEY PARCELS A TO THE BELOW-NAMED OWNER OR SUCCESSOR IN INTEREST IF THE CITY DETERMINES SUBJECT TO GOVERNMENT CODE SECTION 86775 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES AS OWNER LATHROP LAND ACQUISITION LLC A DELAWARE LIMITED LIABILITY COMPANY 50 LATHROP ROAD LATHROP CA 95330

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS ACCURACY OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA
COUNTY OF
ON
PERSONALLY APPEARED
2022 BEFORE ME
A NOTARY PUBLIC
PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAMES I HAVE SUBSCRIBED TO AND WHOSE SIGNATURE(S) I HAVE WRITTEN ON THE ABOVE INSTRUMENT AND THAT BY SIGNING THEIR SIGNATURE(S) ON THE INSTRUMENT ON BEHALF OF WHICH THE PERSON(S) ACTED EXECUTED THE INSTRUMENT
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT
WITNESS MY HAND
SIGNATURE

PRINTED NAME: NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE
PRINCIPAL PLACE OF BUSINESS
COMMISSION EXPIRES
COMMISSION # OF NOTARY

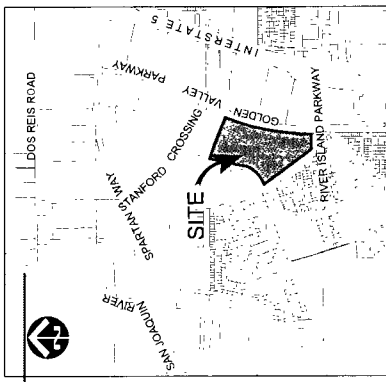
(0 D SHEET NO. 48)

TRACT NO 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY, A SUBDIVISION OF LOTS 1, 2, 3, 4 AND 17 OF TRACT 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2109-039556 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT DIABLO BASE & MERIDIAN



OCTOBER 2021



VICINITY MAP NOT TO SCALE

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY MADE IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF LATHROP LAND ACQUISITION LLC. IN OCTOBER, 2020 I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AND THAT THE POSITION OF THE LOTS SHOWN ON THIS MAP REPRESENTS THE POSITION OF THE LOTS AS SHOWN ON THE INSTRUMENT NO. 2109-039556 OF OFFICIAL RECORDS AND THAT SAID INSTRUMENTS WILL BE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED

DATED THIS DAY OF 2022



BRIELLE MACDONALD LS NO 8817

RIGHT TO FARM STATEMENT:

THE CITY OF LATHROP CODE OF ORDINANCES, TITLE 16 CHAPTER 16.08(B), THE CITY OF LATHROP PERMITS, OPERATION OF FREELY CONDUCTED AGRICULTURAL OPERATIONS WITHIN THE CITY LIMITS, INCLUDING THOSE THAT UTILIZE CHEMICAL FERTILIZERS AND PESTICIDES, YOU ARE HEREBY NOTIFIED THAT THE PROPERTY YOU ARE PURCHASING MAY BE LOCATED CLOSE TO AGRICULTURAL LANDS AND OPERATIONS THAT MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE LAWFUL AND PROPER USE OF AGRICULTURAL CHEMICALS AND PESTICIDES AND FROM OTHER AGRICULTURAL ACTIVITIES INCLUDING WITHOUT LIMITATION CULTIVATION, PLANTING, SPRAYING, IRRIGATION, PRUNING, HARVESTING, BURNING OF AGRICULTURAL WASTE PRODUCTS, PROTECTION OF CROPS AND ANIMALS FROM PESTS AND DISEASE, AND OTHER AGRICULTURAL OPERATIONS. YOU ARE ADVISED THAT THE CITY OF LATHROP IS AWARE ALSO THAT THIS PROPERTY MAY BE LOCATED ADJACENT TO AGRICULTURAL OPERATIONS OUTSIDE THE CITY'S JURISDICTION. CONSEQUENTLY, DEPENDING ON THE LOCATION OF YOUR PROPERTY, IT MAY BE NECESSARY THAT YOU BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS NORMAL AND NECESSARY ASPECTS OF LIVING IN AN AGRICULTURALLY ACTIVE REGION

STATEMENT OF SOILS REPORT:

A SOILS REPORT DATED STANFORD CROSSING LATHROP CALIFORNIA GEOTECHNICAL EXPLORATION PROJECT NO 547-003010 AND DATED AUGUST 2022 HAS BEEN PREPARED FOR THIS PROJECT BY ENGINEER INCORPORATED STEVE HARRIS P.E. G.E. AND IS FILED WITH THE CITY OF LATHROP

CITY SURVEYOR'S STATEMENT:

ALL THE PROVISIONS OF CHAPTER 2.2 OF THE CALIFORNIA SUBDIVISION MAP ACT AS AMENDED AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT

DATED THIS DAY OF 2022

DARRYL ALEXANDER PLS NO 5071 ACTING CITY SURVEYOR



CITY ENGINEER STATEMENT:

I, GLENN GERHARDT, HEREBY STATE THAT I HAVE EXAMINED THIS MAP OF NO. 406 SUBDIVISIONS OF SAN JOAQUIN COUNTY, SAN JOAQUIN COUNTY, CALIFORNIA, AND THAT SAID MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF LATHROP LAND ACQUISITION LLC. IN OCTOBER, 2020 I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AND THAT THE POSITION OF THE LOTS SHOWN ON THIS MAP REPRESENTS THE POSITION OF THE LOTS AS SHOWN ON THE INSTRUMENT NO. 2109-039556 OF OFFICIAL RECORDS AND THAT SAID INSTRUMENTS WILL BE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED

DATED THIS DAY OF 2022

GLENN GERHARDT P.C.E. 34881 CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA



CITY CLERK'S STATEMENT:

I, TERESA VARGAS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, STATE OF CALIFORNIA, DO HEREBY STATE THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AND FILED IN MY OFFICE

DATED THIS DAY OF 2022

TERESA VARGAS CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT:

THIS MAP CONFORMS TO THE VESTING TENTATIVE TRACT MAP NO. 3647 APPROVED BY THE PLANNING COMMISSION ON THE 30TH DAY OF MARCH, 2021

DATED THIS DAY OF 2022

MARK MESSNER SECRETARY OF THE PLANNING COMMISSION COMMUNITY DEVELOPMENT DIRECTOR

COUNTY RECORDER'S STATEMENT:

I HEREBY STATE THAT THIS MAP WAS FILED FOR RECORD IN THE COUNTY CLERK'S OFFICE OF SAN JOAQUIN COUNTY, CALIFORNIA, ON THE DAY OF 2022, AT M IN BOOK OF MAPS AND PLATS, AT PAGE AT THE REQUEST OF

FEE \$

STEVE J. BEST/CARIDES ASSESSOR-RECORDER - COUNTY CLERK SAN JOAQUIN COUNTY, CALIFORNIA

BY ASSISTANT DEPUTY RECORDER

REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.

NOTES:
 1. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES.

LEGEND

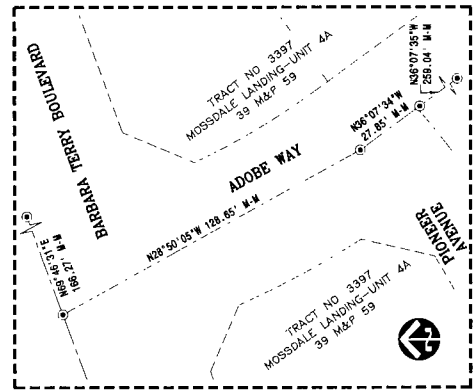
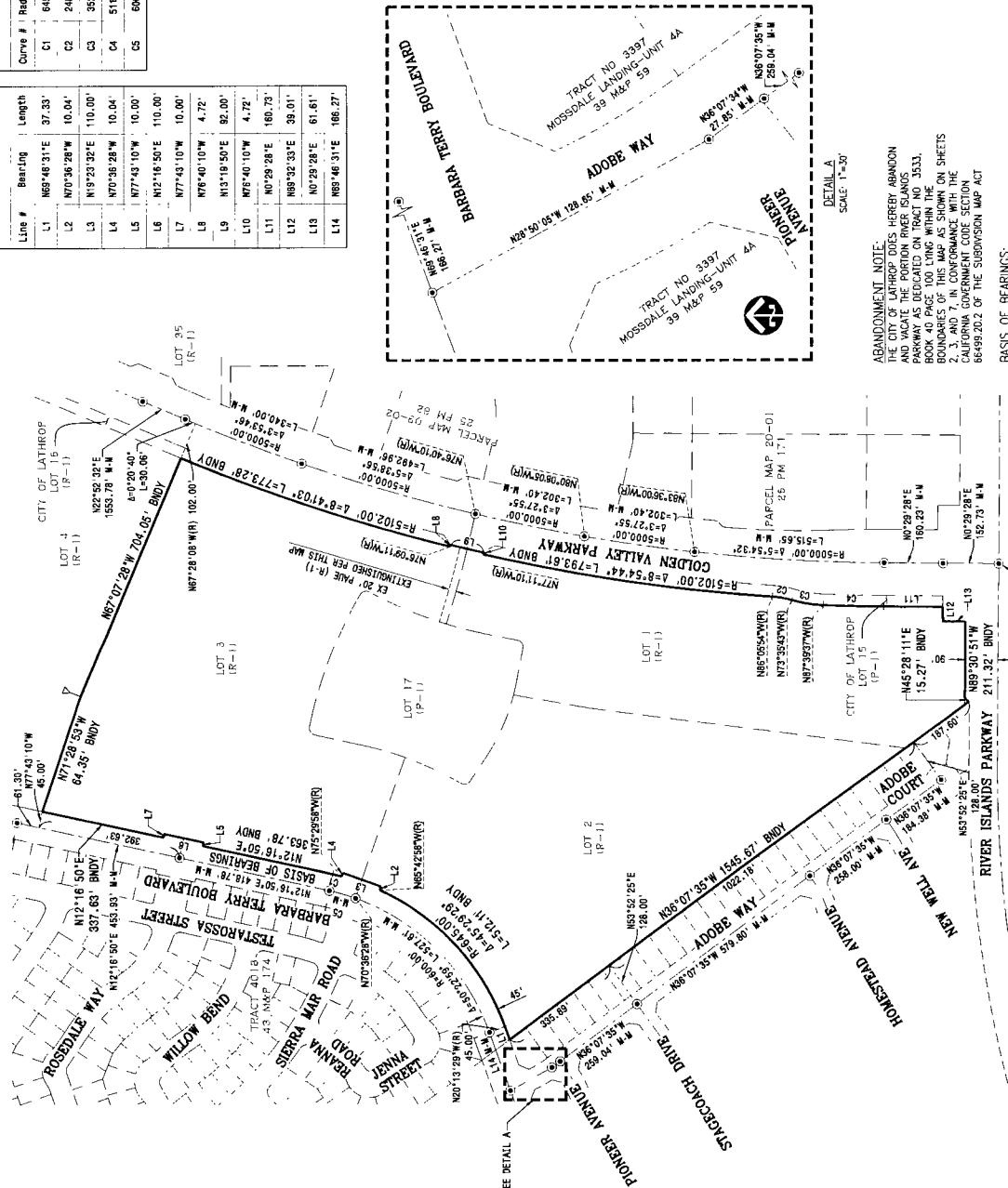
- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- ① RELINQUISHMENT OF ABUTTER'S RIGHTS
- ② FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- ③ SET 2 1/2" BRASS DISK STAMPED "S 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
- ④ SET 3/4" IRON PIPE WITH TAG STAMPED "S 8817"
- ⑤ ANGLE POINT
- ⑥ BOUNDARY
- ⑦ EXISTING
- ⑧ IRON PIPE
- ⑨ MONUMENT TO MONUMENT
- ⑩ MONUMENT TO PROPERTY LINE
- ⑪ OFFICIAL RECORDS
- ⑫ CURB OR GUTTER
- ⑬ PRIVATE ACCESS AND UTILITY EASEMENT
- ⑭ MAPS AND PLATS
- ⑮ WALL EASEMENT
- ⑯ RADIAL BEARING
- ⑰ TOTAL
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- ⑰ INDICATES SHEET NUMBER

Curve Table

Curve #	Radius	Delta	Length
C1	645.00'	2°13'12"	24.98'
C2	248.00'	12°50'11"	54.12'
C3	352.00'	14°03'54"	88.41'
C4	518.00'	1°50'55"	185.14'
C5	600.00'	7°08'42"	74.47'

Line Table

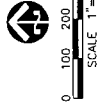
Line #	Bearing	Length
L1	N69°48'31"E	37.33'
L2	N70°36'28"W	10.04'
L3	N19°23'32"E	110.00'
L4	N70°36'28"W	10.04'
L5	N77°43'10"W	10.00'
L6	N12°16'50"E	110.00'
L7	N77°43'10"W	10.00'
L8	N78°40'10"W	4.72'
L9	N31°18'50"E	92.00'
L10	N78°40'10"W	4.72'
L11	N0°29'28"E	180.73'
L12	N89°32'33"E	39.01'
L13	N0°29'28"E	61.01'
L14	N89°48'31"E	186.27'



ABANDONMENT NOTE:
 THE CITY OF LATHROP DOES HEREBY ABANDON AND VACATE THE PORTION RIVER ISLANDS PARKWAY AS DECLARED ON MAPS AND PLATS BK. 40 OF MAPS AND PLATS AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

BASIS OF BEARINGS:
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN THE BEARING MONUMENT SET PER (R-4) BOOK 40 OF MAPS AND PLATS AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

- TITLE NOTES:
- PACIFIC TELEPHONE AND TELEGRAPH COMPANY, PUBLIC UTILITY EASEMENT, BOOK 1405, PAGE 503 AND BOOK 1405, PAGE 506, S.J.C.R. - THE LOCATION CANNOT BE DETERMINED FROM RECORD INFORMATION.
 - PACIFIC TELEPHONE AND TELEGRAPH COMPANY, PUBLIC UTILITY EASEMENT, BOOK 1405, PAGE 503 AND BOOK 1405, PAGE 506, S.J.C.R. - THE LOCATION CANNOT BE DETERMINED FROM RECORD INFORMATION.
 - ET AL, PIPELINE EASEMENT, BOOK 1546, PAGE 321, S.J.C.R. - THE LOCATION CANNOT BE DETERMINED FROM RECORD INFORMATION.
 - IN ROBINSON AND GOMES, ET AL, PUMPING PLANT AND IRRIGATION FACILITIES, BOOK 1338, PAGE 479, S.J.C.R. - THE LOCATION CANNOT BE DETERMINED FROM RECORD INFORMATION.
 - ET AL, PUMPING PLANT AND IRRIGATION FACILITIES, BOOK 1338, PAGE 479, S.J.C.R. - THE LOCATION CANNOT BE DETERMINED FROM RECORD INFORMATION.

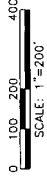


TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STAFFORD CROSSING - PHASE 1D
 A SUBDIVISION OF LOTS 1, 2, 3 AND 4 OF TRACT NO. 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2109-039588 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN
 CITY OF LATHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

MACKAY & SOMPS

REFERENCES
 (P-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (P-2) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.



BASIS OF BEARINGS
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- RELINQUISHMENT OF ABUTTER'S RIGHTS
- FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- SET 2 1/2" BRASS DISK STAMPED "S 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
- SET 3/4" IRON PIPE WITH TAG STAMPED "S 8817"
- ANGLE POINT
- BNDY BOUNDARY
- EXISTING BOUNDARY
- IRON PIPE
- MONUMENT TO MONUMENT
- MONUMENT TO PROPERTY LINE
- OFFICIAL RECORDS
- OR EASEMENT
- PRIVATE ACCESS AND UTILITY EASEMENT
- MAPS AND PLATS
- WALL EASEMENT
- RADIAL BEARING
- TOTAL
- SAN JOAQUIN COUNTY RECORDS
- S.J.C.R.
- ④ INDICATES SHEET NUMBER

NOTES:
 1. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES
 2. TRACT 4105, STANFORD CROSSING PHASE II, CONTAINS 271 RESIDENTIAL LOTS, AND 1 LETTERED PARCEL, CONTAINING 47.70 ACRES, MORE OR LESS, INCLUDING THE ROADWAYS THAT ARE BEING DEDICATED BY THIS FINAL MAP. ALL SHOWN HEREIN (PLEASE REFER TO THE AREA SUMMARY TABLE BELOW)

TRACT 4105 AREA SUMMARY	
271 RESIDENTIAL LOTS AND STREET DEDICATIONS	43.10± AC
PARCEL A	4.60± AC
TOTAL	47.70± AC

ABANDONMENT NOTE
 THE CITY OF LATHROP ORES HEREBY ABANDON AND WAIVE THE PORTION RIVER ISLANDS TRACT 4105, STANFORD CROSSING PHASE II, BOOK 40 PAGE 100 TO BE WITHIN THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 2, 3, AND 7, IN CONFORMANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 66499.202 OF THE SUBDIVISION MAP ACT.

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY

A SUBDIVISION OF LOTS 1, 2, 3 AND PAGE 100 OF TRACT NO. 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2109-039586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN

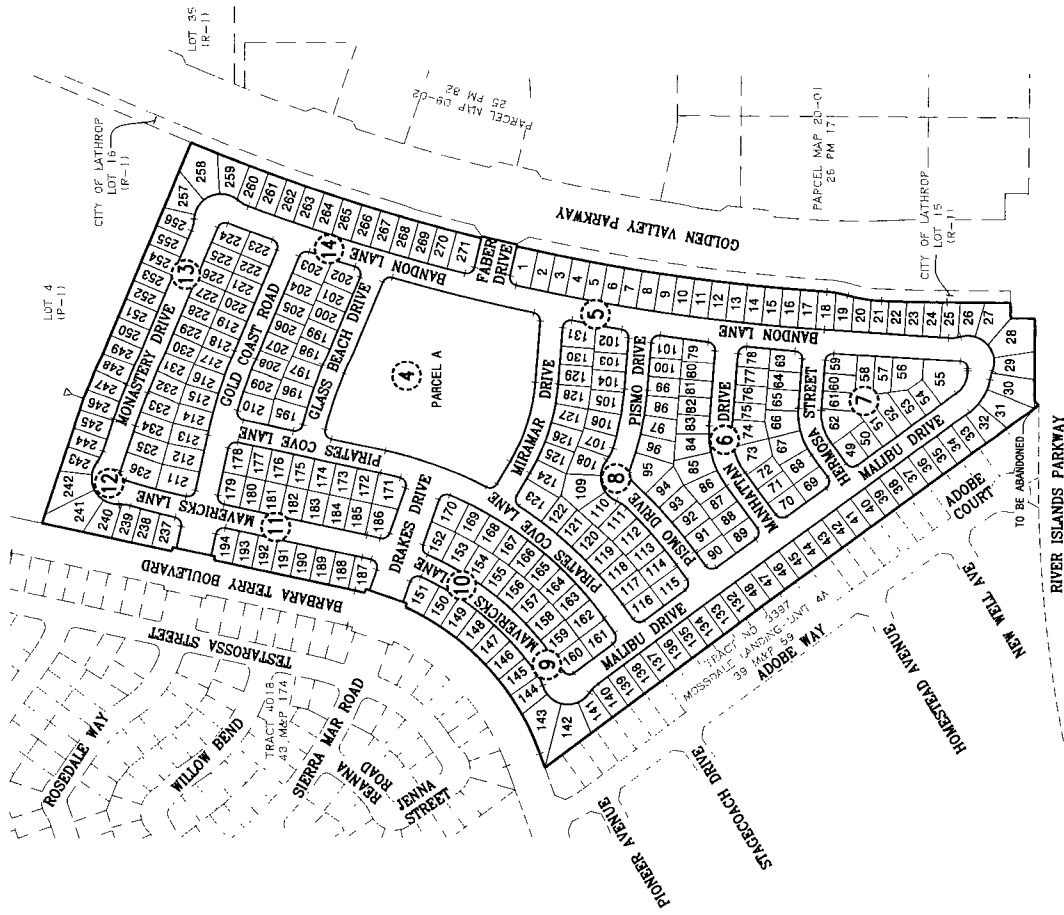
CITY OF LATHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

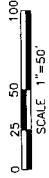
MACKAY & SOMPS

SHEET 3 OF 14

OCTOBER 2021

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REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS
 IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN
 BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREIN

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- CURB/PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- ⊙ RELINQUISHMENT OF ABUTTER'S RIGHTS
- ⊙ FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- ⊙ SET 2 1/2" BRASS DISK STAMPED "S 8817" IN MONUMENT BOX PER CITY OF LAHROP STANDARDS
- ⊙ SET 3/4" IRON PIPE WITH TAG STAMPED "S 8817"
- ⊙ ANGLE POINT
- BOUNDARY
- ENDY
- EXISTING
- EX
- IRON PIPE
- MONUMENT TO MONUMENT
- MONUMENT TO PROPERTY LINE
- M-M
- M-PL
- OR
- PUE
- PUBLIC UTILITY EASEMENT
- PAUE
- PRIVATE ACCESS AND UTILITY EASEMENT
- M&P
- MAPS AND PLATS
- WALL EASEMENT
- WE
- WALL BEARING
- TOTAL
- (T) S.J.C.R.
- (4) SAN JOAQUIN COUNTY RECORDS
- ⊙ INDICATES SHEET NUMBER

NOTES:
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY

A SUBDIVISION OF TRACT NO. 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2109-038586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE & MERIDIAN

CITY OF LAHROP, CALIFORNIA

MACKAY & SOMPS

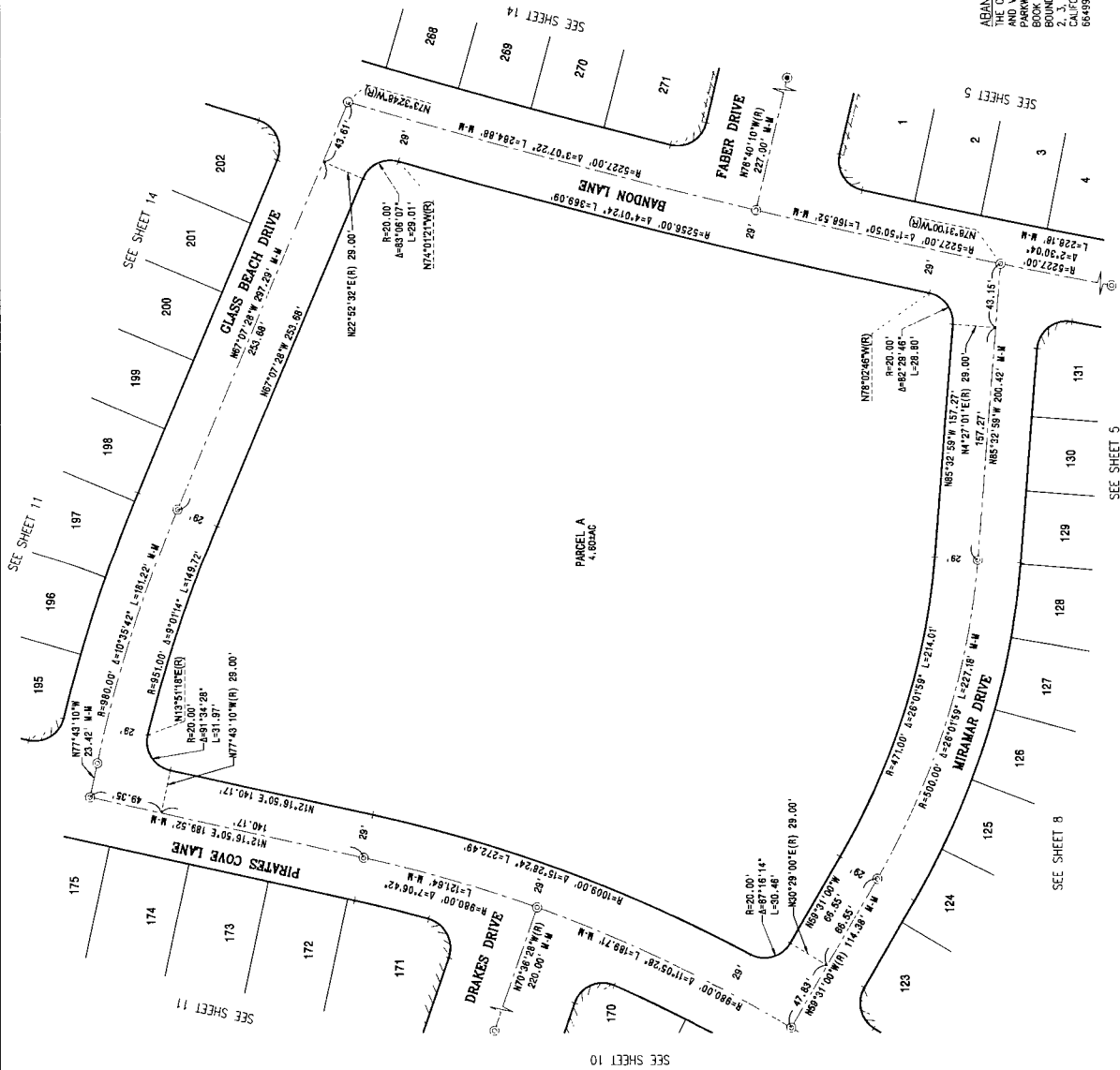
REGISTERED PROFESSIONAL LAND SURVEYORS

OCTOBER 2021

SHEET 4 OF 14

25235.01

ABANDONMENT NOTE:
 THE CITY OF LAHROP DOES HEREBY ABANDON AND WAIVE THE PORTION RIVER ISLANDS PARKWAY AS DEDICATED ON TRACT NO. 3533, BOOKS 40 OF MAPS AND PLATS AS SHOWN ON SHEETS 2, 3, AND 7, IN CONFORMANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 86499.20.2 OF THE SUBDIVISION MAP ACT



REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 05-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREIN

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE PARCEL LINE
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE

- REINFORCEMENT OF ABUTTER'S RIGHTS
- FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- SET 2 1/2" BRASS DISK STAMPED "S 8817" IN MONUMENT BOX PER CITY OF LAHROP STANDARDS
- SET 3/4" IRON PIPE WITH TAG STAMPED "S 8817" ANGLE POINT
- BOUNDARY
- EXISTING
- IRON PIPE
- M-M MONUMENT TO MONUMENT
- M-M MONUMENT TO PROPERTY LINE
- O-R OFFICIAL RECORDS
- P-UE PUBLIC UTILITY EASEMENT
- PAVE PRIVATE ACCESS AND UTILITY EASEMENT
- M&P MAPS AND PLATS
- MC METAL CORNER
- (R) RADIAL BEARING
- (T) TOTAL
- S-J.C.R. SAN JOAQUIN COUNTY RECORDS
- (4) INDICATES SHEET NUMBER

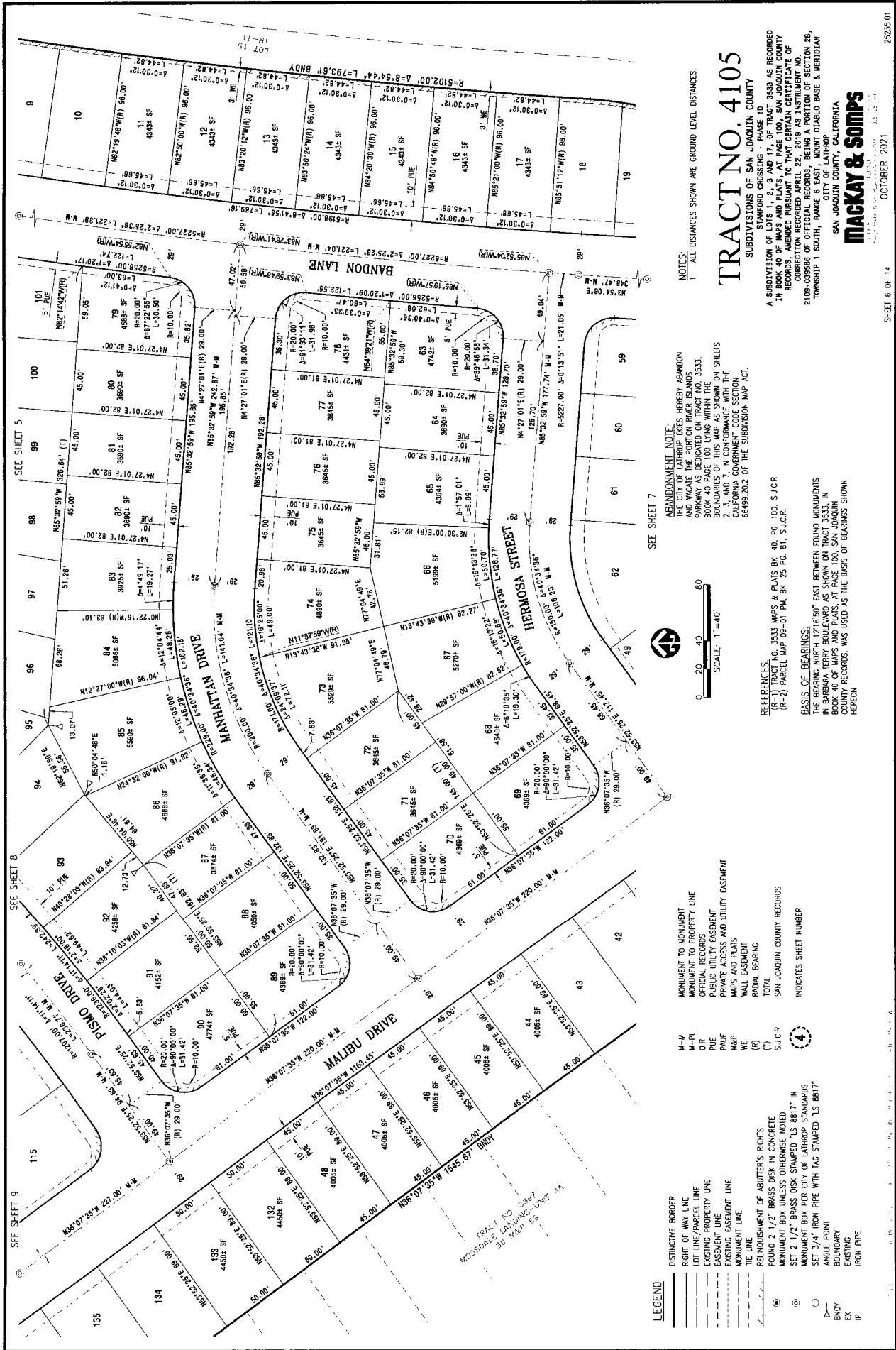
NOTES:
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES.



ABANDONMENT NOTE:
 THE CITY OF LAHROP DOES HEREBY ABANDON AND WAIVE THE PORTION RIVER ISLANDS PARKWAY AS DEDICATED ON TRACT NO. 3533, BOOK 40 PAGE 100 LYING WITHIN THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 7, 8, 9 AND 10 OF MAPS AND PLATS OF THE CALIFORNIA GOVERNMENT CODE SECTION 86498.202 OF THE SUBDIVISION MAP ACT

TRACT NO. 4105
 SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STAFFORD CROSSING - PHASE 1D
 A SUBDIVISION OF LOTS 1, 2, 3 AND 4 OF TRACT 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS OF SAN JOAQUIN COUNTY RECORDS, AND A CORRECTION TO THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2109-038586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE & MERIDIAN CITY OF LAHROP, SAN JOAQUIN COUNTY, CALIFORNIA

MACKAY & SOMPS
 REALTORS
 1000 P STREET, SUITE 100
 LAHROP, CA 95243
 (916) 438-1100



TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 A SUBDIVISION OF STAMFORD CROSSING - PHASE 1D
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2109-039586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28,
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN
 SAN JOAQUIN COUNTY, CALIFORNIA

MACKAY & SOMPS
 CIVIL ENGINEERS
 1000 F STREET, SUITE 100
 SACRAMENTO, CALIFORNIA 95811
 PHONE: (916) 441-1111
 FAX: (916) 441-1112
 WWW.MACKAYANDSOMPS.COM

NOTES:
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES.

ABANDONMENT NOTE:
 THE CITY OF LATHROP HAS HEREBY ABANDON
 AND VACATE THE PORTION RIVER ISLANDS
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS
 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,
 20, 21 AND 22 OF THIS MAP AND THE
 CALIFORNIA COMPASS CODE SECTION
 66499.2012 OF THE SUBMISSION MAP ACT.

SEE SHEET 7
 SCALE: 1"=40'
 0 20 40 80
 MONUMENT TO MONUMENT
 FOUND 2 1/2" BRASS DISK IN CONCRETE
 MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN
 MONUMENT BOX PER CITY OF LATHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
 ANGLE POINT
 BRASS POINT
 EXISTING
 IRON PIPE

LEGEND
 MONUMENT TO MONUMENT
 FOUND 2 1/2" BRASS DISK IN CONCRETE
 MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN
 MONUMENT BOX PER CITY OF LATHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
 ANGLE POINT
 BRASS POINT
 EXISTING
 IRON PIPE

LEGEND
 MONUMENT TO MONUMENT
 FOUND 2 1/2" BRASS DISK IN CONCRETE
 MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN
 MONUMENT BOX PER CITY OF LATHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
 ANGLE POINT
 BRASS POINT
 EXISTING
 IRON PIPE

LEGEND
 MONUMENT TO MONUMENT
 FOUND 2 1/2" BRASS DISK IN CONCRETE
 MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN
 MONUMENT BOX PER CITY OF LATHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
 ANGLE POINT
 BRASS POINT
 EXISTING
 IRON PIPE

LEGEND
 MONUMENT TO MONUMENT
 FOUND 2 1/2" BRASS DISK IN CONCRETE
 MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN
 MONUMENT BOX PER CITY OF LATHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
 ANGLE POINT
 BRASS POINT
 EXISTING
 IRON PIPE

REFERENCES
 (R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 17°16'30" EAST BETWEEN FOUND MONUMENTS
 ON AN IRON PIN ON THE EAST LINE OF TRACT NO. 3533, IN
 BOOK 40 OF MAPS AND PLATS, AS SHOWN ON SAID MAP,
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREON

LEGEND
 --- DISTINCTIVE BORDER
 --- RIGHT OF WAY LINE
 --- LOT LINE/PANEL LINE
 --- EXISTING PROPERTY LINE
 --- EXISTING EASEMENT LINE
 --- EXISTING ENCUMBRANCE LINE
 --- MONUMENT LINE
 --- BE LINE

REINDEMENT OF ARBITERS RIGHTS
 FOUND 2 1/2" BRASS DISK IN CONCRETE
 MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "S. 8617" IN
 MONUMENT BOX PER CITY OF LATROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "S. 8617"
 ANGLE POINT
 BNDY BOUNDARY
 EX EXISTING
 IP IRON PIPE
 M-M MONUMENT TO MONUMENT
 M-PL MONUMENT TO PROPERTY LINE
 O.R. OFFICIAL RECORDS
 PUE PUBLIC UTILITY EASEMENT
 PALE PRIVATE ACCESS AND UTILITY EASEMENT
 MAP MAP
 WE WALL EASEMENT
 RADIAL EASEMENT
 TOTAL
 S.J.C.R. SAN JOAQUIN COUNTY RECORDS
 INDICATES SHEET NUMBER

NOTES:
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

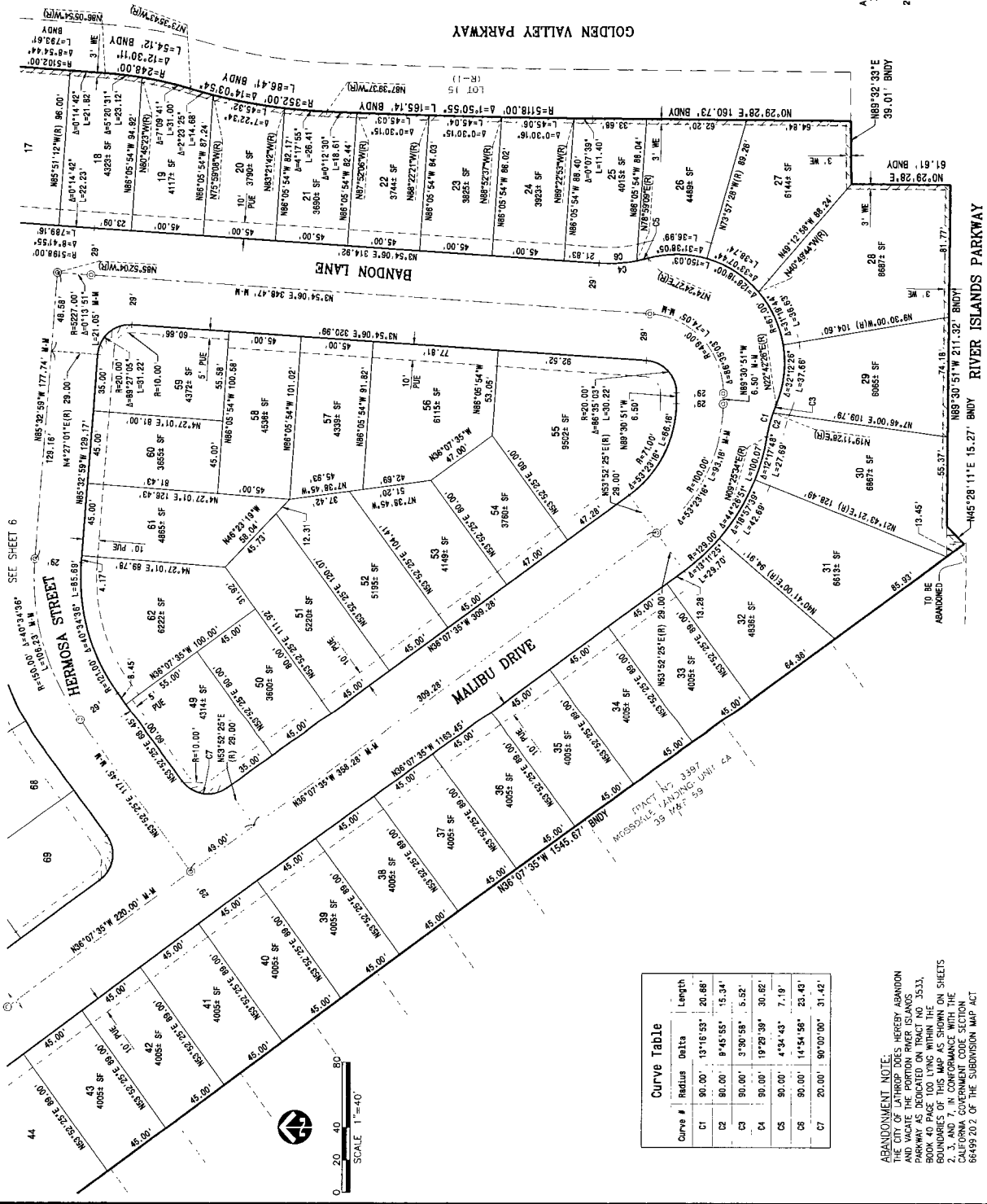
SUBDIVISIONS OF SAN JOAQUIN COUNTY

A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 RECORDS, AND LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 RECORDS, BEING A PORTION OF SECTION 28,
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE A MERIDIAN,
 CITY OF LATROP

SAN JOAQUIN COUNTY, CALIFORNIA
MACKAY & SOMPS
 REGISTERED PROFESSIONAL LAND SURVEYORS
 1400 J STREET, SUITE 200, SACRAMENTO, CALIFORNIA 95811
 (916) 441-1111

OCTOBER 2021

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Curve Table

Curve #	Radius	Delta	Length
C1	90.00'	13°16'43"	20.68'
C2	80.00'	8°45'55"	15.34'
C3	90.00'	3°30'58"	5.92'
C4	90.00'	19°29'39"	30.62'
C5	90.00'	4°34'43"	7.19'
C6	90.00'	14°54'58"	23.43'
C7	20.00'	90°00'00"	31.42'

ABANDONMENT NOTE:
 RECORDS AND MONUMENTS HEREBY ABANDONED
 AND VACATE THE PORTION RIVER ISLANDS
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS
 2, 3, AND 7, IN CONFORMANCE WITH THE
 PROVISIONS OF CHAPTER 10, SECTION 10.01,
 66469.202 OF THE SUBDIVISION MAP ACT.

REFERENCES:
 (P-1) TRACT MAP NO. 3533 MAPS & PLATS, BK. 49, PG. 100, S.J.C.R.
 (P-2) TRACT MAP NO. 3533 MAPS & PLATS, BK. 49, PG. 100, S.J.C.R.
 (P-3) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT Diablo BASE & MERIDIAN, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE

RELINQUISHMENT OF ABUTTER'S RIGHTS
 FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN MONUMENT BOX PER CITY OF LAHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817" AT ANGLE POINT
 BOUNDARY
 EXISTING
 IRON PIPE
 M-M
 MONUMENT TO MONUMENT
 MONUMENT TO PROPERTY LINE
 O.P.L.
 O.P.
 PUBLIC UTILITY EASEMENT
 PRIVATE ACCESS AND UTILITY EASEMENT
 MAPS AND PLATS
 WALL EASEMENT
 WE
 RADIAL BEARING
 (R)
 (T)
 S.J.C.R.
 4
 SAN JOAQUIN COUNTY RECORDS
 INDICATES SHEET NUMBER

NOTES:
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

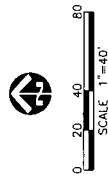
TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STANFORD CROSSING - PHASE 10

A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT Diablo BASE & MERIDIAN, CORRECTION RECORDED APRIL 23, 2019 AS INSTRUMENT NO. 2109-0395986 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT Diablo BASE & MERIDIAN, CITY OF LAHROP, CALIFORNIA

MACKAY & SOMPS
 1400 N. G ST. LAHROP, CA 95243
 TEL: 209.338.1100 FAX: 209.338.1101

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Curve #	Radius	Delta	Length
C1	90.00'	20°49'48"	32.72'
C2	90.00'	11°48'10"	18.54'
C3	90.00'	9°01'37"	14.18'
C4	90.00'	21°49'45"	34.29'
C5	90.00'	8°28'19"	10.17'
C6	90.00'	15°21'28"	24.12'
C7	20.00'	87°58'32"	23.72'
C8	20.00'	87°16'14"	30.46'

ABANDONMENT NOTE:
 THE CITY OF LAHROP DOES HEREBY ABANDON AND VACATE THE PORTION RIVER ISLANDS PARKWAY AS DEDICATED ON TRACT NO. 3533, BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT Diablo BASE & MERIDIAN, IN CONFORMANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 66499.20.2 OF THE SUBDIVISION MAP ACT.



SEE SHEET 10

PARCEL A
 SEE SHEET 4

SEE SHEET 6

SEE SHEET 5

SEE SHEET 9

REFERENCES:
 MAP NO. 3533 MAPS & PLATS BY A.S. PG. 108, S.I.C.R.
 (P-1) PARCEL MAP 09-01 PM, ER 25 PG. 81, S.I.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 12° 16' 50" EAST BETWEEN FOUND MONUMENTS
 IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN
 BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREON

- LEGEND**
- DISTINCTIVE BORDER
 - RIGHT OF WAY LINE
 - LOT LINE/PARCEL LINE
 - EXISTING PROPERTY LINE
 - EASEMENT LINE
 - EXISTING EASEMENT LINE
 - MONUMENT LINE
 - THE LINE
 - REINFORCEMENT OF ABUTTER'S RIGHTS
 - FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
 - SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
 - SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
 - ANGLE POINT
 - BOUNDARY
 - EXISTING
 - IRON PIPE
 - MONUMENT TO MONUMENT
 - MONUMENT TO PROPERTY LINE
 - OFFICIAL RECORDS
 - PRIVATE EASEMENT
 - PALE
 - PRIVATE ACCESS AND UTILITY EASEMENT
 - MAPS AND PLATS
 - WALL EASEMENT
 - RADIAL BEARING
 - TOTAL
 - SAN JOAQUIN COUNTY RECORDS
 - S.I.C.R.
 - INDICATES SHEET NUMBER

NOTES:
 1 - ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES.

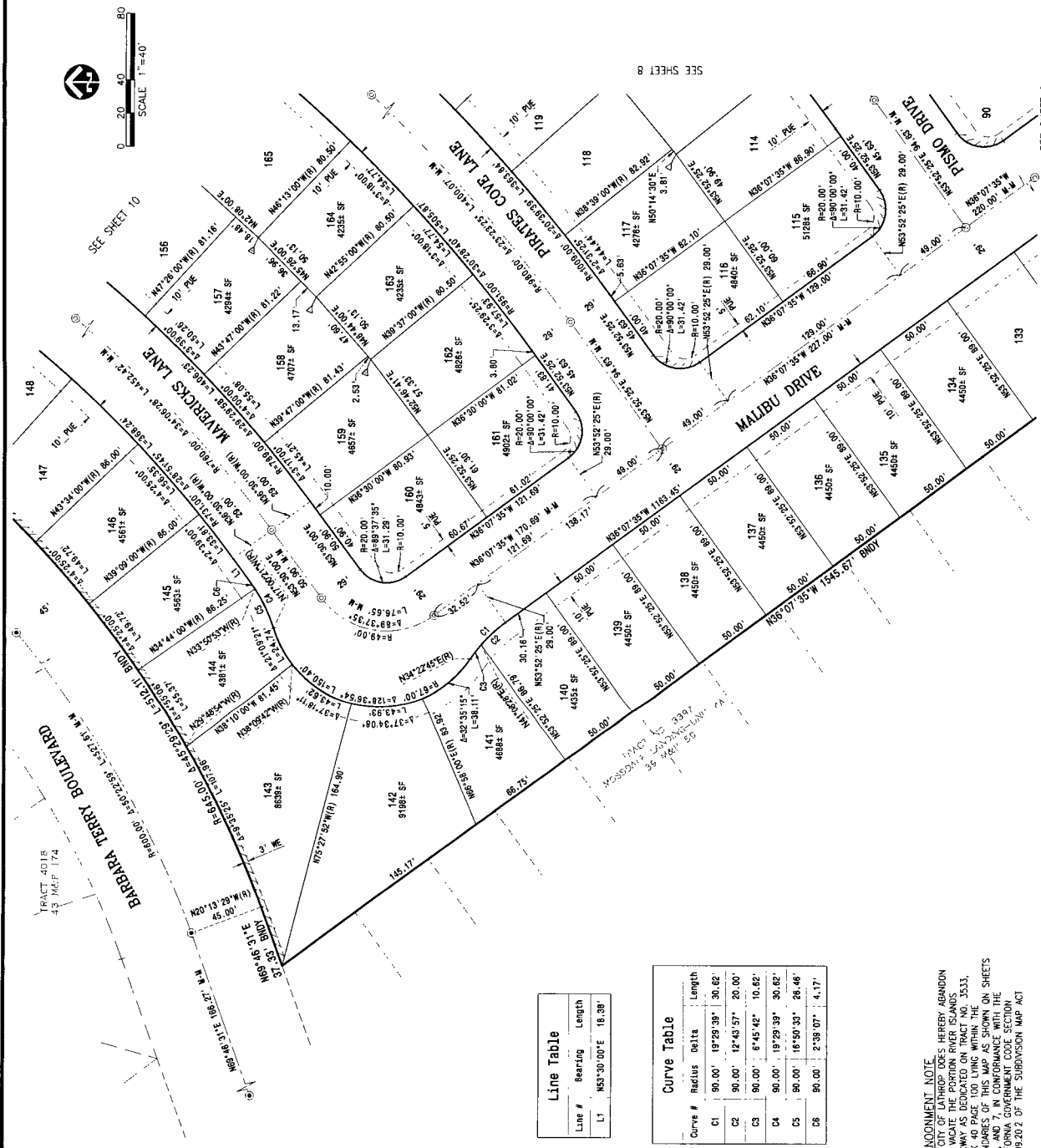
TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY

STANFORD CROSSING - PHASE 1D
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 RECORDS, SUBJECT TO THAT CERTAIN CERTIFICATE OF
 CORRECTION BEING FILED WITH THE COUNTY CLERK OF
 2109-038986 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28,
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE & MERIDIAN,
 CITY OF LATHROP,
 SAN JOAQUIN COUNTY, CALIFORNIA

MACKAY & SOMPS
 CIVIL ENGINEERS
 1000 P STREET, SUITE 100, LATHROP, WA 98646
 (206) 326-4444

SHEET 9 OF 14
 OCTOBER 2021
 252315.01



Line Table

Line #	Bearing	Length
L1	N85°30'00"E	15.38'

Curve Table

Curve #	Radius	Delta	Length
C1	90.00'	19°29'39"	30.62'
C2	90.00'	12°49'57"	20.00'
C3	90.00'	6°45'42"	10.62'
C4	90.00'	19°29'39"	30.62'
C5	90.00'	16°50'30"	28.46'
C6	90.00'	2°39'07"	4.17'

ABANDONMENT NOTE
 THE CITY OF LATHROP ACQUIRES HEREBY ABANDON
 AND WAIVE THE PORTION RIVER ISLANDS
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS
 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

REFERENCES:
 TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (P-2) PARCEL MAP 09-01 PM, BK. 23 PG. 81, S.J.C.R.

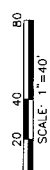
THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, RECORDED APRIL 23, 2019 AS INSTRUMENT NO. 2109-039586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT Diablo BASE & MERIDIAN CITY OF LATHROP SAN JOAQUIN COUNTY, CALIFORNIA

LEGEND

— DISTINCTIVE BORDER
 — RIGHT OF WAY LINE
 — LOT LINE/PARCEL LINE
 — EXISTING PROPERTY LINE
 — EASEMENT LINE
 — EXISTING EASEMENT LINE
 — MONUMENT LINE
 — TIE LINE

⊙ REINFORCEMENT OF ABUTTER'S RIGHTS
 ⊙ FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
 ⊙ SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
 ⊙ SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817" ANGLE POINT
 ⊙ BNDY BOUNDARY
 ⊙ EX EXISTING
 ⊙ P IRON PIPE
 ⊙ M-M MONUMENT TO MONUMENT
 ⊙ C-PL CONCRETE PROPERTY LINE
 ⊙ P-PL PUBLIC UTILITY EASEMENT
 ⊙ PALE PALE
 ⊙ MAPS MAPS AND PLATS
 ⊙ WE WALL EASEMENT
 ⊙ (R) RADIAL BEARING
 ⊙ (T) TOTAL
 ⊙ S.J.C.R. SAN JOAQUIN COUNTY RECORDS
 ⊙ 4 INDICATES SHEET NUMBER

NOTES:
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

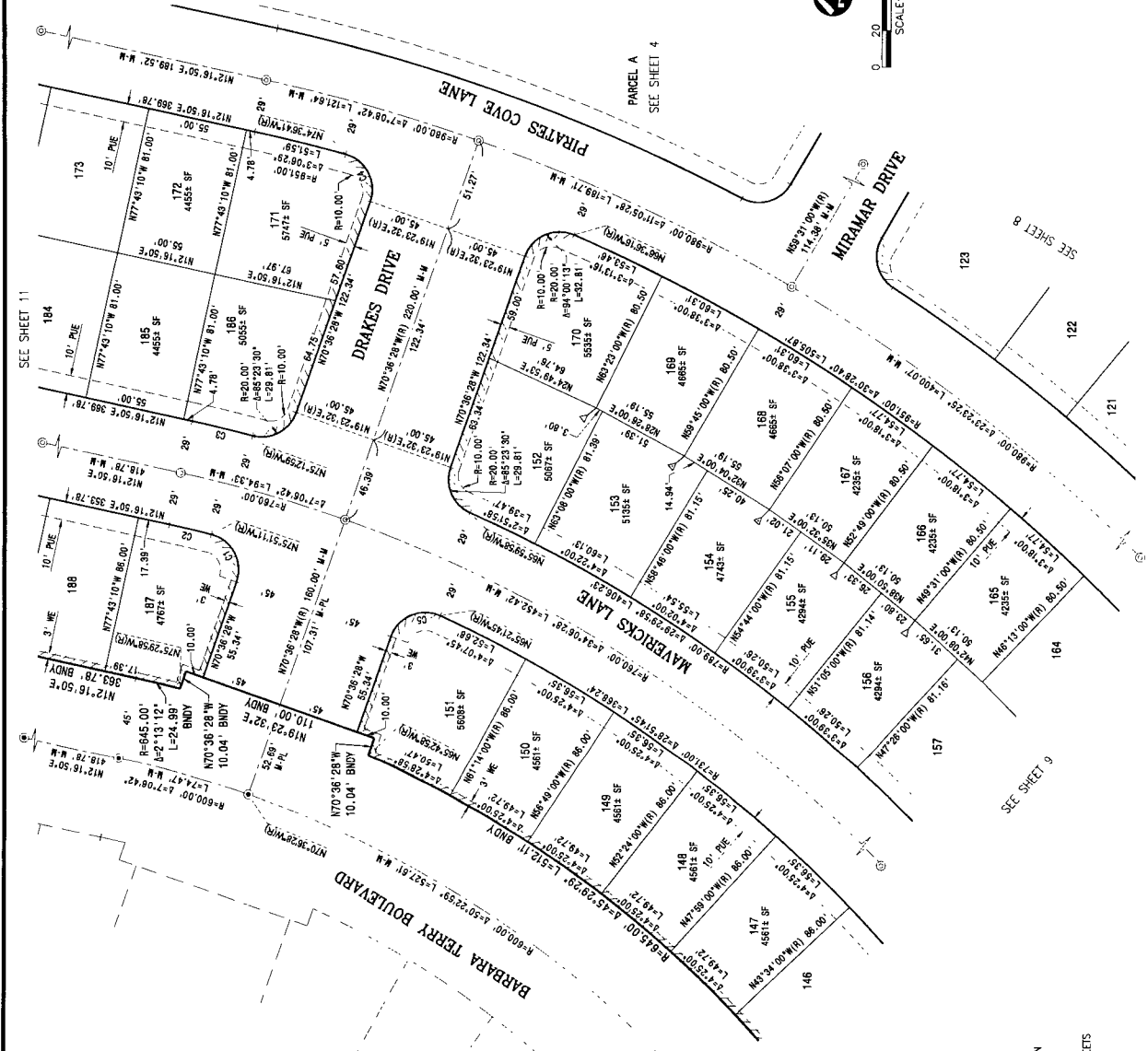


TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STANFORD CROSSING - PHASE 10
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, RECORDED APRIL 23, 2019 AS INSTRUMENT NO. 2109-039586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT Diablo BASE & MERIDIAN CITY OF LATHROP SAN JOAQUIN COUNTY, CALIFORNIA

MACKAY & SOMPS
 CIVIL ENGINEERS
 1401 N. G ST., SUITE 100, LATHROP, CA 95330
 (916) 335-2277 FAX (916) 335-2278

SHEET 10 OF 14
 OCTOBER 2021 25235.01



Curve #	Radius	Delta	Length
C1	20.00'	95°14'43"	33.25'
C2	731.00'	1°51'58"	23.81'
C3	789.00'	2°30'11"	34.47'
C4	20.00'	94°00'13"	32.81'
C5	20.00'	95°14'43"	33.25'

ABANDONMENT NOTE:
 THE CITY OF LATHROP DEES HEREBY ABANDON AND WAIVE THE PORTION RIVER ISLANDS PARKWAY AS DEDICATED ON TRACT NO. 3533, BOOK 40 PAGE 100 LING WITHIN THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 OF THE SUBDIVISION MAP ACT 66499.202 OF THE SUBDIVISION MAP ACT

REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, A PUBLIC RECORD, COUNTY OF LATHROP, WASHINGTON, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE

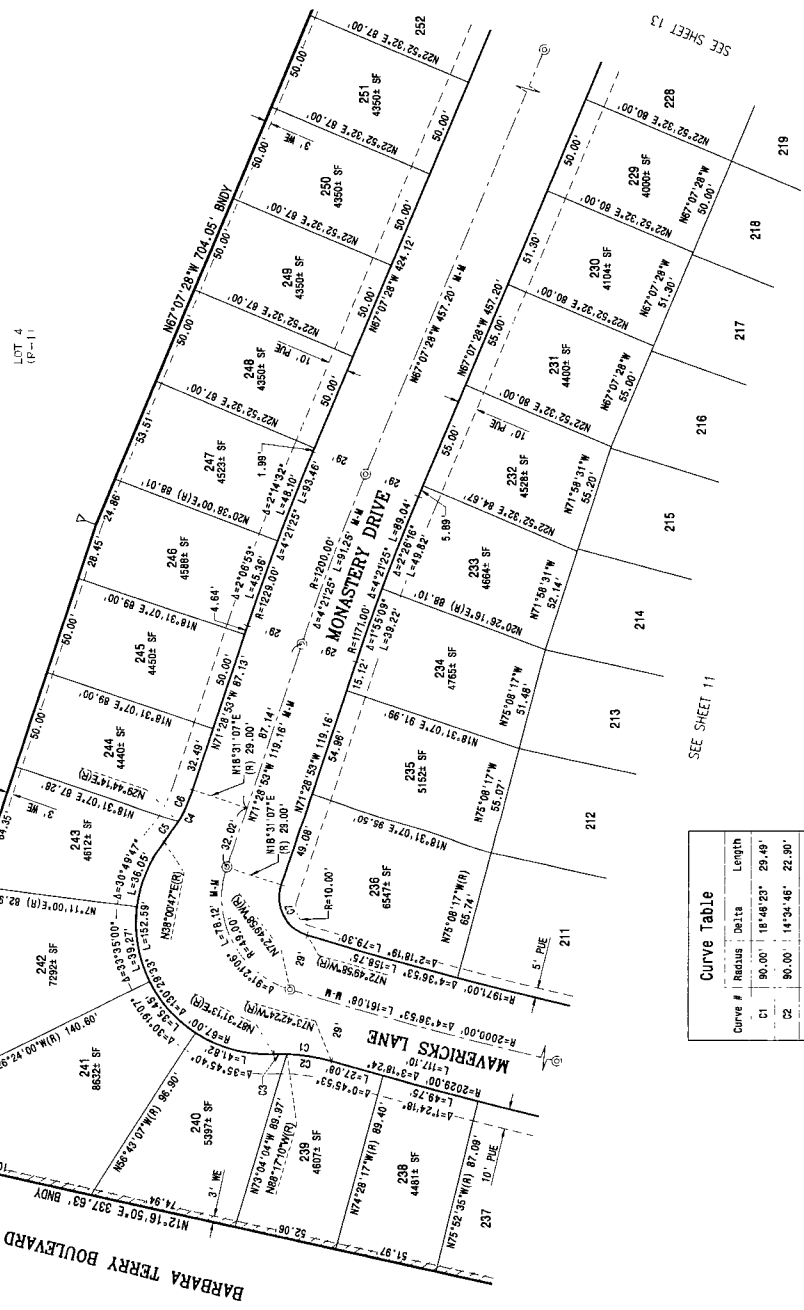
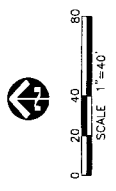
RELINQUISHMENT OF ABUTTER'S RIGHTS
 FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817" ANGLE POINT
 BOUNDARY
 EXISTING
 EX
 MONUMENT TO MONUMENT
 MONUMENT TO PROPERTY LINE
 OFFICIAL RECORDS
 O.P.
 PUBLIC UTILITY EASEMENT
 PAVE
 PRIVATE ACCESS AND UTILITY EASEMENT
 MAP
 WALL EASEMENT
 WE
 RADIAL BEARING
 (R)
 TOTAL
 (T)
 S.J.C.R.
 (S)
 INDICATES SHEET NUMBER

NOTES
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STAMFORD CROSSING - PHASE 1D
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, A PUBLIC RECORD, COUNTY OF LATHROP, WASHINGTON, WAS RECORDED PURSUANT TO THE CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 22, 2018 AS INSTRUMENT NO. 2109-038586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN CITY OF LATHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

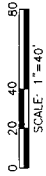
MACKAY & SOMPS
 Civil Engineers & Planners, Inc.
 10000 NE 10th Street, Suite 200
 Vancouver, WA 98664
 (509) 575-2277
 OCTOBER 2021



Curve Table

Curve #	Radius	Delta	Length
C1	90.00'	18°49'23"	29.49'
C2	90.00'	14°34'46"	22.90'
C3	90.00'	4°11'37"	6.59'
C4	90.00'	19°29'39"	30.62'
C5	90.00'	8°18'33"	13.00'
C6	90.00'	11°13'08"	17.62'
C7	20.00'	91°21'06"	31.89'

ABANDONMENT NOTE:
 THE CITY OF LATHROP DOES HEREBY ABANDON AND WAIVE THE PORTION RIVER ISLANDS PARKWAY AS DEDICATED ON TRACT NO. 3533, BOOK 40 PAGE 100 LYING WITHIN THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 11 AND 12 OF THIS MAP. THE CITY OF LATHROP GOVERNMENT SHALL BE BOUND BY THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 11 AND 12 OF THIS MAP. THE CITY OF LATHROP GOVERNMENT SHALL BE BOUND BY THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 11 AND 12 OF THIS MAP. THE CITY OF LATHROP GOVERNMENT SHALL BE BOUND BY THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 11 AND 12 OF THIS MAP.



REFERENCES:
 (E-1) TRACT MAP NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (E-2) TRACT MAP NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (P-1) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARINGS LISTED HEREIN ARE TRUE BEARINGS
 IN BARBARA LERRY BOULEVARD AS SHOWN ON TRACT 3533 IN
 BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREON

- LEGEND**
- DISTINCTIVE BORDER
 - RIGHT OF WAY LINE
 - LOT LINE/PARCEL LINE
 - EXISTING PROPERTY LINE
 - EASEMENT LINE
 - EXISTING EASEMENT LINE
 - MONUMENT LINE
 - TIE LINE

- ⊙ RELINQUISHMENT OF ABUTTER'S RIGHTS
- FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- SET 2 1/2" BRASS DISK STAMPED "S 8817" IN MONUMENT BOX PER CITY OF LAHROP STANDARDS
- SET 3/4" IRON PIPE WITH TAG STAMPED "S 8817"
- BOUNDARY
- EXISTING
- IRON PIPE
- EX
- M-M
- M-FPL
- M-F
- PIPE
- PALE
- MAP
- WE
- (R)
- (T)
- S.J.C.R.
- (4)

NOTES
 1. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STAMFORD CROSSING - PHASE 1D

A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN RECORDS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 RECORDS AND PLATS, BOOK 40 OF MAPS AND PLATS, AS SHOWN ON
 CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2109-039586
 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28,
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN,
 CITY OF LAHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

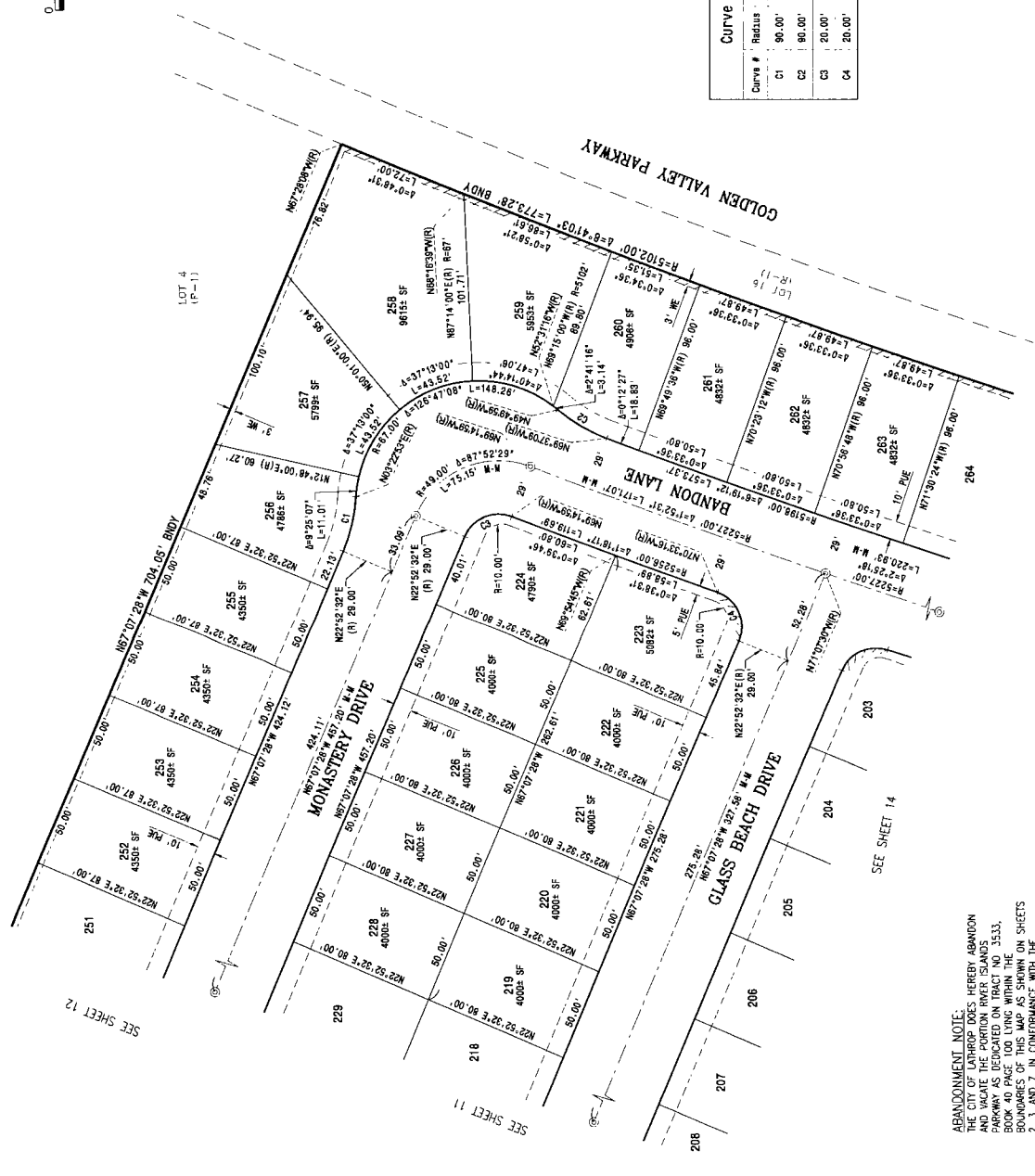
MACKAY & SOMPS
 CIVIL ENGINEERS
 1000 N. G ST. SUITE 100
 LAHROP, CA 95821
 (916) 433-1111

OCTOBER 2021

SHEET 13 OF 14

25235.01

Curve #	Radius	Delta	Length
C1	90.00'	19°29'30"	30.82'
C2	90.00'	19°47'09"	31.08'
C3	20.00'	87°52'29"	10.97'
C4	20.00'	93°25'48"	32.61'



ABANDONMENT NOTE:
 THE SUBDIVISION LOTS, MONASTERY ABANDON
 AND WALKWAY ARE DEDICATED TO THE PUBLIC AS
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS
 2, 3, AND 7, IN CONFORMANCE WITH THE
 ABANDONMENT ACT, CALIFORNIA, SECTION
 66499.02 OF THE SUBDIVISION MAP ACT

REFERENCES:
 TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (R-1) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS
 IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN
 BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREIN



0 20 40 80
 SCALE 1"=40'

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE

- REINFORCEMENT OF ARBITER'S RIGHTS FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
- SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
- ANGLE POINT
- BOUNDARY
- EXISTING
- IRON PIPE TO MONUMENT
- MONUMENT TO PROPERTY LINE
- MONUMENT TO MONUMENT
- OFFICIAL RECORDS
- OF E
- PUE
- PUBLIC UTILITY EASEMENT
- PAUSE
- MAPS AND PLATS
- 4832± SF
- WE
- RADIAL BEARING
- TOTAL
- (1)
- S.J.C.R.
- 4
- INDICATES SHEET NUMBER

NOTES:
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

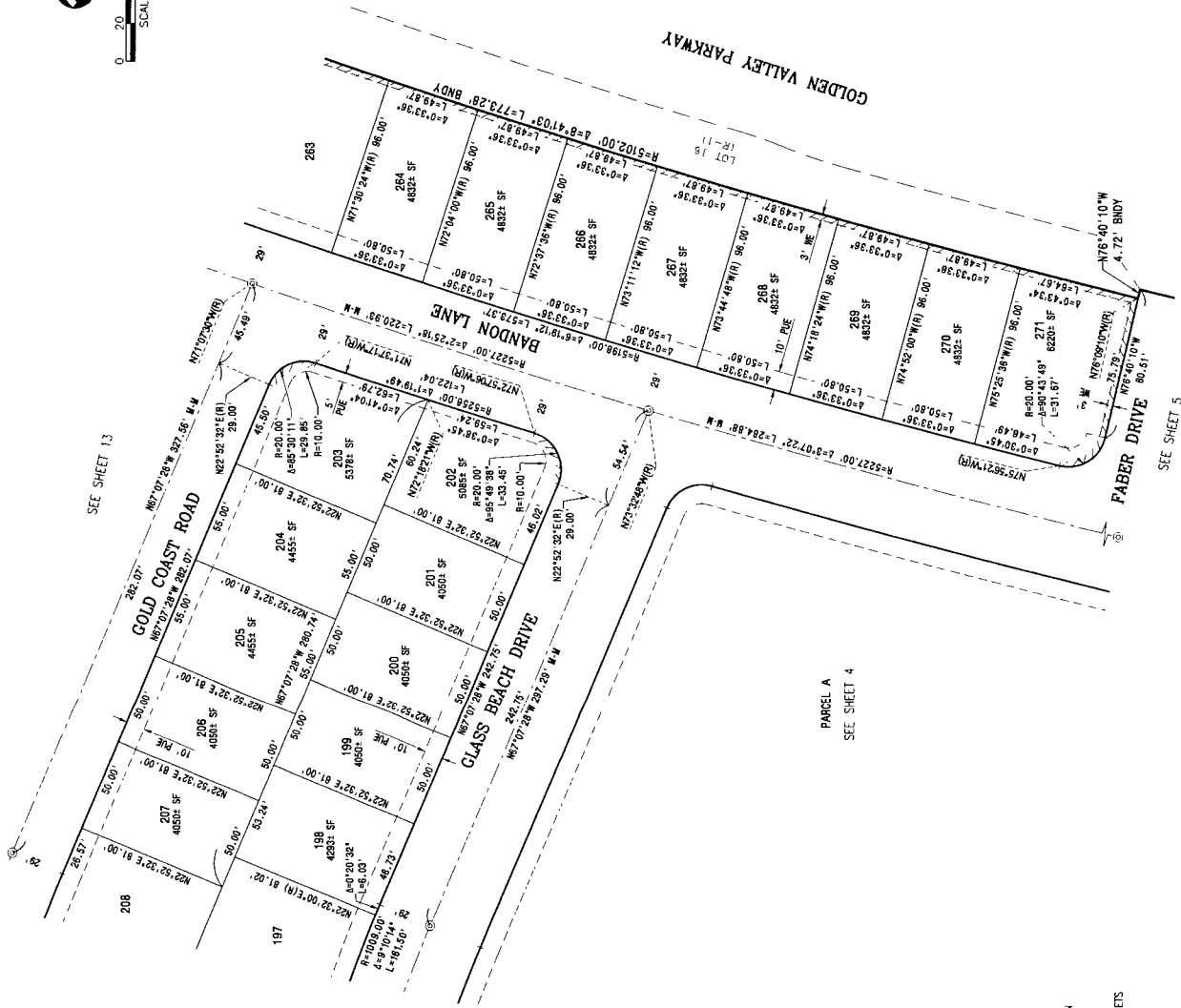
TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY

STANFORD CROSSING - PHASE 10
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN THE OFFICIAL RECORDS OF SAN JOAQUIN COUNTY
 RECORDS, BEING NECESSARY TO THE CREATING CERTIFICABLE OF
 RECORDS, BEING NECESSARY TO THE CREATING CERTIFICABLE OF
 CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO.
 2109-038586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28,
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN
 CITY OF LATHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

MACKAY & SOMPS
 CIVIL ENGINEERS
 11200 N. 113th Ave., Suite 102, Portland, OR 97220
 TEL: 503.251.1111 FAX: 503.251.1112

OCTOBER 2021 25235.01



ABANDONMENT NOTE:
 THE CITY OF LATHROP HAS HEREBY ABANDONED
 AND WAIVED THE PORTION RIVER ISLANDS
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS
 2, 3, AND 7, IN CONFORMANCE WITH THE
 PROVISIONS OF THE SUBDIVISION MAP ACT,
 66499.02 OF THE SUBDIVISION MAP ACT.

SEE SHEET 5

SEE SHEET 11

**CITY OF LATHROP
SUBDIVISION IMPROVEMENT AGREEMENT
CENTRAL LATHROP SPECIFIC PLAN (CLSP) PHASE 1D – TRACT 4105
LATHROP LAND ACQUISITION, LLC**

This Subdivision Improvement Agreement (“*Agreement*”) is made and entered into this **fourteenth (14th) day of February, 2022** (“*Effective Date*”), by and between the CITY OF LATHROP, a municipal corporation of the State of California (“*CITY*”) and Lathrop Land Acquisition, LLC, a Delaware limited liability company (“*SUBDIVIDER*”).

RECITALS

A. On October 5, 2006, CITY approved Vesting Tentative Map 3533 to create 62 parcels on 960 acres of land. On March 20, 2007, CITY approved Vesting Tentative Map 3647 to subdivide a portion of Tract 3533 into 1,071 parcels on 190 acres of land. All Vesting Tentative Maps referenced in Recital A are hereinafter collectively referred to as “**VTMs**”.

B. SUBDIVIDER intends to record one Final Map for Tract 4105 to complete the Central Lathrop Specific Plan Phase 1D, as shown in Exhibit “A” (hereinafter “**Final Map**”).

C. On November 23, 2021, CITY approved a request to commence at-risk grading and improvements for Central Lathrop Phase 1D (hereinafter “**At-Risk Agreement**”). Pursuant to the At-Risk Agreement, SUBDIVIDER agreed that all activities will commence “at-risk” because the City Council has not yet approved the neighborhood small lot Final Maps for Tract 4105.

D. SUBDIVIDER is the record owner of all land incorporated with the Final Map and is therefore responsible for compliance with all conditions of approval associated with, including, without limitation, the construction of specified Improvements (as that term is defined below) as described more fully herein.

E. Pursuant to Division 2 of Title 7 of the Government Code of the State of California and CITY's Subdivision Regulations (City of Lathrop, Code of Ordinances, Chapter 16), SUBDIVIDER is required to make certain offers of dedication and to construct certain Improvements required under the Conditions of Approval on the VTMs (collectively, "COAs") and as identified in the approved Final Map, Improvement Plans and this Agreement. For purposes of this Agreement, the term "**Improvements**" shall collectively mean all public improvements required under the COAs and as expressly set forth in this Agreement that will provide services and access to lots within the Final Map and the term "**Improvement Plans**" shall collectively refer to the Improvement Plans approved by CITY.

AGREEMENT

NOW, THEREFORE, in consideration of CITY'S pending (1) approval of the Final Map on February 14, 2022, and subsequent recordation; (2) approval of Improvement Plans in accordance with the terms of this Agreement and all applicable laws and regulations, the parties hereto mutually covenant and agree as follows:

1. SUBDIVIDER shall construct or cause to be constructed at its sole cost and expense the Improvements as specified and in accordance with the provisions of this Agreement. All Improvements shall be constructed to the reasonable satisfaction and approval of the City Engineer, in an ethical and workmanlike manner in accordance with the approved Improvement Plans and specifications, the applicable improvement standards and specifications of the CITY'S Department of Public Works, the applicable Ordinances of the City Lathrop, and the applicable provisions of the California Subdivision Map Act.

2. SUBDIVIDER shall complete, and CITY shall have accepted all Improvements by February 14, 2023, subject to any extension(s) provided for herein and as otherwise expressly provided for in this Agreement. Provided, however, that said deadline shall be extended for twenty-four (24) months upon SUBDIVIDER's request to CITY, supported by reasonable documentation that it is using commercially reasonable efforts to complete same and have said Improvements accepted by CITY.

3. The parties acknowledge and agree that SUBDIVIDER is removing any existing well sites as required in accordance with applicable laws and regulations, including those required by the County Environmental Health Department. The parties further acknowledge and agree that SUBDIVIDER is conveying any and all groundwater rights associated therewith to CITY via the Final Map.

4. SUBDIVIDER guarantees and warrants that the Improvements shall be constructed in compliance with the standards set forth in Paragraph 1 above, free from any defects in work or labor done and from any defects in materials furnished. Further, SUBDIVIDER shall repair and warranty the Improvements in good condition and in accordance with CITY specifications for one (1) year after CITY's acceptance of the Improvements. As required by this Agreement, prior to acceptance of the Improvements, SUBDIVIDER shall deposit with the City a Warranty Bond in the amount equal to 10% of improvement cost $\{(Cost + 10\% Contingency) \times 10\%$ for the Improvements for Tract 4105 to ensure SUBDIVIDER's repair and warranty of the Improvements in accordance with the terms of this Agreement. The Warranty Bond shall be released at the end of the one-year guarantee period provided no claims against it are then outstanding. The Warranty Bond value is shown in Table 1 of this Agreement.

5. Because the Improvements are not entirely complete, SUBDIVIDER is required to post Performance and Labor & Materials bonds to guarantee the unfinished Improvements associated with the Final Map as included and described in Exhibit C of this Agreement.

The amount of performance security shall be equal to the unfinished Improvement cost plus a 10% contingency. The corresponding labor and materials bond amount shall be 50% of the performance bond amount (Performance Security x 50%). Further, SUBDIVIDER shall also comply with CITY’s insurance requirements set forth on Exhibit B attached hereto and incorporated herein. The Performance and Labor & Materials bond values are shown in Table 1 of this Agreement.

Table 1 – Bond Values

Improvement Total	\$17,328,245.21
Unfinished Improvement Total	\$14,115,176.46
Performance Bond Value (110% of Unfinished Improvement Total)	\$15,526,694.10
Labor & Materials Bond Value (50% of Performance Bond Value)	\$7,763,347.05
Warranty Bond Value (10% of Improvement Total)	\$1,906,107

6. SUBDIVIDER shall construct or cause to be constructed at its sole cost and expense the offsite improvements required by the Assignment and Amendment of Development Agreement by and Between the City of Lathrop, Saybrook CLSP, LLC., and Lathrop Land Acquisition, LLC., approved by the Lathrop City Council on December 6, 2016, by Ordinance No. 16-370 and recorded by the San Joaquin County Recorder’s Office as Doc # 2017-007992 (Agreement hereinafter “**DA**”, Improvements hereinafter “**Offsite Improvements**”).

The Offsite improvements include, but are not limited to, completion of the frontage improvements of the portions of Barbara Terry Boulevard and Golden Valley Parkway adjacent to Tract 4105. SUBDIVIDER has provided sufficient security to guarantee the completion of the Offsite Improvements with this Agreement.

7. Pursuant to the TJKM Technical Memorandum – Traffic Signal Warrant Study for the Stanford Crossing Phase 1C and 1D dated July 7, 2021, the traffic signal located at the Golden Valley Parkway/Phase 1D Driveway, intersection #8 (hereinafter “**Traffic Signal**”), shall be installed prior to issuance of the 250th building permit in Phase 1D. SUBDIVIDER has submitted and CITY has approved the Traffic Signal improvement plans. SUBDIVIDER has provided sufficient security to guarantee completion of the Traffic Signal improvements with this Agreement.

8. SUBDIVIDER has guaranteed the frontage and grading improvements of the Neighborhood Park with this Agreement. The Neighborhood Park land is dedicated to CITY as part of this Final Map. SUBDIVIDER has the option to pay or cause to be paid the CLSP Neighborhood Park Fee for all lots prior to the issuance of the first building permit within the Final Map area, or, pay or cause to be paid the CLSP Neighborhood Park Fee for each individual lot within the Final Map area at the time of individual building permit issuance. SUBDIVIDER shall, prior to issuance of the 186th building permit within the Final Map area (31st percentile), commence construction of the Neighborhood Park at the cost of the SUBDIVIDER.

SUBDIVIDER shall obtain or cause to be obtained an encroachment permit from CITY for the Neighborhood Park construction as CITY will be the owner of the park land. SUBDIVIDER shall provide or cause to be provided sufficient performance and labor and materials bonds in the amount of \$1,721,640.80 for the Neighborhood Park improvements. SUBDIVIDER shall, prior to the issuance of the 307th building permit within the Final Map area (51st percentile), complete construction of the Neighborhood Park at the cost of the SUBDIVIDER.

Pursuant to the terms of the DA, CITY may not issue building permits if SUBDIVIDER does not perform the required construction prior to the aforementioned deadlines.

At the time of acceptance of the Neighborhood Park, CITY shall reimburse to SUBDIVIDER the collected Neighborhood Park Fee revenue if SUBDIVIDER paid or caused to be paid the CLSP Neighborhood Park Fee prior to the issuance of the first building permit in the Final Map area. After the time of acceptance of the Neighborhood Park, CITY shall reimburse to SUBDIVIDER the Neighborhood Park Fee revenue on a biannual basis pursuant to Lathrop Municipal Code Section 3.22.070 if SUBDIVIDER pays or cause to be paid the CLSP Neighborhood Park Fee upon individual building permit issuance within the Final Map area.

9. On January 10, 2022, SUBDIVIDER purchased 54,200 gallons per day of reserve wastewater treatment capacity from CITY, which is sufficient capacity for the 271 lots within Tract 4105. On September 13, 2021, SUBDIVIDER contributed fair share of funds towards CITY’s recycled water river discharge project, which secured sufficient storage and disposal capacity for the lots within Tract 4105.

10. SUBDIVIDER shall, prior to approval of the Final Map, assign and allocate wastewater capacity and potable water capacity to each lot within the Final Map area.

11. SUBDIVIDER shall, prior to CITY acceptance of Improvements, provide or cause to be provided the GIS layers and attributes in compliance with the City Standards effective at the time of acceptance for all public Improvements related to Tract 4105 as well as the Offsite Improvements referenced in Section 6 of this Agreement.

12. SUBDIVIDER had deposited cash (paid January 7, 2022) to CITY in the amount shown in Table 2 below as payment for the Agricultural Mitigation Fee, which fulfills the obligation for payment pursuant to the Sierra Club Agreement.

Table 2 – Agricultural Mitigation Fee

Tract	Acreage	Cost/Acre	Total Fee
4105	47.70	\$4,539.00	\$216,510.30

13. Neither CITY nor any of its officers, employees or agents shall be liable to SUBDIVIDER, and/or SUBDIVIDER'S agents, contractors or subcontractors for any error or omission arising out of or in connection with any work to be performed under this Agreement on property other than the parcels of the subdivision owned by SUBDIVIDER (and its successors and assigns) (the "*Subdivider Property*").

14. Neither CITY nor any of its officers, employees or agents shall be liable to SUBDIVIDER or to any person, entity, or organization, for any injury or damage that may result to any person or property from the subdivision of all or any part of the land covered by this Agreement.

15. SUBDIVIDER hereby agrees to, and shall hold CITY, its elective and appointive boards, commissions, officers, agents and employees (collectively, the "*Indemnitees*"), harmless from any liability for damage or claims which arises from SUBDIVIDER and/or SUBDIVIDER'S contractors, subcontractors, agents, lessees, or employees' operations under this Agreement, whether such operations be by SUBDIVIDER or by any of SUBDIVIDER'S contractors, subcontractors, lessees, or by any one or more persons directly or indirectly employed by, or acting as agent for, SUBDIVIDER or any of SUBDIVIDER'S contractors or subcontractors. SUBDIVIDER shall, at its own cost and expense, defend any and all actions, suits, or legal proceedings of any type that maybe brought or instituted against CITY and the Indemnitees on any claim or demand, of any nature whatsoever, and pay or satisfy any judgment that maybe rendered against CITY and the Indemnitees in any such action, suit or legal proceedings, resulting from or alleged to have resulted from SUBDIVIDER performance or non-performance of its duties and obligations under this Agreement, or from the negligent act or omission of itself, its agents, contractors, representatives, servants or employees, except in the event and to the extent said

claims resulted from the gross negligence or willful misconduct of CITY and/or the Indemnitees. The promises and agreement to indemnify and hold harmless set forth in this Paragraph 17 are not conditioned or dependent on whether or not any indemnity has prepared, supplied or approved any plan or specification in connection with this work or subdivision, whether or not any such indemnity has insurance or indemnification covering any of these matters. CITY does not, and shall not, waive any rights against SUBDIVIDER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY of any deposit with CITY by SUBDIVIDER. The aforesaid hold harmless agreement by SUBDIVIDER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this Paragraph 17, regardless of whether or not CITY has prepared, supplied or approved of, plans and/or specifications for the subdivision.

16. Neither SUBDIVIDER nor any of SUBDIVIDER'S agents, contractors, lessees or subcontractors are, or shall be, considered to be agents of CITY in connection with the performance of SUBDIVIDER'S obligations under this Agreement. Neither CITY nor any of CITY's agents, contractors, lessees or subcontractors are, or shall be, considered to be agents of SUBDIVIDER in connection with the performance of any work contemplated under this Agreement. SUBDIVIDER shall not assign this Agreement without the prior written consent of CITY, which such consent shall not be unreasonably delayed, conditioned or denied, except that this Agreement may be assigned to any purchaser or transferee of an interest in all or a part of the SUBDIVIDER Property without the need for CITY consent. If such consent is given, or not required, the terms of this Agreement shall apply to and bind the heirs, successors, executors, administrators and assignees of SUBDIVIDER, and any heirs, successors, executors, administrators and assignees of SUBDIVIDER shall be jointly and severally liable hereunder

unless SUBDIVIDER and its assignee have executed an Assignment and Assumption Agreement in which case SUBDIVIDER shall be released from all of its obligations hereunder so assigned to the assignee. Notwithstanding anything to the contrary in the foregoing, SUBDIVIDER shall be permitted to assign its rights and obligations under this Agreement to any “*Affiliate*”, which is defined to mean an entity or person that is directly or indirectly Controlling, Controlled by, or under common Control of SUBDIVIDER. The term “*Control*” as used herein, shall mean the power to direct the day-to-day management of SUBDIVIDER, and it shall be a presumption that Control with respect to a corporation or limited liability company is the right to exercise, directly or indirectly, more than fifty percent (50%) of the voting rights attributable to the Controlled corporation or limited liability company, and, with respect to any individual, partnership, trust, other entity or association, Control is the possession, indirectly or directly, of the power to direct or cause the direction of the day-to-day management of the controlled entity.

17. SUBDIVIDER shall, at its expense, require or cause to require all its contractors and sub-contractors to obtain and maintain all necessary permits and licenses for construction of the Improvements, and commercially reasonable insurance. Prior to the commencement of said Improvement construction, the General Contractor/subcontractors shall obtain a City of Lathrop Business License. SUBDIVIDER and CITY, as applicable, shall comply with all applicable local, state and federal laws applicable to this Agreement whether or not said laws are expressly stated in this Agreement.

18. This Agreement and the Exhibits attached hereto comprise the entire understanding and agreement between the parties regarding the subject matter of this Agreement.

The Recitals are incorporated into this Agreement by this reference, as if fully set forth herein.

- b. Definitions. The definitions and terms are as defined in this Agreement.
- c. Exhibits. The following exhibits are attached to this Agreement and are

incorporated to this Agreement by this reference:

EXHIBIT A: FINAL MAP TRACT 4105

EXHIBIT B: CITY INSURANCE REQUIREMENTS

EXHIBIT C: TOTAL AND COST TO COMPLETE IMPROVEMENT
ESTIMATE

- d. Force Majeure. Neither party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Agreement, and all performance and other dates specified in this Agreement shall be extended, where delays are due to: war; insurrection; strikes and labor disputes; lockouts; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; acts of terrorism; epidemics and related governmental orders and restrictions; quarantine restrictions; freight embargoes; materials shortages and/or inability to obtain materials due to tariffs, governmental restrictions or priority; unusually severe weather; acts or omissions of the other party; or acts or failures to act of any public or governmental agency or entity (except that acts or failures to act of CITY shall not excuse performance by CITY); or moratorium (each a “*Force Majeure Delay*”). An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if Notice (as that term is defined above) by the party claiming such extension is sent to the other party within sixty (60) days of the commencement of the cause.

- e. Headings. The paragraph headings are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part of this Agreement.

f. Incorporation of Documents. All documents referred to herein and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated herein and shall be deemed to be part of this Agreement.

g. Modification of Agreement. This Agreement shall not be modified or be binding upon the parties unless such modification is agreed to in writing and signed by the parties.

h. Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is void or unenforceable, the provisions of this Agreement not so affected shall remain in full force and effect.

i. Successors and Assigns. Except as otherwise expressly provided herein, the provisions of this Agreement shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.

j. Time of the Essence. Time is of the essence of this Agreement and each of its provisions (subject to Subparagraph 23(d)).

In the calculation of time hereunder, the time in which an act is to be performed shall be computed by excluding the first day and including the last.

If the time in which an act is to be performed falls on a Saturday, Sunday or any day observed as a legal holiday by CITY, the time for performance shall be extended to the following business day.

k. Venue. In the event either party brings that suit hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin. The party in whose favor judgment is entered shall be awarded reasonable attorneys' fees.

[SIGNATURES ON FOLLOWING PAGES]

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this 14th day of February 2022.


CITY OF LATHROP,
A California municipal corporation of the
State of California

By: _____
Stephen J. Salvatore Date
City Manager

ATTEST:
City Clerk of and for the City
of Lathrop, State of California

By: _____
Teresa Vargas Date
City Clerk

APPROVED AS TO FORM BY THE CITY OF LATHROP CITY ATTORNEY

By:  _____ 1.28.2022
Salvador Navarrete Date
City Attorney

SUBDIVIDER

By: Lathrop Land Acquisition, LLC,
a Delaware limited liability company

By: Saybrook Fund Investors, LLC
Its: Managing Member

Jeffrey M. Wilson
Officer

Date

EXHIBIT A


FINAL MAP TRACT 4105



OWNER'S STATEMENT:

THE UNDERSIGNED, DOES HEREBY STATE THAT WE ARE THE OWNERS OF ALL THE LAND DELINEATED AND EMBRACED WITHIN COUNTY, STANFORD CROSSING - PHASE 1B CONSISTING OF FOURTEEN (14) SHEETS THAT WE HAVE CAUSED SAID MAP TO BE PREPARED FOR RECORD AND CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP THAT SAID MAP PARTICULARLY SET FORTH AND DESCRIBES ALL THE LOTS INTENDED FOR SALE BY NUMBER WITH THEIR PRECISE LENGTH AND WIDTH THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF LATHROP IN USE FOR PUBLIC PURPOSES

- THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF LATHROP AS EASEMENTS FOR PUBLIC PURPOSES
- DRIVE "GOLD COAST ROAD" "HERMOSA STREET" "WALALI DRIVE" "MAHARAJU DRIVE" "MARGERCK SLAKE" "MIRAP DRIVE" "MONASTERY DRIVE" "PIRATES COVE LAKE" AND "PISMO DRIVE" FOR THE PURPOSE OF PUBLIC RIGHT OF WAY
- A NON-EXCLUSIVE EASEMENT TOGETHER WITH THE RIGHT TO CONSTRUCT RECONSTRUCT REPAIR AND MAINTAIN PIPES AND CONDUITS AND THEIR APPURTENANCES UPON OVER AND UNDER THE STRIPS OF LAND SHOWN UPON SAID MAP

THE UNDERSIGNED DOES HEREBY RELINQUISH TO THE CITY OF LATHROP ANY AND ALL RIGHTS OF INGRESS AND EGRESS TO VEHICULAR TRAFFIC (ADULTS RIGHTS) ALONG THE LOT LINES INDICATED BY THE SYMBOL 

THE UNDERSIGNED DOES HEREBY RELEASE, EXTINGUISH, QUITCLAIM, AND REMOVE THE PRIVATE ACCESS AND UTILITY EASEMENT OVER LOT 3, AS SHOWN ON TRACT 9533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS

TO ENSURE MUNICIPAL WATER SERVICES TO ALL LOTS SHOWN UPON THIS MAP ALL WATER RIGHTS THAT THE UNDERSIGNED MAY HAVE WITHIN THE INSTANT BOUNDARY UPON THIS MAP HEREBY ARE DEDICATED TO THE CITY OF LATHROP

THIS MAP SHOWS ALL EASEMENTS OF RECORD ON THE PREMISES

OWNER: LATHROP LAND ACQUISITION LLC A DELAWARE LIMITED LIABILITY COMPANY

PRINTED NAME _____

SIGNATURE _____

TITLE _____

DATE _____

NOTE:

THE CITY OF LATHROP SHALL RECOVER PARCEL A TO THE BELOW NAMED OWNER OR SUCCESSOR INTEREST IF THE CITY DETERMINES SUBJECT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES

AS OWNER: LATHROP LAND ACQUISITION LLC, A DELAWARE LIMITED LIABILITY COMPANY
521 LATHROP ROAD, LATHROP, CA 95330

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT

STATE OF CALIFORNIA _____

COUNTY OF _____

PERSONALLY APPEARED _____ 2022, BEFORE ME _____ A NOTARY PUBLIC WHO PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) I HAVE SUBSCRIBED TO UPON BEHALF OF WHICH THE PERSON(S) I ACKNOWLEDGE AS HAVING EXECUTED THE SAME IN HIS/HER/OHER AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/OHER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR ENTITY UPON BEHALF OF WHICH THE PERSON(S) I ACKNOWLEDGE AS HAVING EXECUTED THE INSTRUMENT

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT

WITNESS MY HAND _____

SIGNATURE _____

PRINTED NAME: NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE _____

PRINCIPAL PLACE OF BUSINESS _____

COMMISSION EXPIRES _____

COMMISSION # OF NOTARY _____

(D.D. SHEET NO. 48)

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY, STANFORD CROSSING - PHASE 1B, AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2109-039586 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE & MERIDIAN

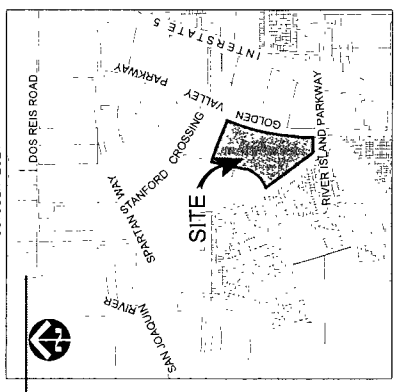
CITY OF LATHROP, CALIFORNIA

MACKAY & SOMPS

REGISTERED PROFESSIONAL ENGINEER

NO. 8817

OCTOBER 2021



VICINITY MAP NOT TO SCALE

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY MADE IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF LATHROP LAND ACQUISITION, LLC. IN OCTOBER 2021, HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED VESTING TENTATIVE MAP. I FURTHER STATE THAT ALL THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE HAVE BEEN FULLY COMPLIED WITH AND THAT THE MAP IMPROVEMENTS ARE ACCEPTABLE BY THE CITY OF LATHROP, AND THAT SAID IMPROVEMENTS WILL BE SUFFICIENT TO ENABLE THIS SURVEY TO BE RE-TRACED.

DATED THIS _____ DAY OF _____, 2022

BY: BRUCE MACDONALD
LS 190 8817



RIGHT TO FARM STATEMENT:

PER CITY OF LATHROP CODE OF ORDINANCES TITLE 15, CHAPTER 15.48.04, THE CITY OF LATHROP PERMITS OPERATION OF AGRICULTURE AND RELATED ACTIVITIES ON AGRICULTURAL LANDS. THE CITY OF LATHROP DOES NOT REGULATE THE USE OF CHEMICAL FERTILIZERS AND PESTICIDES. YOU ARE HEREBY NOTIFIED THAT THE PROPERTY YOU ARE PURCHASING MAY BE LOCATED CLOSE TO AGRICULTURAL LANDS AND OPERATIONS. YOU MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE LAWFUL AND PROPER USE OF AGRICULTURAL CHEMICALS AND PESTICIDES AND FROM OTHER AGRICULTURAL ACTIVITIES INCLUDING WITHOUT LIMITATION: CULTIVATION, FLOWING, SPRINKLING, IRRIGATION, PROFILING, HARVESTING, BURNING OF AGRICULTURAL WASTE PRODUCTS, PROTECTION OF CROPS AND ANIMALS FROM ADVERSE WEATHER CONDITIONS, AND OTHER ACTIVITIES. YOU ARE ADVISED THAT YOU SHOULD BE AWARE ALSO THAT THIS PROPERTY MAY BE SUBJECT TO AGRICULTURAL ACTIVITIES AND THAT YOU SHOULD BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS NORMAL AND NECESSARY ASPECTS OF LIVING IN AN AGRICULTURALLY ACTIVE REGION.

STATEMENT OF SOILS REPORT:

A SOILS REPORT ENTITLED "STANFORD CROSSING, LATHROP, CALIFORNIA, GEOTECHNICAL EXPLORATION, PROJECT NO. 5747-003-010 AND DATED AUGUST 2022 HAS BEEN PREPARED FOR THIS PROJECT BY ELIAGE INCORPORATED, STEVE HARRIS, P.E., G.E. AND IS ON FILE WITH THE CITY OF LATHROP.

CITY SURVEYOR'S STATEMENT:

ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT

DATED THIS _____ DAY OF _____, 2022.



DARRELL ALEXANDER, PLS. NO. 5071
ACTING CITY SURVEYOR

CITY ENGINEER STATEMENT:

I, GLENN BEHARADT, HEREBY STATE THAT I HAVE EXAMINED THIS MAP OF _____ AND-ND-4105 SUBDIVISIONS OF SAN JOAQUIN COUNTY, STANFORD CROSSING - PHASE 1B, AND THAT THE SURVEYOR SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE VESTING TENTATIVE MAP, AND ANY APPROVED ALLEGATIONS THEREOF. FURTHER, I HEREBY STATE THAT THE MAP SUBSTANTIALLY CONFORMS TO THE APPROVED VESTING TENTATIVE MAP AND ANY APPROVED ALLEGATIONS THEREOF. FURTHER, I HEREBY STATE THAT THE MAP SUBSTANTIALLY CONFORMS TO THE APPROVED VESTING TENTATIVE MAP AND ANY APPROVED ALLEGATIONS THEREOF. APPLICABLE AT THE TIME OF APPROVAL OF THE VESTING TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2022.



GLENN BEHARADT, R.C.E. 34681
CITY ENGINEER OF THE
CITY OF LATHROP, CALIFORNIA

CITY CLERK'S STATEMENT:

I, TERESA VARGAS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF LATHROP, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE MAP WAS FILED IN MY OFFICE ON _____ DAY OF _____, 2022.

THE CITY COUNCIL DID NOT TAKE ANY ACTION AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 2022, THAT SAID CITY COUNCIL DID THEREUPON BY RESOLUTION NO. _____ DULY PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND AUTHORIZED ITS RECORDATION AND DO HEREBY ACCEPT ON BEHALF OF THE CITY OF LATHROP, FOR PUBLIC USE, THE DEDICATION OF ALL EASEMENTS, PARCELS, A RELINQUISHMENT OF ACCESS AND WATER RIGHTS, AND ACCEPTED THE OFFER OF DEDICATION OF ALL STREETS AS SHOWN ON SAID MAP SUBJECT TO THE IMPROVEMENTS BEING COMPLETED IN ACCORDANCE WITH CHAPTER 16 TITLE 16 OF THE CITY OF LATHROP ORDINANCES. I HEREBY CERTIFY THAT THE MAP WAS FILED IN MY OFFICE ON _____ DAY OF _____, 2022, AS DEDICATED ON TRACT NO. 5233, BOOK 40, PAGE 100, WITHIN THE RECORDS OF SAN JOAQUIN COUNTY, CALIFORNIA, IN CONFORMANCE WITH THE CALIFORNIA GOVERNMENT CODE 86469.20 OF THE SUBDIVISION MAP ACT.

I FURTHER STATE THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AND FILED IN MY OFFICE

DATED THIS _____ DAY OF _____, 2022.

TERESA VARGAS
CITY CLERK OF THE CITY COUNCIL OF
THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT:

THIS MAP CONFORMS TO THE VESTING TENTATIVE TRACT MAP NO. 3647 APPROVED BY THE PLANNING COMMISSION ON THE 20TH DAY OF MARCH, 2021.

DATED _____ THIS DAY OF _____, 2022.

MARIE SLESER
SECRETARY OF THE PLANNING COMMISSION
COMMUNITY DEVELOPMENT DIRECTOR

COUNTY RECORDER'S STATEMENT:

I HEREBY CERTIFY THAT THIS MAP WAS FILED IN MY OFFICE ON _____ DAY OF _____, 2022, AT _____ M. IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____ AT THE REQUEST OF _____

SEE \$ _____

BY: STEVE J. BIEDL, CLERK
ASSESSOR-RECORDER - COUNTY CLERK
SAN JOAQUIN COUNTY, CALIFORNIA

REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK 25 PG 81, S.J.C.R.



0 100 200 400
 SCALE: 1"=200'

BASE OF BEARINGS:
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON

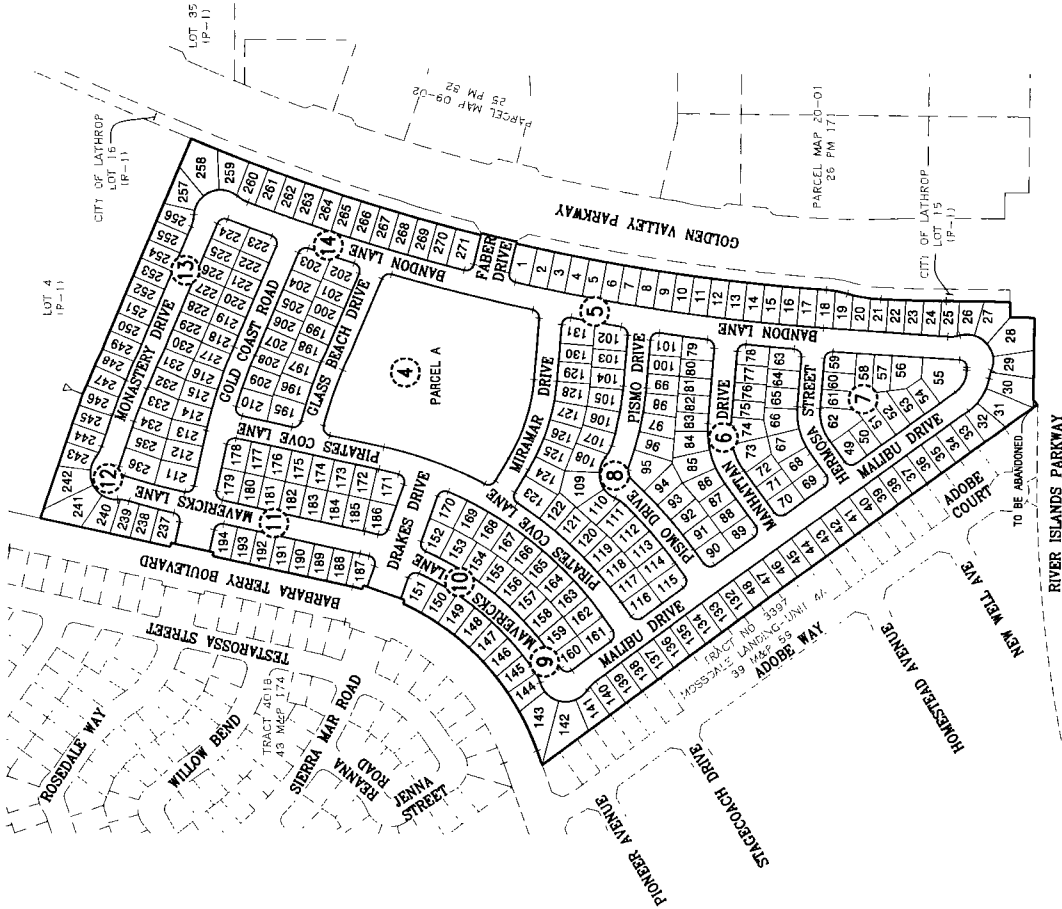
LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- RELINQUISHMENT OF ABUTTER'S RIGHT'S MONUMENT BOX UNLESS OTHERWISE NOTED
- SET 2 1/2" BRASS DISK STAMPED "S 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
- SET 3/4" IRON PIPE WITH TAG STAMPED "S 8817"
- ANGLE POINT
- BOUNDARY
- EXISTING
- IRON PIPE
- M-M MONUMENT TO MONUMENT
- M-PL MONUMENT TO PROPERTY LINE
- D.R. OFFICIAL RECORDS
- P.U.E. PUBLIC UTILITY EASEMENT
- PAUE PRIVATE ACCESS AND UTILITY EASEMENT
- MAP MAPS AND PLATS
- WE WALL CASHEMENT
- (R) RADIAL BEARING
- (T) TOTAL
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- 4 INDICATES SHEET NUMBER

NOTES:
 1. DISTANCES SHOWN ARE GROUND LEVEL DISTANCES.
 2. TRACT 4105, STANFORD CROSSING PHASE 1D, CONTAINS 271 RESIDENTIAL LOTS, AND 1 LETTERED PARCEL, CONTAINING 4770 ACRES, MORE OR LESS, INCLUDING THE ROADWAYS THAT ARE BEING DEDICATED BY THIS FINAL MAP. ALL SHOWN HEREIN. (PLEASE REFER TO THE AREA SUMMARY TABLE BELOW)

TRACT 4105 AREA SUMMARY	
271 RESIDENTIAL LOTS AND STREET DEDICATIONS	43,10± AC
PARCEL A	4,60± AC
TOTAL	47,70± AC

ABANDONMENT NOTE:
 THE CITY OF LATHROP DOES HEREBY ABANDON AND WAIVE THE PORTION RIVER ISLANDS PARKWAY AS DEDICATED ON TRACT NO. 3533, BOOK 40 OF MAPS AND PLATS, AS SHOWN ON SHEETS 2, 3, AND 7, IN CONFORMANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 66498.202 OF THE SUBDIVISION MAP ACT



TRACT NO. 4105

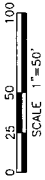
SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STANFORD CROSSING - PHASE 1D
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF PUBLIC UTILITIES AND EASEMENTS, BEARING DATE OF RECORDATION 2109-03588 OF OFFICIAL RECORDS, BEARING DATE OF RECORDATION 28, TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT DIABLO BASE & MERIDIAN, SAN JOAQUIN COUNTY, CALIFORNIA
 CITY OF LATHROP

MACKAY & SOMPS
 REGISTERED PROFESSIONAL LAND SURVEYORS
 4000 N. GARDEN AVENUE, SUITE 100
 SACRAMENTO, CALIFORNIA 95831
 (916) 441-1111

SHEET 3 OF 4
 OCTOBER 2021

29235 01

REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.



BASIS OF BEARINGS:
 THE BEARING NORTH 72°16'30" EAST BETWEEN FOUND MONUMENTS
 IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533 IN
 BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREON.

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- ⊙ RELINQUISHMENT OF ABUTTER'S RIGHTS
- ⊙ FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- ⊙ SET 2 1/2" BRASS DISK STAMPED "S 8817" IN MONUMENT BOX PER CITY OF LAHROP STANDARDS
- ⊙ SET 3/4" IRON PIPE WITH TAG STAMPED "S 8817"
- ANGLE POINT
- BOUNDARY
- EXISTING
- EX IRON PIPE
- MONUMENT TO MONUMENT
- M-PL MONUMENT TO PROPERTY LINE
- OR OFFICIAL RECORDS
- PUE PUBLIC UTILITY EASEMENT
- PAPE PRIVATE ACCESS AND UTILITY EASEMENT
- MAP MAPS AND PLATS
- WE WALL EASEMENT
- ⊙ RADIAL BEARING
- (1) TOTAL
- (2) S.J.C.R.
- (3) SAN JOAQUIN COUNTY RECORDS
- (4) INDICATES SHEET NUMBER

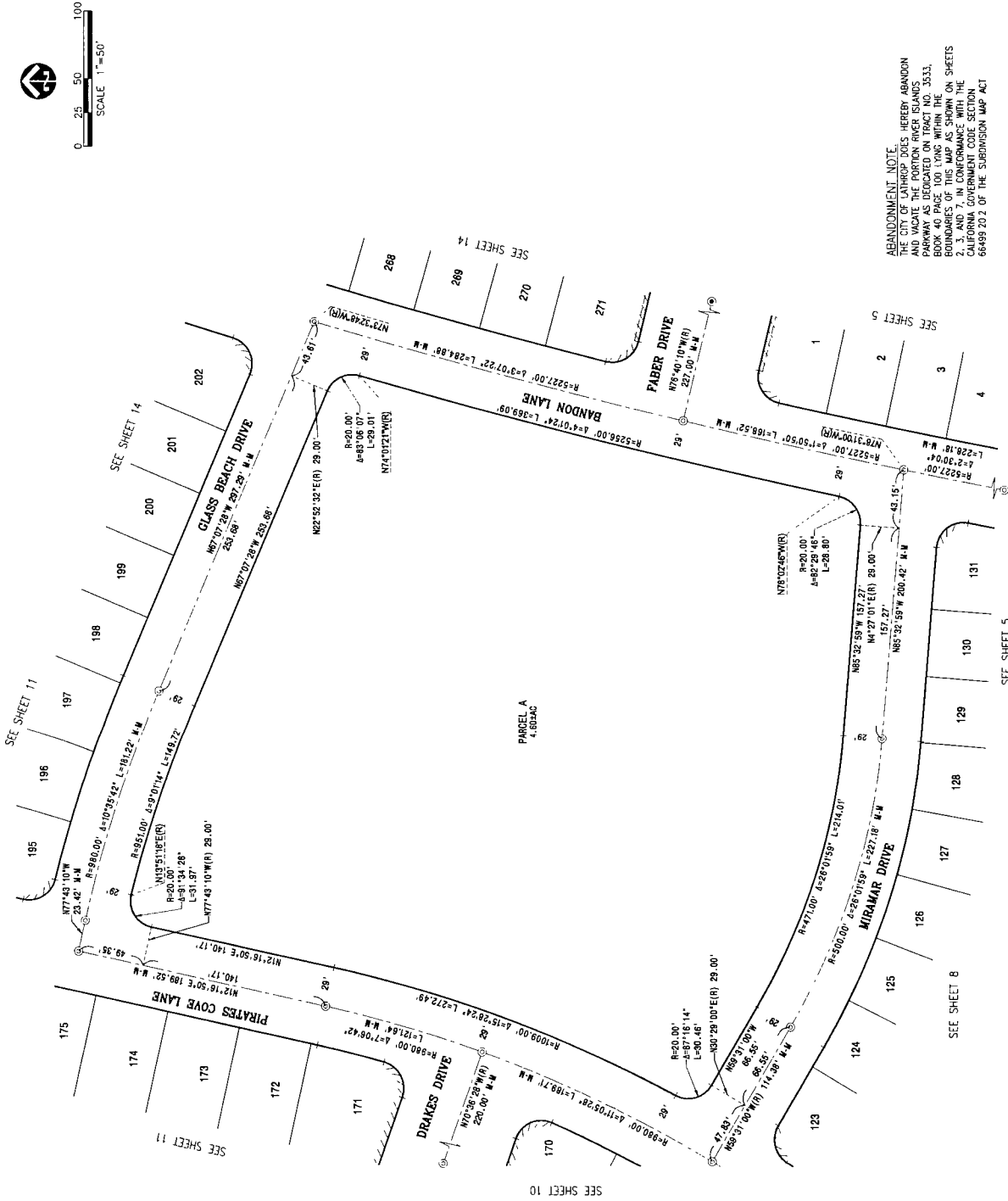
NOTES:
 1 - ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES.

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 A SUBDIVISION OF STAFFORD CROSSING - PHASE 1D
 IN BLOCK 105 OF MAPS 09-01 PM, 09-02 PM, 09-03 PM, 09-04 PM, 09-05 PM, 09-06 PM, 09-07 PM, 09-08 PM, 09-09 PM, 09-10 PM, 09-11 PM, 09-12 PM, 09-13 PM, 09-14 PM, 09-15 PM, 09-16 PM, 09-17 PM, 09-18 PM, 09-19 PM, 09-20 PM, 09-21 PM, 09-22 PM, 09-23 PM, 09-24 PM, 09-25 PM, 09-26 PM, 09-27 PM, 09-28 PM, 09-29 PM, 09-30 PM, 09-31 PM, 09-32 PM, 09-33 PM, 09-34 PM, 09-35 PM, 09-36 PM, 09-37 PM, 09-38 PM, 09-39 PM, 09-40 PM, 09-41 PM, 09-42 PM, 09-43 PM, 09-44 PM, 09-45 PM, 09-46 PM, 09-47 PM, 09-48 PM, 09-49 PM, 09-50 PM, 09-51 PM, 09-52 PM, 09-53 PM, 09-54 PM, 09-55 PM, 09-56 PM, 09-57 PM, 09-58 PM, 09-59 PM, 09-60 PM, 09-61 PM, 09-62 PM, 09-63 PM, 09-64 PM, 09-65 PM, 09-66 PM, 09-67 PM, 09-68 PM, 09-69 PM, 09-70 PM, 09-71 PM, 09-72 PM, 09-73 PM, 09-74 PM, 09-75 PM, 09-76 PM, 09-77 PM, 09-78 PM, 09-79 PM, 09-80 PM, 09-81 PM, 09-82 PM, 09-83 PM, 09-84 PM, 09-85 PM, 09-86 PM, 09-87 PM, 09-88 PM, 09-89 PM, 09-90 PM, 09-91 PM, 09-92 PM, 09-93 PM, 09-94 PM, 09-95 PM, 09-96 PM, 09-97 PM, 09-98 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MACKAY & SOMPS
 1235 PULVER, F. P. A. CIVIL ENGINEER
 OCTOBER 2021

SHEET 4 OF 14 28235.01



ABANDONMENT NOTE:
 THE CITY OF LAHROP DOES HEREBY ABANDON
 AND VACATE THE PORTION RIVER ISLANDS
 PARKWAY AS DECIDED ON TRACT NO. 3533,
 BOOK 40 OF MAPS AND PLATS, IN THE CITY
 RECORDS, RECORDED APRIL 22, 2019 AS INSTRUMENT NO.
 2109-039866 OF OFFICIAL RECORDS, BEING A PORTION OF SECTION 28,
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE & MERIDIAN
 CITY OF LAHROP
 SAN JOAQUIN COUNTY, CALIFORNIA
 68489.20.2 OF THE SUBDIVISION MAP ACT

REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.I.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK. 25, PG. 81, S.I.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 17°16'30" EAST BETWEEN FOUND MONUMENTS
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREON

- LEGEND
- DISTINCTIVE BORDER
 - RIGHT OF WAY LINE
 - LOT LINE/PARCEL LINE
 - EXISTING PROPERTY LINE
 - EASEMENT LINE
 - EXISTING EASEMENT LINE
 - MONUMENT LINE
 - TILE LINE

- RELINQUISHMENT OF ADJUTER'S RIGHTS
 FOUND 2 1/2" BRASS DISK IN CONCRETE
 MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN
 MONUMENT BOX PER CITY OF LATHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
- ⊙ BODY
 - ⊙ EX
 - ⊙ P
 - ⊙ M-M
 - ⊙ M-PL
 - ⊙ O R
 - ⊙ PUE
 - ⊙ PALE
 - ⊙ MAP
 - ⊙ WE
 - ⊙ WALL
 - ⊙ RADIAL BEARING
 - ⊙ TOTAL
 - ⊙ S.I.C.R.
 - ⊙ SAN JOAQUIN COUNTY RECORDS
 - ⊙ INDICATES SHEET NUMBER

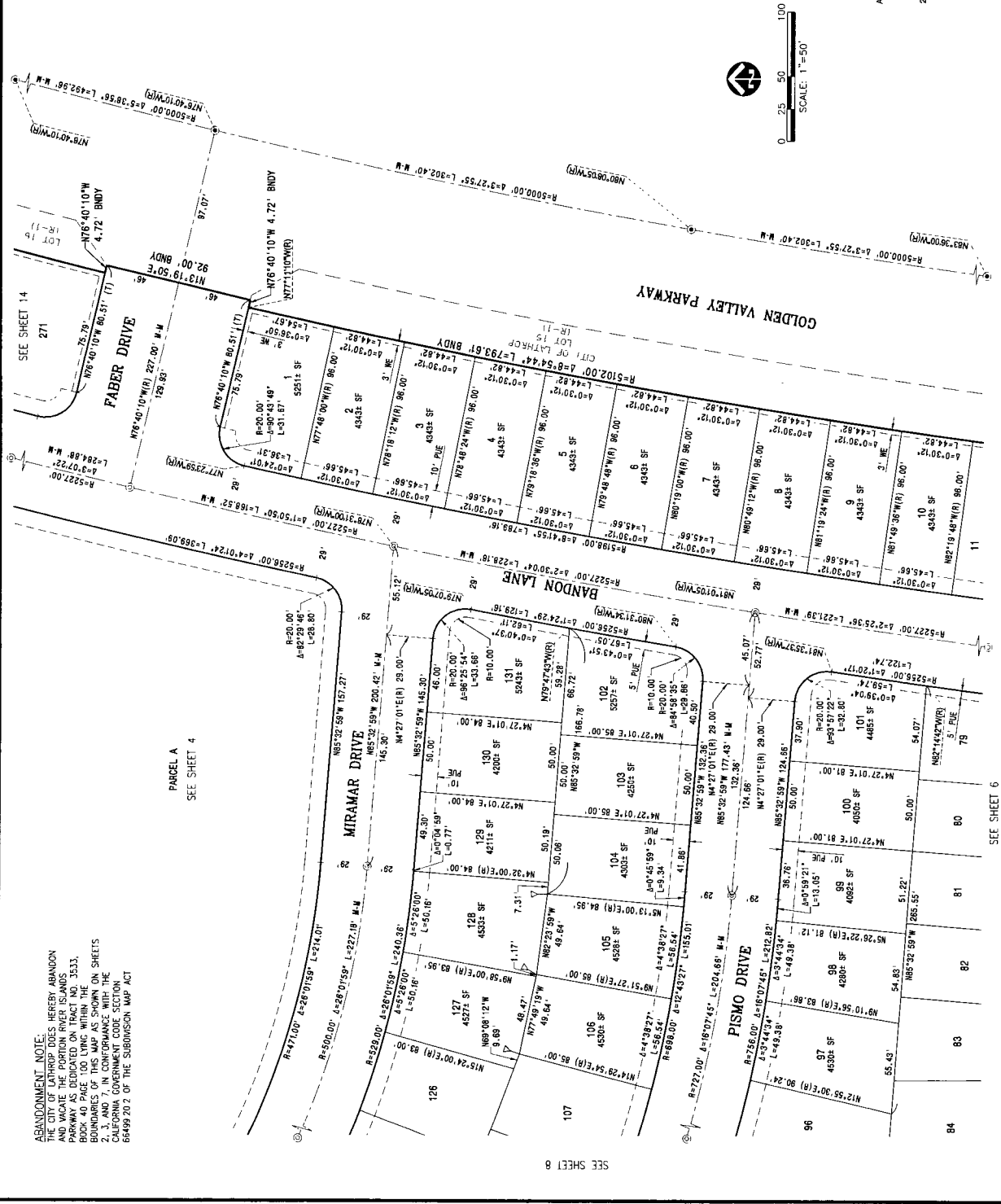
NOTES:
 1 ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

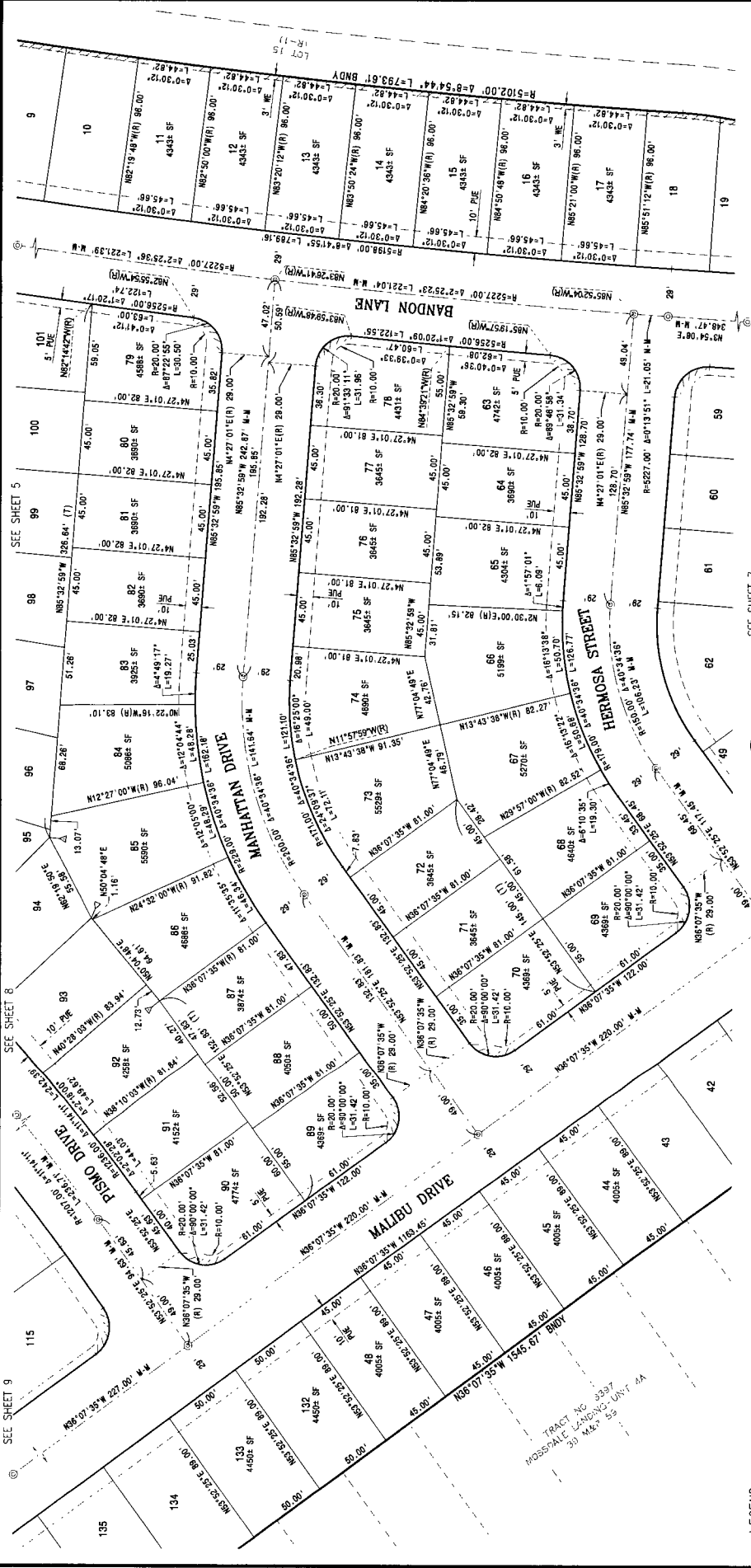
SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STANFORD CROSSING - PHASE 1D
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF
 RECORDS RECORDED APRIL 26, 2019 AS INSTRUMENT NO. 2019-03858
 IN THE OFFICE OF THE COUNTY CLERK, SAN JOAQUIN COUNTY, CALIFORNIA,
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE & MERIDIAN

SAN JOAQUIN COUNTY, CALIFORNIA
MAGKAY & SOMPS
 CIVIL ENGINEERS
 1515 G STREET, SUITE 200, SACRAMENTO, CA 95811
 (916) 442-1111

OCTOBER 2021
 SHEET 5 OF 14
 2503501



ABANDONMENT NOTE:
 THE CITY OF LATHROP LIES HEREBY ABANDON
 AND WAIVE THE PORTION RIVER ISLANDS
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS
 1, 2, 3 AND 17 IN CONFORMANCE WITH THE
 CITY OF LATHROP MAP ACT
 66499 202 OF THE SUBDIVISION MAP ACT



TRACT NO. 4105
SUBDIVISIONS OF SAN JOAQUIN COUNTY

MACKAY & SOMPS
REGISTERED PROFESSIONAL LAND SURVEYORS
1000 W. G STREET, SUITE 100, STOCKTON, CA 95210
TEL: (209) 486-1100 FAX: (209) 486-1101

OCTOBER 2021

25035 01
SHEET 6 OF 14

NOTES:
ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES.

ABANDONMENT NOTE:
THE CITY OF LATHROP DOES HEREBY ABANDON AND WAIVE THE PORTION RIVER ISLANDS AND THE PORTION OF TRACT NO. 3533, BOOK 40 PAGE 100 LYING WITHIN THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 2, 3, AND 7, IN CONFORMANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 66499.207 OF THE SUBDIVISION MAP ACT

REFERENCES:
(R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
(R-2) PARCEL MAP 09-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

LEGEND:

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- RELINQUISHMENT OF ABUTTER'S RIGHTS
- FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX, UNLESS OTHERWISE NOTED
- ⊙ SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
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- ANGLE POINT
- BOUNDARY
- EXISTING
- IRON PIPE

MONUMENT TO MONUMENT

- M-M MONUMENT TO PROPERTY LINE
- O-R OFFICIAL RECORDS
- PUE PUBLIC UTILITY EASEMENT
- W-E WALL EASEMENT
- W-E WALL EASEMENT
- R-R RADIAL BEARING
- (T) TOTAL
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- (4) INDICATES SHEET NUMBER

MONUMENT TO MONUMENT

- M-M MONUMENT TO PROPERTY LINE
- O-R OFFICIAL RECORDS
- PUE PUBLIC UTILITY EASEMENT
- W-E WALL EASEMENT
- W-E WALL EASEMENT
- R-R RADIAL BEARING
- (T) TOTAL
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- (4) INDICATES SHEET NUMBER

SEE SHEET 5

SEE SHEET 6

SEE SHEET 7

SEE SHEET 8

SEE SHEET 9

REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.I.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK. 25, PG. 81, S.I.C.R.

BASES OF BEARINGS:
 THE BEARING NORTH 17°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AND THE BEARING NORTH 22°00'00" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AND HERMOSA STREET, AS SHOWN ON PARCEL MAP 09-01 PM, BK. 25, PG. 81, S.I.C.R., WERE USED AS THE BASIS OF BEARINGS SHOWN HEREON.

LEGEND:

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- THE LINE

RELINQUISHMENT OF ABUTTER'S RIGHTS
 FOUND 2 1/2 BRASS DOK IN CONCRETE MONUMENT, BOX UNLESS OTHERWISE NOTED.
 SET 2 1/2 BRASS DOK STAMPED "LS 8617" IN PLASTER BOX PER CITY OF LATHROP STANDARDS.
 SET 1 1/2" IRON PIPE WITH TAG STAMPED "LS 8617" IN PLASTER BOX.
 BNDY
 BOUNDARY
 EX
 EXISTING
 IP
 IRON PIPE
 M-M
 MONUMENT TO PROPERTY LINE
 M-PL
 MONUMENT TO MONUMENT
 O R
 OFFICIAL RECORDS
 PUE
 PUBLIC UTILITY EASEMENT
 PALE
 PRIVATE ACCESS AND UTILITY EASEMENT
 MAP
 MAPS AND PLATS
 WE
 WALL EASEMENT
 (R)
 RADIAL BEARING
 (T)
 TOTAL
 SAN JOAQUIN COUNTY RECORDS
 S.I.C.R.
 INDICATES SHEET NUMBER

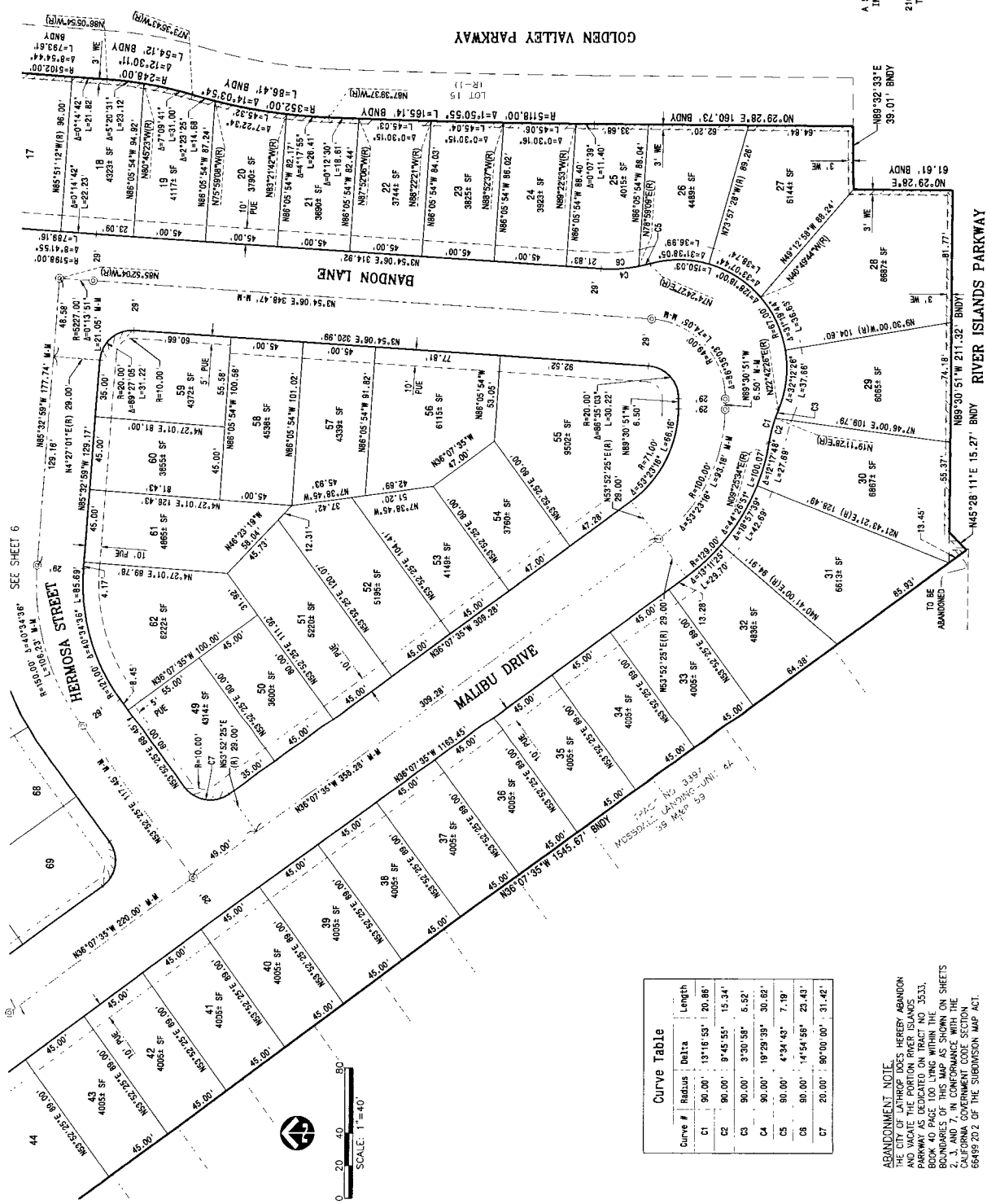
NOTES:
 1. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STAMFORD CROSSING - PHASE 10
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED IN BOOK 22, PAGE 22, SAN JOAQUIN COUNTY RECORDS, BEARING NORTH 22°00'00" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AND HERMOSA STREET, AS SHOWN ON PARCEL MAP 09-01 PM, BK. 25, PG. 81, S.I.C.R., TOWNSHIP 1 SOUTH, RANGE 8 EAST, MOUNT Diablo BASE & MERIDIAN CITY OF LATHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

Mackay & Somps
 Surveyors
 1000 N. 1st Street, Lathrop, OR 97130
 Phone: 503.686.1111
 Fax: 503.686.1112
 Email: info@mackaysomps.com

SHEET 7 OF 14
 OCTOBER, 2021



Curve Table

Curve #	Radius	Delta	Length
C1	90.00'	13°16'53"	20.86'
C2	90.00'	9°45'55"	15.34'
C3	90.00'	9°30'58"	5.82'
C4	90.00'	19°29'38"	30.62'
C5	90.00'	4°34'43"	7.19'
C6	90.00'	14°54'58"	23.43'
C7	20.00'	90°00'00"	31.42'

ABANDONMENT NOTE:
 THE CITY OF LATHROP DOES HEREBY ABANDON THE PORTION OF HERMOSA STREET AND RIVER ISLANDS PARKWAY AS DEICATED ON TRACT NO. 3533, BOOK 40 PAGE 100 LYING WITHIN THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 2, 3 AND 7, IN CONFORMANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 66459.202 OF THE SUBDIVISION MAP ACT.

REFERENCES:
 MAP NO. 3533 MAPS & PLATS BY 40, 60, 100, S.J.C.R.
 (8-2) PARCEL MAP 09-01 PM, BC, 25 PG 61, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 12° 16' 50" EAST BETWEEN FOUND MONUMENTS
 IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN
 BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREON

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TILE LINE
- RELINQUISHMENT OF ABUTTER'S RIGHTS
- FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN MONUMENT BOX PER CITY OF LATHROP STANDARDS
- SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817" ANGLE POINT
- BNDY BOUNDARY
- EX EXISTING
- I-P IRON PIPE
- M-M MONUMENT TO MONUMENT
- M-PL MONUMENT TO PROPERTY LINE
- O.R. OFFICIAL RECORDS
- P.P. PLAT
- P.A. PROPOSED ACCESS AND UTILITY EASEMENT
- M.P. MAPS AND PLATS
- W.E. WALL EASEMENT
- (R) RADIAL BEARING
- (I) TOTAL
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- (A) INDICATES SHEET NUMBER

NOTES:
 1. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY

A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 COUNTY RECORDS, TO THE CERTAIN CERTIFICATE OF
 CORRECTNESS OF THE CITY OF LATHROP, COUNTY OF
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE & MERIDIAN,
 CITY OF LATHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

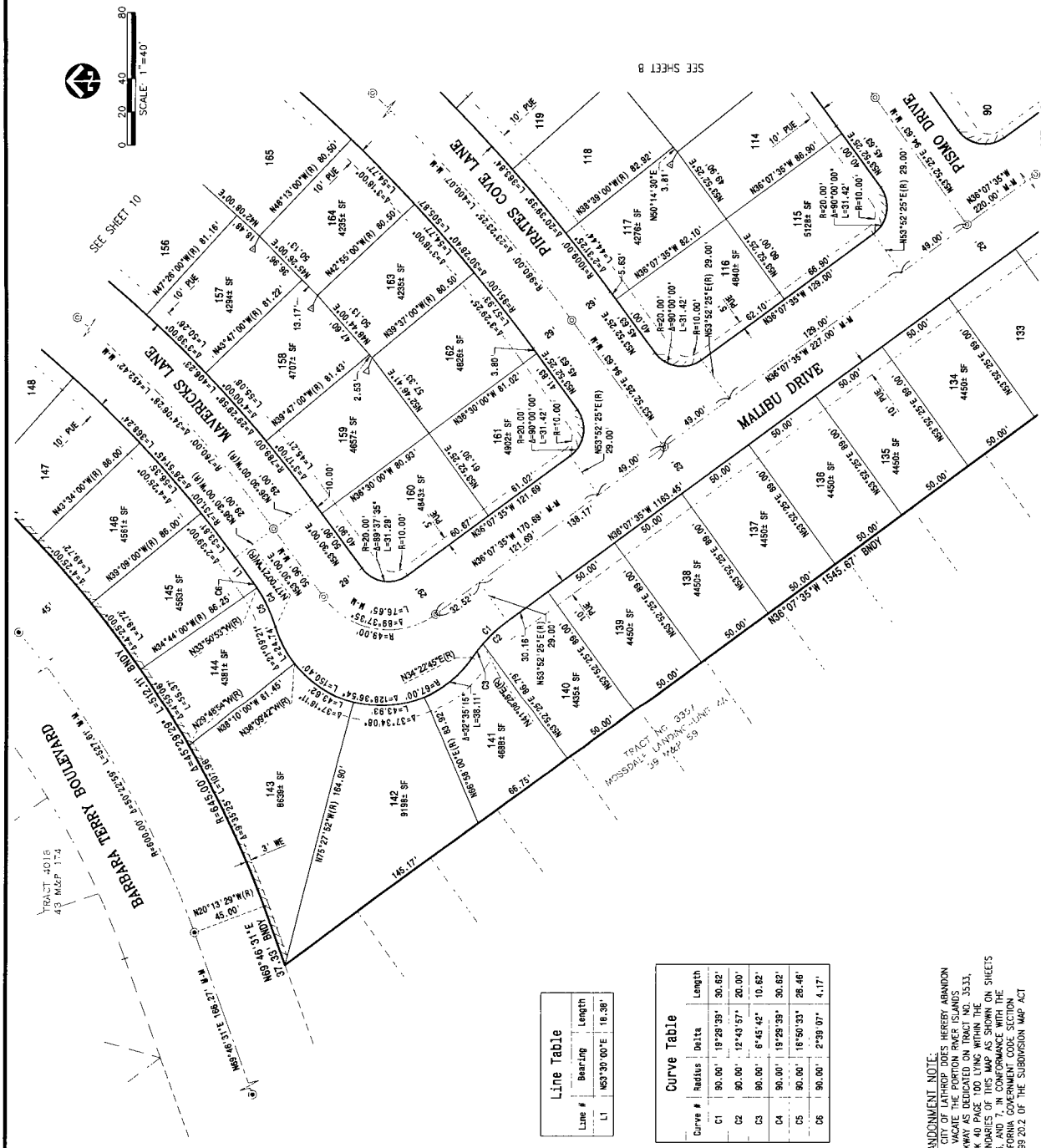
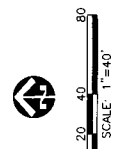
MACKAY & SOMPS

REGISTERED PROFESSIONAL LAND SURVEYORS
 1000 N. G ST., SUITE 100, LATHROP, WA 98626

OCTOBER 2021

SHEET 9 OF 14

28235.01



Line #	Bearing	Length
L1	N63°30'00"E	16.38'

Curve #	Radius	Delta	Length
C1	90.00'	19°29'39"	30.82'
C2	90.00'	12°43'57"	20.00'
C3	90.00'	6°45'42"	10.82'
C4	90.00'	19°29'39"	30.82'
C5	90.00'	16°50'33"	28.46'
C6	90.00'	2°39'07"	4.17'

ABANDONMENT NOTE:
 THE CITY OF LATHROP HAS HEREBY ABANDONED
 THE TRACT 4105, THE LATHROP PARKWAY
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS
 2, 3, AND 7, IN CONFORMANCE WITH THE
 CALIFORNIA GOVERNMENT CODE SECTION
 66459.202 OF THE SUBDIVISION MAP ACT

REFERENCES:
 (R-1) TRACT NO. 3533 MAPS & PLATS BK 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 09-01 PM, BK 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 17°16'50" EAST BETWEEN FOUND MONUMENTS
 IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN
 BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREON

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TELE LINE
- RELINQUISHMENT OF ARBITER'S RIGHTS
- FOUND 2 1/2" BRASS DISK IN CONCRETE
- MONUMENT BOX UNLESS OTHERWISE NOTED
- SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN
- MONUMENT BOX PER CITY OF LATHROP STANDARDS
- SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
- ANGLE POINT
- BOUNDARY
- BNDY
- IP
- EX
- IRON PIPE
- MONUMENT TO MONUMENT
- MONUMENT TO PROPERTY LINE
- OFFICIAL RECORDS
- PRIVATE EASEMENT
- PRIVATE ACCESS AND UTILITY EASEMENT
- PAVE
- MAPS AND PLATS
- WE
- WALL EASEMENT
- RADIAL BEARING
- TOTAL
- (R) (B) (T)
- S.J.C.R.
- INDICATES SHEET NUMBER

NOTES:
 1. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STANFORD CROSSING - PHASE 10
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 RECORDS, AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF
 CORRECTION RECORDED APRIL 22, 2019 AS INSTRUMENT NO. 2019-0088
 COUNTY RECORDS, BEING THE EAST, WEST, NORTH AND SOUTH
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN
 CITY OF LATHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

MACKAY & SOMPS

REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 13757-CA
 15000 E. 15th Avenue, Suite 100
 Denver, Colorado 80231

OCTOBER 2021

25535.01



ABANDONMENT NOTE:
 THE CITY OF LATHROP DOES HEREBY ABANDON
 AND WAIVE THE PORTION RIVER ISLANDS
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF TRACT NO. 4105, SHEETS
 2, 3, AND 7, IN CONFORMANCE WITH THE
 CALIFORNIA GOVERNMENT CODE SECTION
 66499.202 OF THE SUBDIVISION MAP ACT

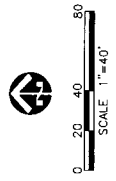
SHEET 11 OF 14

REFERENCES:
 (P-1) MAP NO. 3533 MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (P-2) PARCEL MAP 09-01-PM, BK. 25 PG. 81, S.J.C.R.

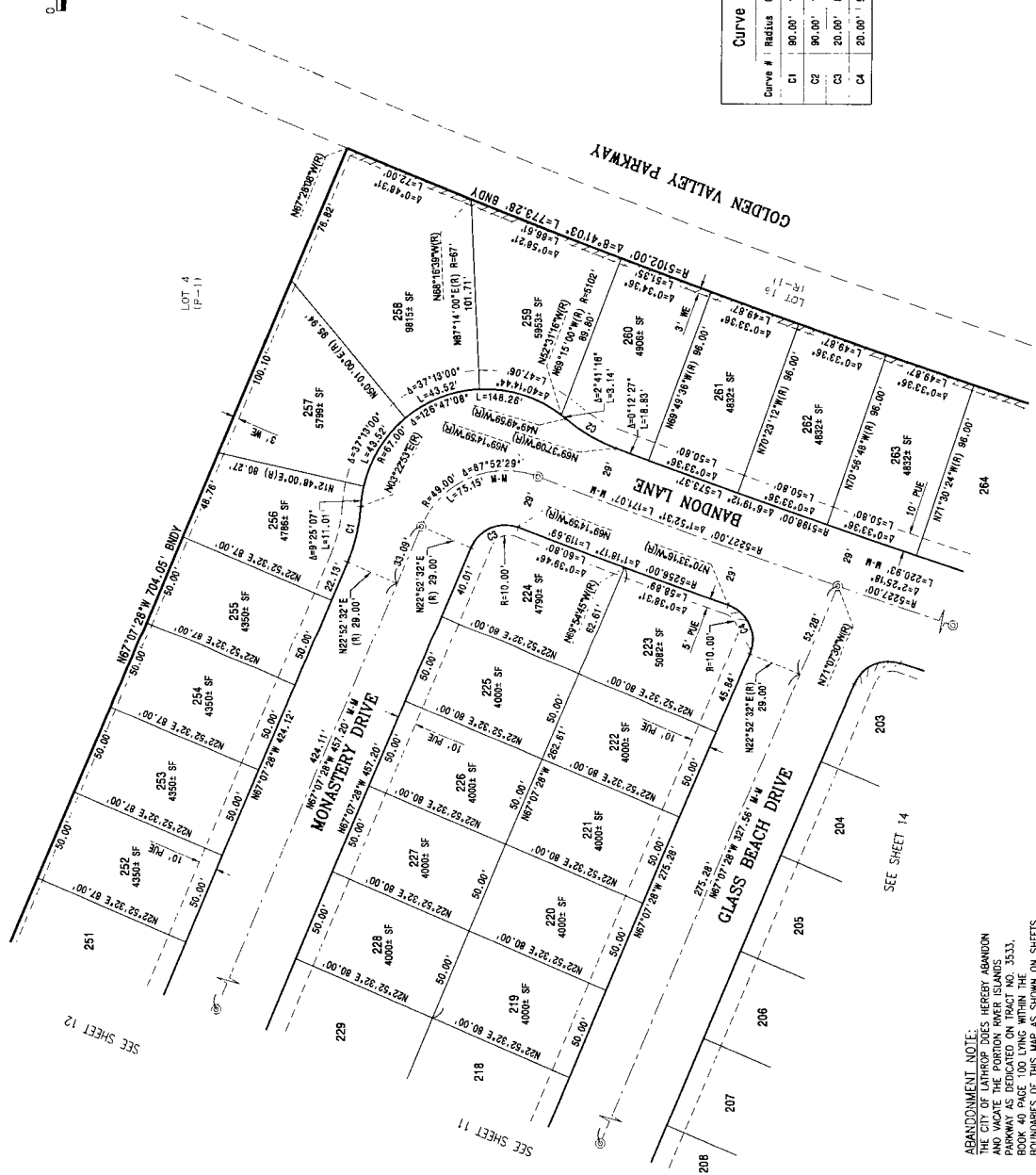
BASIS OF BEARINGS:
 THE BEARING NORTH 17°16'50" EAST BETWEEN FOUND MONUMENTS
 IS THE BASIS OF BEARINGS FOR THIS MAP. THE BEARING IN
 BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN
 HEREON.

- LEGEND**
- DISTINCTIVE BORDER
 - RIGHT OF WAY LINE
 - LOT LINE/PARCEL LINE
 - EXISTING PROPERTY LINE
 - EASEMENT LINE
 - EXISTING EASEMENT LINE
 - MONUMENT LINE
 - TIE LINE

- RELINQUISHMENT OF ABUTTER'S RIGHTS
 FOUND 2 1/2" BRASS DISK IN CONCRETE
 MONUMENT BOX UNLESS OTHERWISE NOTED
 SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN
 MONUMENT BOX PER CITY OF LATHROP STANDARDS
 SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817"
 ANGLE POINT
 BOUNDARY
 EXISTING
 IRON PIPE
 MONUMENT TO MONUMENT
 MONUMENT TO PROPERTY LINE
 OFFICIAL RECORDS
 OFFICIAL EASEMENT
 PAVE
 DRIVE ACCESS AND UTILITY EASEMENT
 MAP
 WE
 WALL EASEMENT
 RADIAL BEARING
 TOTAL
 S.J.C.R.
 SAN JOAQUIN COUNTY RECORDS
 INDICATES SHEET NUMBER



Curve #	Radius	Delta	Length
C1	90.00'	18°29'39"	30.62'
C2	90.00'	19°47'09"	31.08'
C3	20.00'	87°52'29"	30.67'
C4	20.00'	93°25'48"	32.61'



NOTES:
 1. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY
 STANFORD CROSSING - PHASE 1D
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED
 IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY
 RECORDS, AND PARCELS TO WHICH A REVENUE CERTIFICATE OF
 CORRECTION HAS BEEN ISSUED BY THE COUNTY CLERK OF SAN JOAQUIN
 COUNTY, CALIFORNIA, MAP NO. 3533, BOOK 40, PAGE 100, SAN JOAQUIN
 COUNTY RECORDS, BEING A PORTION OF SECTION 28,
 TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN,
 CITY OF LATHROP
 SAN JOAQUIN COUNTY, CALIFORNIA

MACKAY & SOMPS
 CIVIL ENGINEERS
 1501 K STREET, SUITE 100
 SACRAMENTO, CALIFORNIA 95811
 (916) 441-1111

SHEET 13 OF 14
 OCTOBER 2021
 29235101

ABANDONMENT NOTE:
 THE CITY OF LATHROP DOES HEREBY ABANDON
 AND WAIVE THE PORTION RIVER ISLANDS
 PARKWAY AS DEDICATED ON TRACT NO. 3533,
 BOOK 40 PAGE 100 LYING WITHIN THE
 BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS
 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

REFERENCES:
 (R-1) TRACT MAP NO. 3533, MAPS & PLATS BK. 40, PG. 100, S.J.C.R.
 (R-2) PARCEL MAP 09-08-01 PM, BK. 25 PG. 81, S.J.C.R.

BASIS OF BEARINGS:
 THE BEARING NORTH 12°16'50" EAST BETWEEN FOUND MONUMENTS IN BARBARA TERRY BOULEVARD AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.



0 20 40 80
 SCALE: 1"=40'

LEGEND

- DISTINCTIVE BORDER
- RIGHT OF WAY LINE
- LOT LINE/PARCEL LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- TIE LINE

- ⊙ RELINQUISHMENT OF ABUTTER'S RIGHTS
- ⊙ FOUND 2 1/2" BRASS DISK IN CONCRETE MONUMENT BOX UNLESS OTHERWISE NOTED
- ⊙ SET 2 1/2" BRASS DISK STAMPED "LS 8817" IN MONUMENT BOX PER CITY OF LAHROP STANDARDS
- ⊙ SET 3/4" IRON PIPE WITH TAG STAMPED "LS 8817" ANGLE POINT
- ⊙ BOUNDARY
- ⊙ EXISTING
- ⊙ IRON PIPE
- ⊙ MONUMENT TO MONUMENT
- ⊙ MONUMENT TO PROPERTY LINE
- ⊙ OFFICIAL RECORDS
- ⊙ PLACEMENT
- ⊙ PRIVATE ACCESS AND UTILITY EASEMENT
- ⊙ MAPS AND PLATS
- ⊙ WALL EASEMENT
- ⊙ RADIAL BEARING
- ⊙ TOTAL
- ⊙ SAN JOAQUIN COUNTY RECORDS
- ⊙ S.J.C.R.
- ⊙ INDICATES SHEET NUMBER

NOTES:
 1. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES

TRACT NO. 4105

SUBDIVISIONS OF SAN JOAQUIN COUNTY

STANFORD CROSSING - PHASE 1D
 A SUBDIVISION OF LOTS 1, 2, 3 AND 17, OF TRACT 3533 AS RECORDED IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, PURSUANT TO THAT CERTAIN CERTIFICATE OF RECORDS AND PLATS, AS SHOWN ON TRACT 3533, IN BOOK 40 OF MAPS AND PLATS, AT PAGE 100, SAN JOAQUIN COUNTY RECORDS, BEING A PORTION OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE & MERIDIAN, CITY OF LAHROP

SAN JOAQUIN COUNTY, CALIFORNIA

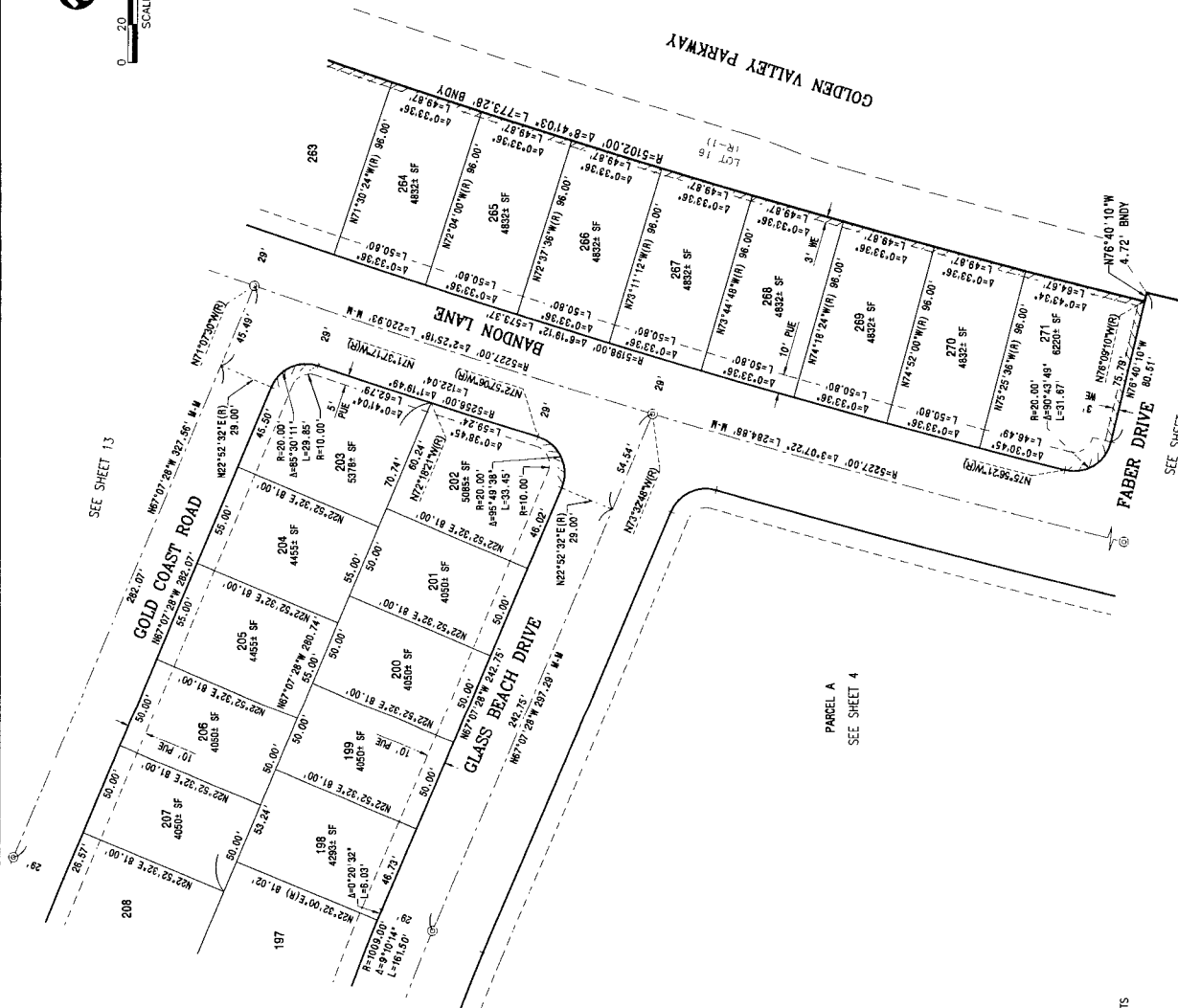
MACKAY & SOMPS

REGISTERED PROFESSIONAL SURVEYORS

OCTOBER 2021

SHEET 14 OF 14

25235.01



ABANDONMENT NOTE:
 THE PORTION OF THE HESSEY ARBORDON AND UTAHE THE FORTION RIVER ISLANDS PARKWAY AS DEDICATED ON TRACT NO. 3533, BOOK 40 PAGE 100 LYING WITHIN THE BOUNDARIES OF THIS MAP AS SHOWN ON SHEETS 2, 3, AND 7, IN CONFORMANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT 66499.202 OF THE SUBDIVISION MAP ACT

EXHIBIT B

CITY INSURANCE REQUIREMENTS

1. The Subdivider shall obtain commercial general liability insurance companies licensed to do business in the State of California with an A.M. Best Company rating Insurance rating of no less than A:VII which provides coverage for bodily injury, personal injury and property damage liability in the amount of at least \$1,000,000 for each occurrence and \$2,000,000 in the aggregate. Said insurance coverage shall be evidenced by a certificate of insurance with policy endorsements, executed by an authorized official of the insurer(s). All parties to the Subdivision Improvement Agreement must be named insured on the policy. The policy endorsements to be attached to the certificate must provide all the following:
 - a. Name the City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents as additional insured as respects to any liability arising out of the activities of the named insured. A CG 2010 or CG 2026 endorsement form or the equivalent is the appropriate form.
 - b. State that “the insurance coverage afforded by this policy shall be primary insurance as respects to the City of Lathrop, its officers, employees and agents. Any insurance or self-insurance maintained by the City of Lathrop, its officers, employees, or agents shall be in excess of the insurance afforded to the named insured by this policy and shall not contribute to any loss.
 - c. Include a statement that, “the insurer will provide to the City at least thirty (30) days prior notice of cancellation or material change in coverage.” The above language can be included on the additional insured endorsement form or on a separate endorsement form.
 - d. The policy must contain a cross liability or severability of interest clause.
 - e. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.

EXHIBIT C

TOTAL AND COST TO COMPLETE IMPROVEMENT ESTIMATE

TRACT 4105 - TOTAL AND COST TO COMPLETE IMPROVEMENTS

	Original Contract Amount	Change Orders	Total Contract Amount	Billed to Date	Cost to Complete	Performance Bond (Cost + 10%)	Labor & Materials Bond (Performance Bond X 50%)
TRACT 4105 IMPROVEMENTS							
Mass Grading & Dewatering	\$ 2,191,581.00	\$ -	\$ 2,191,581.00	\$ 1,190,655.15	\$ 1,000,925.85	\$ 1,101,018.43	\$ 550,509.22
Underground & Topside Improvements	\$ 8,900,721.26	\$ 63,645.00	\$ 8,964,366.26	\$ 1,482,716.03	\$ 7,481,650.23	\$ 8,229,815.25	\$ 4,114,907.63
Traffic Signal	\$ 557,305.00	\$ -	\$ 557,305.00	\$ -	\$ 557,305.00	\$ 613,035.50	\$ 306,517.75
Offsite Sidewalks	\$ 178,938.45	\$ -	\$ 178,938.45	\$ 140,543.07	\$ 38,395.38	\$ 42,234.92	\$ 21,117.46
Joint Trench	\$ 2,441,988.50	\$ -	\$ 2,441,988.50	\$ -	\$ 2,441,988.50	\$ 2,686,187.35	\$ 1,343,093.68
Landscaping and Irrigation	\$ 1,623,619.00	\$ -	\$ 1,623,619.00	\$ -	\$ 1,623,619.00	\$ 1,785,980.90	\$ 892,990.45
Acoustic Sound Walls	\$ 1,318,485.00	\$ 51,962.00	\$ 1,370,447.00	\$ 399,154.50	\$ 971,292.50	\$ 1,068,421.75	\$ 534,210.88
TOTAL	\$ 17,212,638.21	\$ 115,607.00	\$ 17,328,245.21	\$ 3,213,068.75	\$ 14,115,176.46	\$ 15,526,694.10	\$ 7,763,347.05

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ITEM 4.8

CITY MANAGER'S REPORT FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ITEM: **AWARD CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR THE LATHROP ROAD AND HARLAN ROAD INTERSECTION IMPROVEMENTS, CAPITAL IMPROVEMENT PROJECT PS 21-06 AND APPROVE RELATED BUDGET AMENDMENT**

RECOMMENDATION: **Adopt Resolution Awarding a Construction Contract to Dirt Dynasty, Inc. for the Lathrop Road and Harlan Road Intersection Improvements, Capital Improvement Project (CIP) PS 21-06 and Approving Related Budget Amendment**

SUMMARY:

The Lathrop Road and Harlan Road Intersection Improvements, Capital Improvement Project (CIP) PS 21-06 (Project) was created to improve the efficiency of vehicular movement and pedestrian safety at and approaching this intersection. The plans and specifications for the construction of the Project were advertised for formal bid on December 21, 2021 in accordance with California Public Contract Code (PCC) and Lathrop Municipal Code (LMC).

A total of two (2) bids were received and opened by City Clerk on January 25, 2022. Based on review and evaluation of the bids, the lowest responsive and responsible bidder was determined to be Dirt Dynasty, Inc. (Dirt Dynasty), with a bid of \$807,000.

Staff requests City Council award a construction contract to Dirt Dynasty for construction of the Project in the amount of \$807,000 plus a 15% construction contingency in the amount of \$121,050 for a total cost not to exceed \$928,050.

On December 14, 2020, the City Council approved the creation of the Project, which included budget funding from the General Fund Streets Reserves in the amount of \$100,000. Additional funding will be needed to cover the construction contract and contingency funding shortfall. Therefore, staff requests City Council approve a budget amendment transferring \$730,000 from the Traffic Mitigation Fund (2250) and \$128,000 from the General Fund Street Repair Reserves (1010) to the CIP Project Fund (3310).

BACKGROUND:

The increase in vehicular and pedestrian traffic volumes through this intersection has effected the need for improvements to traffic flow and the expansion of pedestrian facilities.

CITY MANAGER’S REPORT **PAGE 2**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
AWARD CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR THE
LATHROP ROAD AND HARLAN ROAD INTERSECTION IMPROVEMENTS, CIP PS
21-06 AND APPROVE RELATED BUDGET AMENDMENT

On December 14, 2020, City Council approved the creation of the Lathrop Road and Harlan Road Intersection Improvements CIP PS 21-06 to provide needed improvements to the subject intersection and portions of the approaching road segments.

The Project will add one exclusive left turn lane to that existing from northbound Harlan Road onto Lathrop Road, and will extend the left turn lane from eastbound Lathrop Road onto Harlan Road by 90 feet. These improvements will increase the intersection’s traffic handling capacity.

The Project will also increase pedestrian safety by:

- filling the sidewalk gap at the southeast corner of Lathrop Road / Old Harlan Road, from the west side of the Chevron driveway on Lathrop Road to 40 feet south of the south side of the Chevron driveway on Old Harlan Road
- filling the sidewalk gap on the south side of Lathrop Road from Old Harlan Road to the northbound Interstate 5 off ramp
- providing a new crosswalk across Lathrop Road on the east side of its intersection with the northbound Interstate 5 ramps

The Project’s improvements to pedestrian facilities are important because many students walk to Lathrop High School along this segment of Lathrop Road. The Project will also complete the road surfacing, striping and marking improvements surrounding the Harlan Road / Old Harlan Road stop-controlled intersection, and those improvements will also extend south on Harlan Road from Lathrop Road to J Street.

The plans and specifications for the construction of this Project were completed by Public Works staff and advertised on for formal bid December 21, 2020, in accordance with CA PCC 20160 and LMC 2.36.060. A total of two (2) bids were received, both determined to be responsive and responsible. The bid results are summarized in Table 1 below:

Table 1: Summary of Bid Results

Contractor	Total Bid
Dirt Dynasty, Inc.	\$807,000
Soracco, Inc.	\$867,347

Staff reviewed and evaluated the bids, and determined that the lowest responsive and responsible bidder is Dirt Dynasty. Staff requests City Council adopt a resolution awarding a construction contract to Dirt Dynasty for the amount of \$807,000. Staff also requests City Council authorize a 15% construction contingency of \$121,050, and authorize staff to spend the contingency as necessary to achieve the goals of the project for a total cost not to exceed \$928,050.

CITY MANAGER’S REPORT **PAGE 3**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
AWARD CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR THE
LATHROP ROAD AND HARLAN ROAD INTERSECTION IMPROVEMENTS, CIP PS
21-06 AND APPROVE RELATED BUDGET AMENDMENT

REASON FOR RECOMMENDATION:

Many operative elements of this intersection require improvements to continue providing for the efficient movement of traffic. This project will provide numerous improvements to the efficiency and safety of vehicular and pedestrian movement at and approaching this intersection, which are necessary to accommodate the increasing traffic volumes.

FISCAL IMPACT:

The proposed construction contract with Dirt Dynasty is for \$807,000. A 15% construction contingency is requested in the amount of \$121,050 for a total cost not to exceed \$928,050.

Funding for this project was included in the FY 21/22 budget; however, sufficient funds were not allocated. Therefore, staff requests City Council approve a budget amendment transferring \$730,000 from the Traffic Mitigation Fund (2250) and \$128,000 from the General Fund Street Repair Reserves (1010) to the CIP Project Fund (3310) as follows:

<u>Increase Transfer Out</u>		
2250-9900-990-9010		\$730,000
 <u>Increase Transfer In</u>		
3310-9900-393-0000	PS 21-06	\$730,000
 <u>Increase Appropriation</u>		
3310-8000-420-1200	PS 21-06	\$730,000
 <u>Decrease Street Repair Reserves</u>		
1010-251-03-00		\$128,000
 <u>Increase Transfer Out</u>		
1010-9900-990-9010		\$128,000
 <u>Increase Transfer In</u>		
3310-9900-393-0000	PS 21-06	\$128,000
 <u>Increase Appropriation</u>		
3310-8000-420-1200	PS 21-06	\$128,000

ATTACHMENTS:

- A. Resolution Awarding a Construction Contract to Dirt Dynasty, Inc. for the Lathrop Road and Harlan Road Intersection Improvements, Capital Improvement Project (CIP) PS 21-06 and Approving Related Budget Amendment

FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

AWARD CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR THE LATHROP ROAD AND HARLAN ROAD INTERSECTION IMPROVEMENTS, CIP PS 21-06 AND APPROVE RELATED BUDGET AMENDMENT

- B. Construction Contract with Dirt Dynasty, Inc. for the Lathrop Road and Harlan Road Intersection Improvements, CIP PS 21-06

- C. Project Location Map – Lathrop Road and Harlan Road Intersection Improvements CIP PS 21-06

FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

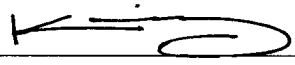
AWARD CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR THE LATHROP ROAD AND HARLAN ROAD INTERSECTION IMPROVEMENTS, CIP PS 21-06 AND APPROVE RELATED BUDGET AMENDMENT

APPROVALS:



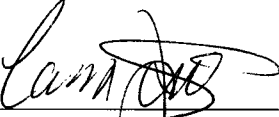
Ken Reed
Senior Construction Manager

2-2-2022
Date



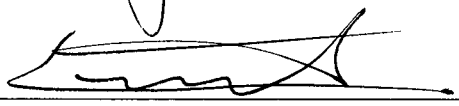
Michael King
Public Works Director

2/1/2022
Date




Cari James
Finance Director

2/2/22
Date



Salvador Navarrete
City Attorney

2-2-2022
Date



Stephen J. Salvatore
City Manager

2.7.22
Date

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP AWARDING A CONSTRUCTION CONTRACT TO DIRT DYNASTY, INC. FOR THE LATHROP ROAD AND HARLAN ROAD INTERSECTION IMPROVEMENTS, CAPITAL IMPROVEMENT PROJECT (CIP) PS 21-06 AND APPROVING RELATED BUDGET AMENDMENT

WHEREAS, the Lathrop Road and Harlan Road Intersection Improvements, Capital Improvement Project (CIP) PS 21-06 (Project) was created to increase traffic movement efficiency, add a pedestrian crossing facility and fill in sidewalk gaps near this intersection; and

WHEREAS, the plans and specifications for this project were developed by Public Works staff and advertised for formal bid on December 21, 2021 in accordance with Public Contract Code Section 20160, and with Lathrop Municipal Code (LMC) Chapter 3.30.060; and

WHEREAS, a total of two (2) bids were received and opened by City Clerk on January 25, 2022; and

WHEREAS, upon review and evaluation of the bids, the lowest responsive and responsible bidder for the Project was determined to be Dirt Dynasty, Inc. (Dirt Dynasty) with a bid of \$807,000; and

WHEREAS, staff requests the City Council award a construction contract to Dirt Dynasty in the amount of \$807,000; and

WHEREAS, staff also requests Council authorize a 15% construction contingency in the amount of \$121,050 and authorize staff to spend the contingency as necessary to achieve the goals of the Project for a total cost not to exceed \$928,050; and

WHEREAS, sufficient funds were not allocated in the adopted FY 21/22 Budget; therefore, staff requests City Council approve a budget amendment transferring \$730,000 from the Traffic Mitigation Fund (2250) and \$128,000 from the General Fund Street Repair Reserves (1010) to the CIP Project Fund (3310) as follows:

<u>Increase Transfer Out</u>		
2250-9900-990-9010		\$730,000
<u>Increase Transfer In</u>		
3310-9900-393-0000	PS 21-06	\$730,000
<u>Increase Appropriation</u>		
3310-8000-420-1200	PS 21-06	\$730,000

<u>Decrease Street Repair Reserves</u>		
1010-251-03-00		\$128,000
<u>Increase Transfer Out</u>		
1010-9900-990-9010		\$128,000
<u>Increase Transfer In</u>		
3310-9900-393-0000	PS 21-06	\$128,000
<u>Increase Appropriation</u>		
3310-8000-420-1200	PS 21-06	\$128,000

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby awards a construction contract to Dirt Dynasty, Inc. for the Lathrop Road and Harlan Road Intersection Improvements CIP PS 21-06 for a cost of \$807,000; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop does hereby approve a 15% construction contingency in the amount of \$121,050 for a total cost not to exceed \$928,050 for the construction and authorizes staff to spend up to this amount as necessary to accomplish the goals of the project; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop also approves a budget amendment transferring \$730,000 from the Traffic Mitigation Fund (2250) and \$128,000 from the General Fund Street Repair Reserves (1010) to the CIP Project Fund (3310) as detailed above.

The foregoing resolution was passed and adopted this 14th day of February 2022, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

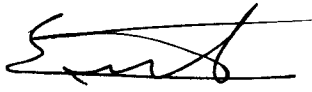
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

CONSTRUCTION CONTRACT

This Contract, dated **February 14, 2022**, is entered into by and between the **City of Lathrop**, a municipal corporation of the State of California (City), and **Dirt Dynasty, Inc.** (Contractor), whose Taxpayer Identification Number is_____.

For and in consideration of the following covenants, terms and conditions, City and Contractor (the parties) agree:

1. **Term.** This Contract shall commence on, and be binding on the parties on, the date of execution of this Contract, and shall expire on the date of recordation of the Notice of Substantial Completion, or, if no such notice is required to be filed, on the date that final payment is made hereunder, subject to the earlier termination of this Contract.
2. **General Scope of Project and Work.** Construction Documents for the, **CIP PS 21-06, Lathrop Road and Harlan Road Intersection Improvements (Project)**. Contractor shall furnish labor, services, materials and equipment in connection with the construction of the Project and complete the Work in accordance with the covenants, terms and conditions of this Contract to the satisfaction of City. The Project and Work is generally described as follows:

The work to be performed under this contract includes all work contained in the Construction Documents, as detailed in Paragraph 3 below, including but not limited to traffic signal timing modifications, installation of a Pedestrian Push Button assembly and traffic sensing camera systems, construction of ADA pedestrian ramps, demolition and construction of raised traffic median and HMA paving, application of Asphalt Rubber Aggregate Membrane and Microsurfacing, and removal and installation of signage, striping, and markings and markers.

The work shall be **completed within 60 working days** following issuance of Notice to Proceed.

The Work shall be complete, and all appurtenant work, materials, and services not expressly shown or called for in the Construction Documents which may be necessary for the complete and proper construction of the Work in good faith shall be performed, furnished, and installed by the Contractor as though originally specified or shown. The Contractor will be compensated for actual work performed in accordance with the unit prices and provisions contained in these Construction Documents.

Bid Total: \$ 807,000 (Eight Hundred Seven Thousand Dollars)

3. **Construction Documents.** This Contract shall include the Construction Documents, which are hereby incorporated by reference (i.e. Project Specifications, Project Plans, addenda, performance bond, labor and materials bond, certification of insurance, workers compensation certification, and guaranty) and the Bid Documents submitted by **Dirt Dynasty, Inc.** on January 25, 2022.

For the purposes of construing, interpreting and resolving inconsistencies between the provisions of this Contract, these documents and the provisions thereof are set forth in the order of precedence described in Article 3 of the General Conditions.

4. Compensation. In consideration of Contractor's performance of its obligations hereunder, City shall pay to Contractor the amount set forth in Contractor's Bid in accordance with the provisions of this Contract and upon the receipt of written invoices and all necessary supporting documentation within the time set forth in the Construction Documents. Contractor hereby shall not be permitted to invoice the City nor accept compensation for work not yet complete. In no event, shall the Contractor be entitled to payment for work not included in the approved scope of work, a written task order, or change order signed by the City's Public Works Director prior to commencement of any work.
5. Insurance. On or before the Date of Execution, Contractor shall obtain and maintain the policies of insurance coverage described in Section 5.2 of the General Conditions on terms and conditions and in amounts as may be required by the City. City shall not be obligated to take out insurance on Contractor's personal property or the personal property of any person performing labor or services or supplying materials or equipment under the Project. Contractor shall furnish City with the certificates of insurance and with original endorsements affecting coverage required under this Contract on or before the Date of Execution. The certificates and endorsements for each insurance policy shall be signed by a person who is authorized by that insurer to bind coverage in its behalf. Proof of insurance shall be mailed to the Project Manager to the address set forth in Section 15 of this Contract.
6. Indemnification. Contractor agrees to protect, defend, indemnify and hold City, its City Council members, officers, employees, engineer, and construction manager harmless from and against any and all claims, demands, liabilities, losses, damages, costs, expenses, liens, penalties, suits, or judgments, arising in whole or in part, directly or indirectly, at any time from any injury to or death of persons or damage to property as a result of the willful or negligent act or omission of Contractor, or which results from Contractor's noncompliance with any Law respecting the condition, use, occupation or safety of the Project site, or any part thereof, or which arises from Contractor's failure to do anything required under this Contract or for doing anything which Contractor is required not to do under this Contract, or which arises from conduct for which any Law imposes strict liability on Contractor in the performance of or failure to perform the terms and conditions of this Contract, except as may arise from the sole willful or negligent act or omission of City or any of its City Council members, officers, employees. This indemnification shall extend to any and all claims, demands, or liens made or filed by reason of any construction, renovation, or remodeling work performed by Contractor under this Contract at any time during the term of this Contract, or arising thereafter.
7. Assumption of Risk. Contractor agrees to voluntarily assume any and all risk of loss, damage, or injury to the property of Contractor which may occur in, on, or about the Project site at any time and in any manner, excepting such loss, injury, or damage as may be caused by the sole willful or negligent act or omission of City or any of its City Council members, officers, or employees.

8. Waiver. The acceptance of any payment or performance, or any part thereof, shall not operate as a waiver by City of its rights under this Contract. A waiver by City of any breach of any part or provision of this Contract by Contractor shall not operate as a waiver or continuing waiver of any subsequent breach of the same or any other provision, nor shall any custom or practice which may arise between the parties in the administration of any part or provision of this Contract be construed to waive or to lessen the right of City to insist upon the performance of Contractor in strict compliance with the covenants, terms and conditions of this Contract.
9. Compliance with Laws. Contractor shall comply with all Laws now in force or which may hereafter be in force pertaining to the Project and Work and this Contract, with the requirement of any bond or fire underwriters or other similar body now or hereafter constituted, with any discretionary license or permit issued pursuant to any Law of any public agency or official as well as with any provision of all recorded documents affecting the Project site, insofar as any are required by reason of the use or occupancy of the Project site, and with all Laws pertaining to nondiscrimination and affirmative action in employment and hazardous materials.

DEPARTMENT OF INDUSTRIAL RELATIONS- COMPLIANCE MONITORING UNIT**DIR Registration.**

- a) **Contractor and Subcontractor Compliance.** Strict compliance with DIR registration requirements pursuant to Labor Code Section 1725.5 is a material obligation of the Contractor under the Contract Documents. The foregoing includes without limitation, compliance with DIR Registration requirements at all times during performance of the Work by the Contractor and all Subcontractors of any tier. The failure of the Contractor and all Subcontractors of every tier to be DIR registered at all times during the performance of the Work is the Contractor's default of a material obligation of the Contractor under the Contract Documents.
- b) **No Subcontractor Performance of Work Without DIR Registration.** No portion of the Work is permitted to be performed by a Subcontractor of any tier unless the Subcontractor is a DIR Registered contractor.
- c) **Contractor Obligation to Verify Subcontractor DIR Registration Status.** An affirmative and on-going obligation of the Contractor under the Contract Documents is the Contractor's verification that all Subcontractors, of all tiers, are at all times during performance of Work in full and strict compliance with DIR Registration requirements. The Contractor shall not permit or allow any Subcontractor of any tier to perform any Work without the Contractor's verification that all such Subcontractors are in full and strict compliance with DIR Registration requirements.
- d) **Contractor Obligation to Request Substitution of Non-DIR Registered Subcontractor.** If any Subcontractor identified in the Contractor's Subcontractor List submitted with the Contractor's proposal for the Work is not DIR Registered at the time of opening of

proposals for the Work or if a Subcontractor's DIR registration lapses prior to or during a Subcontractor's performance of Work, the Contractor shall request the CITY's consent to substitute the non-DIR registered Subcontractor pursuant to Labor Code Section 1771.1(c)(3) and/ or Labor Code Section 1771.1(d).

Certified Payroll Records

- a) Compliance with Labor Code Section 1771.4 and 1776. A material obligation of the Contractor under the Contract Documents is: (i) the Contractor's strict compliance with the requirements pursuant to Labor Code Section 1771.4 and 1776 for preparation and submittal of Certified Payroll Records ("CPR"); and (ii) the Contractor's enforcement of CPR preparation and submittal for all Subcontractors of every tier.
- b) Express Condition Precedent to Payment of Contract Price. Strict compliance with CPR requirements established pursuant to Labor Code Section 1776 is an express condition precedent to the CITY's obligation to: (i) process any request for payment of any portion of the Contract Price; or (ii) to disburse any portion of the Contract Price to the Contractor. The Contractor shall demonstrate strict compliance with CPR preparation and submittal requirements by delivery to the CITY of electronic files or hard copies of all CPR's submitted by the Contractor and/ or Subcontractors for Work pursuant to Labor Code Section 1771.4 and 1776 concurrently with the submittal thereof to the Labor Commissioner. The CITY: (i) shall not be obligated to process or disburse any portion of the Contract Price; or (ii) shall not be deemed in default of the CITY's obligations under the Contract Documents unless the Contractor's demonstrates strict compliance with CPR preparation and submittal requirements.
- c) PWR Monitoring and Enforcement. During the Work pursuant to Labor Code Section 1771.4(a)(4), the Department of Industrial Relations shall monitor and enforce the obligation of the Construction and Subcontractors of every tier to pay the laborers performing any portion of the work the PWR established for the classification of work/ labor performed.

RECORD OF WAGES PAID: INSPECTION

Pursuant to Labor Code section 1776, Contractor stipulates to the following:

- a) Contractor and each subcontractor shall keep an accurate payroll record, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with the public work under the Facilities lease and Construction Provisions. Such records shall be on forms provided by the Division of Labor Standards Enforcement or shall contain the same information of such forms. The payroll records may consist of payroll data that are maintained as computer records, if printouts contain the same information as the forms provided by the division and the printouts are verified as specified in subdivision (a) of Labor Code section 1776.

- b) The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours at the principal office of Contractor on the following basis:
- (1) A certified copy of an employee's payroll record shall be made available for inspection or furnished to such employees or his or her authorized representative on request.
 - (2) A certified copy of all payroll records enumerated in subdivision (a) shall be made available for inspection or furnished upon request to a representative of the CITY, the Division of Labor Standards Enforcement, and Division of Apprenticeship Standards of the Department of Industrial Relations.
 - (3) A certified copy of all payroll records enumerated in subdivision (a) shall be made available upon request by the public for inspection or copies thereof. However, a request by the public shall be made through either the CITY, the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement. If the requested payroll records have not been provided pursuant to paragraph (2), the requesting party shall, prior to being provided the records, reimburse the costs of preparation by Contractor, subcontractors, and the entity through which the request was made. The public shall not be given access to such records at the principal office of Contractor.
- c) Contractor shall file a certified copy of the records enumerated in subdivision (a) with the entity that requested such records within ten (10) days after receipt of the written request.
- d) Any copy of records made available for inspection as copies and furnished upon request to the public or any public agency, by the CITY, the Division of Apprenticeship Standards, or the division of Labor Standards Enforcement shall be marked or obliterated in such a manner as to prevent disclosure of an individual's name, address and social security number. The name and address of contractor awarded the contract or performing the contract shall not be marked or obliterated.
- e) Contractor shall inform the CITY of the location of the records enumerated under subdivision (a), including the street address, city, and county, and shall, within (5) working days, provide a notice of a change of location and address.
- f) In the event of noncompliance with the requirements of this Article, Contractor shall have ten (10) days in which to comply subsequent to receipt of written notice specifying in what respects Contractor must comply with this Article. Should noncompliance still be evident after such 10-day period, Contractor shall pay a penalty of One- Hundred Dollars (\$100.00) to the CITY for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Upon the request of the Division of Apprenticeship Standards or the Division of Labor Standards Enforcement, such penalties shall be withheld from the progress payment then due.

SECTION 00500

The responsibility for compliance with this Article shall rest upon Contractor.

10. Bonds. As a condition precedent to City's obligation to pay compensation to Contractor, and on or before the date of Execution, Contractor shall furnish to the Project Manager the Bonds as required under the Notice to Contractors.
11. Representations and Warranties. In the supply of any materials and equipment and the rendering of labor and services during the course and scope of the Project and Work, Contractor represents and warrants:
 - (1) Any materials and equipment which shall be used during the course and scope of the Project and Work shall be vested in Contractor;
 - (2) Any materials and equipment which shall be used during the course and scope of the Project and Work shall be merchantable and fit to be used for the particular purpose for which the materials are required;
 - (3) Any labor and services rendered and materials and equipment used or employed during the course and scope of the Project and Work shall be free of defects in workmanship for a period of one (1) year after the recordation of the Notice of Substantial Completion, or, if no such notice is required to be filed, on the date that final payment is made hereunder;
 - (4) Any manufacturer's warranty obtained by Contractor shall be obtained or shall be deemed obtained by Contractor for and on behalf of City.
 - (5) Any information submitted by Contractor prior to the award of Contract, or thereafter, upon request, whether or not submitted under a continuing obligation by the terms of the Contract to do so, is true and correct at the time such information is submitted or made available to the City;
 - (6) Contractor has not colluded, conspired, or agreed, directly or indirectly, with any person in regard to the terms and conditions of Contractor's Bid, except as may be permitted by the Notice to Contractors;
 - (7) Contractor has the power and the authority to enter into this Contract with City, that the individual executing this Contract is duly authorized to do so by appropriate resolution, and that this Contract shall be executed, delivered and performed pursuant to the power and authority conferred upon the person or persons authorized to bind Contractor;
 - (8) Contractor has not made an attempt to exert undue influence with the Project Manager or any other person who has directly contributed to City's decision to award the Contract to Contractor;
 - (9) There are no unresolved claims or disputes between Contractor and City which would materially affect Contractor's ability to perform under the Contract;

SECTION 00500

- (10) Contractor has furnished and will furnish true and accurate statements, records, reports, resolutions, certifications, and other written information as may be requested of Contractor by City from time to time during the term of this Contract;
 - (11) Contractor and any person performing labor and services under this Project is duly licensed as a contractor with the State of California as required by California Business & Professional Code Section 7028, as amended; and
 - (12) Contractor has fully examined and inspected the Project site and has full knowledge of the physical conditions of the Project site.
12. Assignment. This Contract and the performance required hereunder is personal to Contractor, and it shall not be assigned by Contractor. Any attempted assignment shall be null and void.
13. Claims of Contractor. All claims pertaining to extra work, additional charges, or delays within the Contract Time or other disputes arising out of the Contract shall be submitted by Contractor in accordance with the General Conditions.
14. Audits by City. During the term of this Contract and for a period of not less than three (3) years after the expiration or earlier termination of this Contract, City shall have the right to audit Contractor's Project-related and Work-related writings and business records, as such terms are defined in California Evidence Code Sections 250 and 1271, as amended, during the regular business hours of Contractor, or, if Contractor has no such hours, during the regular business hours of City.
15. Notices. All contracts, agreements, appointments, approvals, authorizations, claims, demands, Change Orders, consents, designations, notices, offers, requests and statements given by either party to the other shall be in writing and shall be sufficiently given and served upon the other party if (1) personally served, (2) sent by the United States mail, postage prepaid, (3) sent by private express delivery service, or (4) in the case of a facsimile transmission, if sent to the telephone FAX number set forth below during regular business hours of the receiving party and followed with two (2) days by delivery of a hard copy of the material sent by facsimile transmission, in accordance with (1), (2) or (3) above. Personal service shall include, without limitation, service by delivery and service by facsimile transmission.

To City: City of Lathrop
 City Clerk
 390 Towne Centre Drive
 Lathrop, CA 95330

SECTION 00500

To City: City of Lathrop
Department of Public Works
390 Towne Centre Drive
Lathrop, CA 95330
PHONE: (209) 941-7430
FAX: (209) 941-7449
ATTN: Senior Construction Manager

To Contractor: Dirt Dynasty, Inc.
Mailing Address: P.O. Box 67, Farmington, CA 95230
Phone: (209) 623-1141
Email: rcollins@dirtdynasty.com
ATTN: Ryan Collins

Miscellaneous

- (1) Bailee Disclaimer. The parties understand and agree that City does not purport to be Contractor's bailee, and City is, therefore, not responsible for any damage to the personal property of Contractor.
- (2) Consent. Whenever in this Contract the approval or consent of a party is required, such approval or consent shall be in writing and shall be executed by a person having the express authority to grant such approval or consent.
- (3) Controlling Law. The parties agree that this Contract shall be governed and construed by and in accordance with the Laws of the State of California.
- (4) Definitions. The definitions and terms are as defined in these specifications.
- (5) Force Majeure. Neither party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Contract, which directly results from an Act of God or an act of a superior governmental authority.
- (6) Headings. The paragraph headings are not a part of this Contract and shall have no effect upon the construction or interpretation of any part of this Contract.
- (7) Incorporation of Documents. All documents constituting the Construction Documents described in Section 3 hereof and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated in this Contract and shall be deemed to be part of this Contract.
- (8) Integration. This Contract and any amendments hereto between the parties constitute the entire contract between the parties concerning the Project and Work, and there are no other prior oral or written contracts between the parties that are not incorporated in this Contract.

SECTION 00500

- (9) Modification of Contract. This Contract shall not be modified or be binding upon the parties unless such modification is agreed to in writing and signed by the parties.
- (10) Provision. Any contract, covenant, condition, clause, qualification, restriction, reservation, term or other stipulation in the Contract shall define or otherwise control, establish, or limit the performance required or permitted or to be required of or permitted by either party. All provisions, whether covenants or conditions, shall be deemed to be both covenants and conditions.
- (11) Resolution. Contractor shall submit with its Bid a copy of any corporate or partnership resolution or other writing, which authorizes any director, officer or other employee or partner to act for or on behalf of Contractor or which authorizes Contractor to enter into this Contract.
- (12) Severability. If a court of competent jurisdiction finds or rules that any provision of this Contract is void or unenforceable, the provisions of this Contract not so affected shall remain in full force and effect.
- (13) Status of Contractor. In the exercise of rights and obligations under this Contract, Contractor acts as an independent contractor and not as an agent or employee of City. Contractor shall not be entitled to any rights and benefits accorded or accruing to the City Council members, officers or employees of City, and Contractor expressly waives any and all claims to such rights and benefits.
- (14) Successors and Assigns. The provisions of this Contract shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.
- (15) Time of the Essence. Time is of the essence of this Contract and each of its provisions. In the calculation of time hereunder, the time in which an act is to be performed shall be computed by excluding the first Day and including the last. If the time in which an act is to be performed falls on a Saturday, Sunday, or any Day observed as a legal holiday by City, the time for performance shall be extended to the following Business Day.
- (16) Venue. In the event that suit is brought by either party hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin or in the United States District Court for the Eastern District of California.
- (17) Recovery of costs. The prevailing party in any action brought to enforce the terms of this Contract or arising out of this Contract, including the enforcement of the indemnity provision(s), may recover its reasonable costs, including reasonable attorney's fees, incurred or expended in connection with such action against the non-prevailing party.

SECTION 00500

- (18) Contractor and subcontractors must comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 USC 1857(h)), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency Regulations at 40 CFR Part 15.
- (19) Contractors and subcontractors must comply with mandatory standards and policies relating to the energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation ACT (Public Law 94-163, 89 stat 871).
- (20) The Contractor shall provide access to the site for the Environmental Protection Agency and its duly authorized representatives, and the City.
- (21) If during the course of construction evidence of deposit of historical or archaeological interest is found, the Contractor shall cease operation affecting the find and shall notify the City, who shall notify the EPA and the State Historic Preservation Officer. No further disturbance of the deposits shall ensue until the Contractor has been notified by the City that construction may proceed. The City will issue a notice to proceed only after the state official has surveyed the find and made a determination to the EPA and the City. Compensation to the contractor, if any, for lost time or changes in construction to avoid the find, shall be determined in accordance with changed conditions or change order provisions of the Construction Documents.
- (22) Notice to Proceed. Prior to commencing work under this Contract, CONTRACTOR shall receive a written "Notice to Proceed" from CITY. A Notice to Proceed shall not be issued until all necessary bonds and insurances have been received. City shall not be obligated to pay CONTRACTOR for any services prior to issuance of the Notice to proceed.
- (23) Signatures. The individuals executing this Contract represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Contract on behalf of the respective legal entities of the CONTRACTOR and the CITY. This Contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
- (24) This project is a public works project: Contractor shall comply with requirements of California Labor Code § 1700 and following, and prevailing wages shall be paid for work performed on this project.
- (25) The statutory provisions for penalties for failing to comply with the State of California wage and labor laws be enforced, as well as that for failing to pay prevailing wages.

SECTION 00500

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

CONTRACT

EXHIBITS:

EXHIBIT A: Contractor's Submitted Bid Packet

Certification of insurance, performance and payment bonds, and worker's compensation certification shall be furnished to the City by the Contractor after City Council's approval with resolution.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above stated in Lathrop, California.

CONTRACTOR:

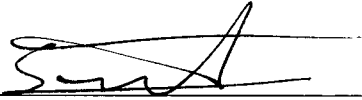
By: _____

Name: _____

Title: _____

CITY OF LATHROP

APPROVED AS TO FORM:

By:  _____
Salvador Navarrete, City Attorney

RECOMMENDED FOR APPROVAL:

By: _____
Michael King, Director of Public Works

APPROVED:

By: _____
Stephen J. Salvatore, City Manager

BID PROPOSAL FORMS



TO: City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

ATTENTION: City Clerk

FOR: **LATHROP RD AND HARLAN RD INTERSECTION
IMPROVEMENTS, CIP PS 21-06**

THE UNDERSIGNED, AS BIDDER, HEREBY AGREES AND DECLARES THAT:

LEGAL COMPLIANCE

The only persons or parties interested in this Bid as Principals are those named herein; that this Bid is made without collusion with any other person, firm, partnership, corporation, or association; that he has carefully examined the location of the proposed work and the Construction Documents; and he proposes and agrees that if this Bid is accepted he will contract with the City of Lathrop, in the form of the Contract as set forth in the Construction Documents for said project, to provide all the necessary labor, services, materials, and equipment, and to do all the work and furnish all the materials; and that he will accept in full payment therefore the price as proposed in the following Bid Schedule.

SCHEDULE OF PRICES

All applicable permit fees, licensing costs, sales taxes, State, and/or Federal, and any other taxes, patent rights, or royalties are included in the prices quoted in the Bid. All blank spaces must be filled in.

BASIS OF AWARD

The basis for award of the contract will be the total price of the base bid. The City of Lathrop reserves the right to award the work contemplated by only the Base Bid or none of the work.

SECTION 00300

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

BID PROPOSAL FORMS

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS, CIP PS 21-06
BID SCHEDULE

BID ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	EXTENDED TOTAL
1	Mobilization / Bonds / Insurance	1	LS	128,726.00	128,726.00
2	Traffic Control	1	LS	120,000.00	120,000.00
3	Erosion and Sediment Control Plan (ESCP)	1	LS	4000.00	4,000.00
4	Remove Existing HMA	6,300	SF	2.50	15,750.00
5	Remove Existing Landscape	1,600	SF	4.00	6,400.00
6	Remove Raised Median	1,800	SF	5.50	9,900.00
7	Traffic Signal Modifications and Improvements @ Lathrop Rd. / Harlan Rd.	1	LS	58,104.00	58,104.00
8	Traffic Signal Modifications and Improvements @ Lathrop Rd. / NB I-5 Ramps	1	LS	63,107.00	63,107.00
9	Construct PCC Retaining Wall	110	LF	130.00	14,300.00
10	Construct PCC Curb Ramps w/ Truncated Domes	2	EA	5,000.00 ^{\$}	10,000.00
11	Construct PCC Curb / Gutter - Type F, City Standard Detail R-11	105	LF	110.00	11,550.00
12	Construct PCC Sidewalk	2,000	SF	13.00	26,000.00
13	Construct PCC Driveway @ 44' Wide	1	EA	14,000.00	14,000.00
14	Construct PCC Median Curb - Type B, City Standard Detail R-11	560	LF	70.00	39,200.00
15	Construct Stamped PCC Median	1,465	SF	20.00	29,300.00
16	Relocate Storm Drain Inlet	1	LS	7,500.00	7,500.00
17	Truncated Dome Mats @ Driveways	3	EA	700.00	2,100.00
18	Place New HMA at 7" Depth	3,452	SF	11.50	39,698.00
19	Place Microsurfacing	208,000	SF	0.28	58,240.00
20	Place ARAM Road Surface Treatment	186,400	SF	0.47	87,608.00
21	Thermoplastic Striping - Caltrans Std. Pln. A20, Detail 9	1,825	LF	0.80	1,460.00 ²
22	Thermoplastic Striping - Caltrans Std. Pln. A20, Detail 22	220	LF	1.50	330.00

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SECTION 00300

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

BID PROPOSAL FORMS

23	Thermoplastic Striping -Caltrans Std. Pln. A20, Detail 25	1,580	LF	0.80	1,264.00
24	Thermoplastic Striping -Caltrans Std. Pln. A20, Detail 29	660	LF	2.50	1,650.00
25	Thermoplastic Striping -Caltrans Std. Pln. A20, Detail 32	1,310	LF	2.50	3,275.00
26	Thermoplastic Striping -Caltrans Std. Pln. A20, Detail 37B	1,270	LF	1.30	1,651.00
27	Thermoplastic Striping -Caltrans Std. Pln. A20, Detail 38	740	LF	1.30	962.00
28	Thermoplastic Striping -Caltrans Std. Pln. A20, Detail 39	3,680	LF	1.00	3,680.00
29	Thermoplastic Striping -Caltrans Std. Pln. A20, Detail 40	100	LF	1.00	100.00
30	Thermoplastic Striping -12" White Line	1,080	LF	2.50	2,700.00
31	Thermoplastic Striping -6" Yellow Line Hatching	300	LF	1.50	450.00
32	Thermoplastic Marking -Type I Arrow (18')	1	EA	75.00	75.00
33	Thermoplastic Marking -Type I Arrow (24')	1	EA	90.00	90.00
34	Thermoplastic Marking -Type II Arrow	1	EA	125.00	125.00
35	Thermoplastic Marking -Type IV Arrow	19	EA	115.00	2,185.00
36	Thermoplastic Marking -Type VI Arrow	3	EA	125.00	375.00
37	Thermoplastic Marking - BIKE LANE plus Arrow	5	EA	65.00	325.00
38	Thermoplastic Marking -Type VII Arrow	4	EA	80.00	320.00
39	Signage as Shown on Plans	1	LS	5,500.00	5,500.00
40	Install Caltrans Type I Pedestrian Barricade, RSP ES-7Q @ 6' Width	1	LS	1,500.00	1,500.00
41	Repair Landscape and Irrigation System (2 locations)	1	LS	9,500.00	9,500.00
42	Relocate Existing Signs Per Plans	6	EA	250.00	1,500.00
43	Remove Existing Thermoplastic Markings and Striping	1	LS	12,000.00	12,000.00
44	Relocate Fire Hydrant and 2 Water Meters	1	LS	10,500.00	10,500.00

TOTAL BASE BID: \$ 807,000.00TOTAL BASE BID IN WORDS: Eight Hundred Seven Thousand Dollars.

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SECTION 00300

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

BID PROPOSAL FORMS

INFORMATION REQUIRED OF BIDDER

The Bidder (Contractor) shall furnish the following information. This information is considered essential in enabling the Project Manager to determine if the Bidder is experienced in similar types of work and if the Bid is based on a careful study of methods applicable to the work and full realization of the various factors which may affect the progress of the work. Failure to comply with this requirement may render the Bid non-responsive and may cause its rejection. Additional sheets shall be attached as required.

BIDDER'S INFORMATION

- (1) Bidder's name and address:

Dirt Dynasty, Inc.

P.O. Box 67, Farmington, CA 95230

- (2) Bidder's telephone number: (209) 623-1141

- (3) Bidder's fax number: (209) 623-1142

- (4) Bidder's Contractor's License (Class): A

License No.: 1009473

Expires: 12/31/2023

- (5) Person who inspected site of proposed work for Contractor's firm:

Name: Ryan Collins Date of Inspection: 1/18/2022

- (5) List 3 projects of a nature similar to this project:

Project	Contract Price	Name, Address and Telephone Number of Owner
High Friction Surface Treatment	\$842,847	City of Stockton, Travis Pazin (209) 937-5654 22 E. Weber Ave, Room 301, Stockton CA 95202
Highway 4 Improvements Murphys, CA	\$1,587,000	Caltrans, Iqbal Aulakh (209) 479-3608 850 S. Guild Ave, Lodi, CA 95240
Raised Median Along MLK Blvd.	\$508,396	City of Stockton, Ivan Kennosa (209) 937-7390 22 E. Weber Ave, Room 301, Stockton, CA 95202

SECTION 00300

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

BID PROPOSAL FORMS

LIST OF SUBCONTRACTORS:

The Bidder shall list below the name and business address of each subcontractor who will perform work under this Bid in excess of one-half of one percent of the Contractor's Total Bid Price, and shall also list the portion of the WORK which will be done by such subcontractor, in accordance with Section 4107 of the Public Contract Code. After the opening of bids, no changes or substitutions will be allowed except as otherwise provided by law. The listing of more than one subcontractor for each item of work to be performed with the words "and/or" will not be permitted. Failure to comply with this requirement may render the Bid non-responsive and may cause its rejection. Should the Contractor provide a bid that does not require a subcontractor, the Contractor shall note that on this page by writing "Not Applicable" in the list below.

01/25/2022

	<u>Work to be Performed</u>	<u>Subcontractor License Number</u>	<u>Percent of Total Contract</u>	<u>Subcontractor / Address / Phone</u>
1.	ARAM and Microsurfacing	943792	28%	American Pavement Systems, Inc. Modesto, CA (209) 522-2277
2.	Traffic Signal Improvement	694400	15%	Pacific Excavation, Inc. Elk Grove, CA (916) 686-2800
3.	Striping & Signs	499345	5%	Centerline Striping Co, Inc. Elk Grove, CA (916) 686-8860
4.				
5.				
6.				

Note: Attach additional sheets if required.

SECTION 00300

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

BID PROPOSAL FORMS

ADDENDA

Bidder certifies he reviewed ARC Stockton's Plan Well for addenda within 48 hours of bid opening and acknowledges receipt of the following addendum (addenda):

#1 1/12/22 _____

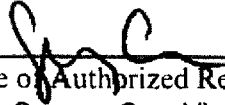
Respectfully submitted,

01/25/2022

Dated

Dirt Dynasty, Inc.

Legal Name of Firm



Signature of Authorized Representative
Sammy Cox, Vice President
(Seal)

(If Bidder is a corporation, show State in which incorporated.)

California

The full names and post office addresses of all persons and parties interested in the foregoing Bid as principals are as follows:

(NOTICE): Give first and last names in full; in case of corporation, give names of President, Secretary, Treasurer, and Manager, and in case of partnerships and joint ventures, give names and Post Office addresses of all the individual members.

Jason Alurcon, President - Valley Springs, CA

Sammy Cox, Vice President - Linden, CA

Steve McPeak, Secretary / Treasurer, Ripon, CA

When submitting the bid for the project, the Contractor must acknowledge receipt of the addendum.

Recommended by: Ken Reed 1-12-2022
Ken Reed Date
Senior Construction Manager

Approved by: Michael King 1-12-2022
Michael King Date
Public Works Director

COPY

SECTION 00300

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

BID PROPOSAL FORMS

BIDDER'S BOND

KNOW ALL MEN BY THESE PRESENTS:

THAT WE DIRT DYNASTY, INC.

as PRINCIPAL, and THE OHIO CASUALTY INSURANCE COMPANY

as SURETY are held; and firmly bond unto the City of Lathrop in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by the Principal to the City of Lathrop for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made to the City of Lathrop to which the bid was submitted, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by those presents. In no case shall the liability of the surety hereunder exceed the sum of \$ **TEN PERCENT (10%) OF AMOUNT B: D**

THE CONDITION OF THIS OBLIGATION IS SUCH,

THAT, WHEREAS, the Principal has submitted the above mentioned bid to the City of Lathrop for certain construction specifically described as follows, for which bids are to be opened at the City Hall, 390 Towne Centre Drive, Lathrop, CA: **Lathrop Rd. and Harlan Rd. Intersection Improvements, CIP PS 21-06.**

NOW, THEREFORE, if the Principal is awarded the contract and within the time and manner required under the specifications, after the prescribed forms are presented to him for signature enters into a written contract in the prescribed form, in accordance with the bid, and files two bonds with the City, one to guarantee faithful performance, and the other to guarantee payment for labor and materials as required by law, then this obligation shall be null and void; otherwise, it shall be and remain in full force.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 18th day of January, 2022.

DIRT DYNASTY, INC. (Seal)
Sammy Cox, Vice President (Seal)
Address: P.O. Box 67
Farmington, CA 95230

THE OHIO CASUALTY INSURANCE COMPANY (Seal)
Karen Amin Attorney-in-Fact (Seal)
Address: 1001 4th Ave. Ste. 3800
Seattle, WA 98154

NOTE: Signatures of those executing for the surety must be properly acknowledged.

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Joaquin

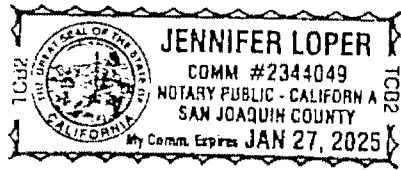
On January 18, 2022 before me, Jennifer Loper, Notary Public
(insert name and title of the officer)

personally appeared Karen Amin
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jennifer Loper (Seal)





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8197947 - 969440

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Daniel M Connolly, Karen Amin, Jennifer Loper, David Schnapp

all of the city of [redacted] state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed hereto this 8th day of November, 2018.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company
By: [Signature]
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 8th day of November, 2018, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member Pennsylvania Association of Notaries

By: [Signature]
Teresa Pastella, Notary Public

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 18th day of January, 2022.



By: [Signature]
Renee C. Llewellyn, Assistant Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
Civil Code § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Joaquin

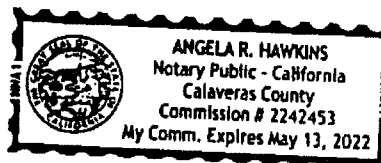
On January 20, 2022 before me, Angela R. Hawkins, Notary Public

personally appeared Sammy Cox who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Angela R. Hawkins
Signature of Notary Public



(Seal)

SECTION 00300

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

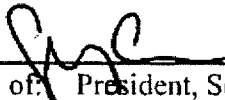
BID PROPOSAL FORMS

NONCOLLUSION AFFIDAVIT

STATE OF California)
)
COUNTY OF San Joaquin) SS.

Sammy Cox, being first duly sworn, deposes and says that he or she is

Vice President of Dirt Dynasty, Inc. the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company associated, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.



Signature of: President, Secretary,
Manager, Project Manager or Representative
Sammy Cox, Vice President

The County of _____

State of _____

Subscribed and sworn to (or affirmed) before me

on this _____ day of _____, 20____, by

_____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

see attached certificate

Seal _____

Signature _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT
GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

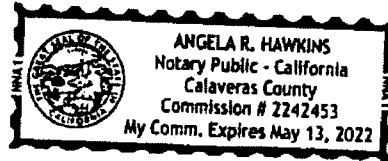
State of California
County of San Joaquin

Subscribed and sworn to (or affirmed) before me, on this 20th day of January, 20 22, by

- (1) Sammy Cox
(2) _____
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Angela R. Hawkins
Signature of Notary Public



(Seal)

SECTION 00300

LATHROP RD AND HARLAN RD INTERSECTION IMPROVEMENTS
CIP PS 21-06

BID PROPOSAL FORMS

PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE

In accordance with Public Contract Code Section 10162, the Bidder shall complete, under penalty of perjury, the following questionnaire:

Has the Bidder, any officer of the Bidder, or any employee of the Bidder, who has a proprietary interest in the Bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes _____ No

If the answer is yes, explain the circumstances in the following space.

PUBLIC CONTRACT SECTION 10232 STATEMENT

In accordance with Public Contract Code Section 10232, the Contractor hereby states under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board.

NOTE: The above Statement and Questionnaire are part of the Proposal. Signing this proposal on the signature portion thereof shall also constitute signature of this Statement and Questionnaire.

Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

(END OF SECTION)

00300-9



CONTRACTORS
STATE LICENSE BOARD
ACTIVE LICENSE



License Number: **1009473**

TYPE: CORP

Business Name: DIRT DYNASTY INC

Classification(s): A

Expiration Date: 12/31/2023

www.cslb.ca.gov



Search Returned 1 Records

Mon Jun 08 14:43:16 PDT 2020

Query Criteria

Certification Types: DBE

Firm ID: 43376

Firm ID 43376
DBA Name DIRT DYNASTY INC
Firm Name
Address Line1 4110 MEADOW OAKS DRIVE
Address Line2
City VALLEY SPRINGS
State CA
Zip Code1 95252
Zip Code2
Mailing Address Line1 P.O. BOX 67
Mailing Address Line2
Mailing City FARMINGTON
Mailing State CA
Mailing Zip Code1 95230
Mailing Zip Code2
Certification Type DBE
E-Mail estimating@dirtdynastyinc.com; admin@dirtdynastyinc.com
Contact Name JASON ALURCON
Area Code 209
Phone Number 623-1141
Extension
Alt Area Code 209
Alt Phone Number 969-5496
Extension
Fax Area Code 209
Fax Phone Number 623-1142
Agency Name DEPARTMENT OF TRANSPORTATION
Counties 31; 34; 39;
Districts 03; 10;
DBE NAICS 237310; 237990; 238110; 238910; 238990; 488490; 561990,
ACDBE NAICS

Work Codes

C9907 CONSTRUCTION EQUIPMENT RENTAL; C1901 ROADWAY EXCAVATION; C3901 ASPHALT CONCRETE; C1575 REMOVE BRIDGE ITEM; C1980 IMPORTED BORROW; C1522 RESET, ADJUST ROADWAY ITEMS; C1940 DITCHES EXCAVATION; C2602 AGGREGATE BASE; C1920 STRUCTURE EXCAVATION; C1531 PLANE ASPHALT CONCRETE; C3940 PLACE ASPHALT CONCRETE DIKE & MISC; C4906 CAST-IN-DRILLED-HOLE CONCRETE PILING; C1211 TRAFFIC FLAGGERS; C1212 PILOT CAR SERVICES; C1601 CLEARING & GRUBBING; C2201 FINISHING ROADWAY; C5111 CONCRETE OVERLAY, DRILL & BOND; C9980 DEMOLITION; C1200 CONSTRUCTION AREA SIGNS; C1201 TRAFFIC CONTROL

SYSTEM; C1580 MODIFY BRIDGE ITEM; C1910 GRADING; C1930 STRUCTURE BACKFILL; C1970
EMBANKMENT CONSTRUCTION; C2501 AGGREGATE SUBBASE; C3701 SEAL COAT; C5100 CONCRETE
STRUCTURE; C5105 MINOR CONCRETE STRUCTURE; C5110 CONCRETE SURFACE FINISH, C7200
ROCK SLOPE PROTECTION; CB406 PAINTED TRAFFIC STRIPING & MARKING;

Licenses

Trucks

Gender

Ethnicity

Firm Type

A General Engineering Contractor;

M

HISPANIC

DBE

Contractor Information

Legal Entity Name
 DIRT DYNASTY, INC.
Legal Entity Type
 Corporation
Status
 Active
Registration Number
 1000035884
Registration effective date
 7/1/2019
Registration expiration date
 6/30/2022
Mailing Address
 P O BOX 67 FARMINGTON 95230 CA United States of America
Physical Address
 4110 MEADOW OAKS DR. VALLEY SPRINGS 95252 CA United State...
Email Address
Trade Name / DBA
License Number(s)
 CSLB:1009473
 CSLB:1009473

Registration History

Effective Date	Expiration Date
5/16/2018	6/30/2019
6/13/2017	6/30/2018
7/11/2016	6/30/2017
3/8/2016	6/30/2016
7/1/2019	6/30/2022

Legal Entity Information

Corporation Number:
 C3678652
Federal Employment Identification Number:
President Name:
 JASON ALURCON
Vice President Name:
 SAMMY COX
Treasurer Name:
Secretary Name:
CEO Name:

Agent of Service Name:
 JASON ALURCON
Agent of Service Mailing Address:
 4110 MEADOW OAKS DR. VALLEY SPRINGS 95252 CA United States of America

Workers Compensation

Do you lease employees through Professional Employer Organization (PEO)?: No

Please provide your current workers compensation insurance information below:

PEO	PEO	PEO
PEO InformationName	Phone	Email

Insured by Carrier

Policy Holder Name:DIRT DYNASTY, INC.**Insurance Carrier:**Benchmark Insurance Company**Policy Number:**CST5021583
Inception date:5/9/2021**Expiration Date:**5/9/2022

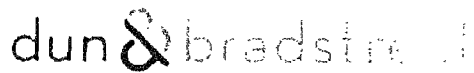
[Home](#) | [Online Services](#) | [License Detail](#) | [Workers' Compensation History](#)

Workers' Compensation History

Contractor License # 1009473
Contractor Name DIRT DYNASTY INC

Workers' Compensation History

Insurance Company	BENCHMARK INSURANCE COMPANY
Policy #	CST5021583
Effective Date	05/10/2021
Expiration Date	05/10/2022
Insurance Company	BENCHMARK INSURANCE COMPANY
Policy #	CST5019187
Effective Date	05/10/2020
Expiration Date	05/10/2021
Insurance Company	EVEREST PREMIER INSURANCE COMPANY
Policy #	7600020435191
Effective Date	05/10/2019
Expiration Date	05/10/2020
Insurance Company	STATE COMPENSATION INSURANCE FUND
Policy #	9210223
Effective Date	05/10/2017
Expiration Date	05/10/2019
Insurance Company	EXEMPT
Policy #	
Effective Date	11/03/2015
Expiration Date	



01/12/2021

Terri Alurcon.

The following is the Dun & Bradstreet D-U-N-S® number for **Dirt Dynasty, Inc.**
D-U-N-S number **050320385**

If this is **YOUR COMPANY** take advantage of CreditBuilder™ our next generation credit building solution

With CreditBuilder you can

- Get unlimited access to your business credit file
- Ensure you are always aware of the most current D&B information your banks, suppliers, competitors and customers are using to evaluate your business
- Get alerts when there are changes to your business credit file
- Benchmark your company's credit scores against your industry and key competitors
- Enhance your D&B credit scores and ratings by adding good payment history to your credit profile

If you are looking for information on **ANOTHER COMPANY** consider purchasing a Business Information Report™ Reduce the risk of unpaid bills by evaluating the credit risk of another company before doing business with them

With a Business Information Report you can

- Get a detailed snapshot of another company's credit report available online for 6 months from initial access
- See a company's PAYDEX® score and other (D&B) ratings
- Access a company's payment history
- View company history and background information on key employees

Call **1-800-700-2733** Monday through Friday 8:00 AM to 6:00 PM local time or contact us at Dun & Bradstreet support

Sincerely,

Dun & Bradstreet

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Dirt Dynasty, Inc.</p> <p>2 Business name/disregarded entity name, if different from above</p>	
	<p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____</p> <p><input type="checkbox"/> Other (see instructions) ▶ _____</p> <p><input type="checkbox"/> C Corporation</p> <p><input checked="" type="checkbox"/> S Corporation</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Trust/estate</p> <p><small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise a single member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small></p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Added to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.) See instructions. P.O. Box 67</p> <p>6 City, state, and ZIP code Farmington, CA 95230</p> <p>7 List account number(s) here (optional)</p>	<p>Requester's name and address (optional)</p>

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
OR									
Employer identification number									
4	6	-	5	7	0	4	8	0	6

Part II Certification

Under penalties of perjury, I certify that

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ <i>John Thurman</i>	Date ▶ <i>01/01/2021</i>
------------------	--	--------------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien) to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

Printed on: 2/10/2021 9:23:47 AM

To verify most current certification status go to: <https://www.caleprocure.ca.gov>



Office of Small Business & DVBE Services

Certification ID: 2012601

Legal Business Name:

Dirt Dynasty, Inc.

Doing Business As (DBA) Name 1:

Doing Business As (DBA) Name 2:

Address:

P O Box 67
Farmington
CA 95230

Email Address:

talurcon@dirtdynastyinc.com

Business Web Page:

Business Phone Number:

(209) 623-1141

Business Fax Number:

209/623-1142

Business Types:

Construction , Service

Certification Type	Status	From	To
SB(Micro)	Approved	01/25/2019	01/31/2022

Stay informed! KEEP YOUR CERTIFICATION PROFILE UPDATED!

-LOG IN at [CaleProcure.CA.GOV](https://www.caleprocure.ca.gov)

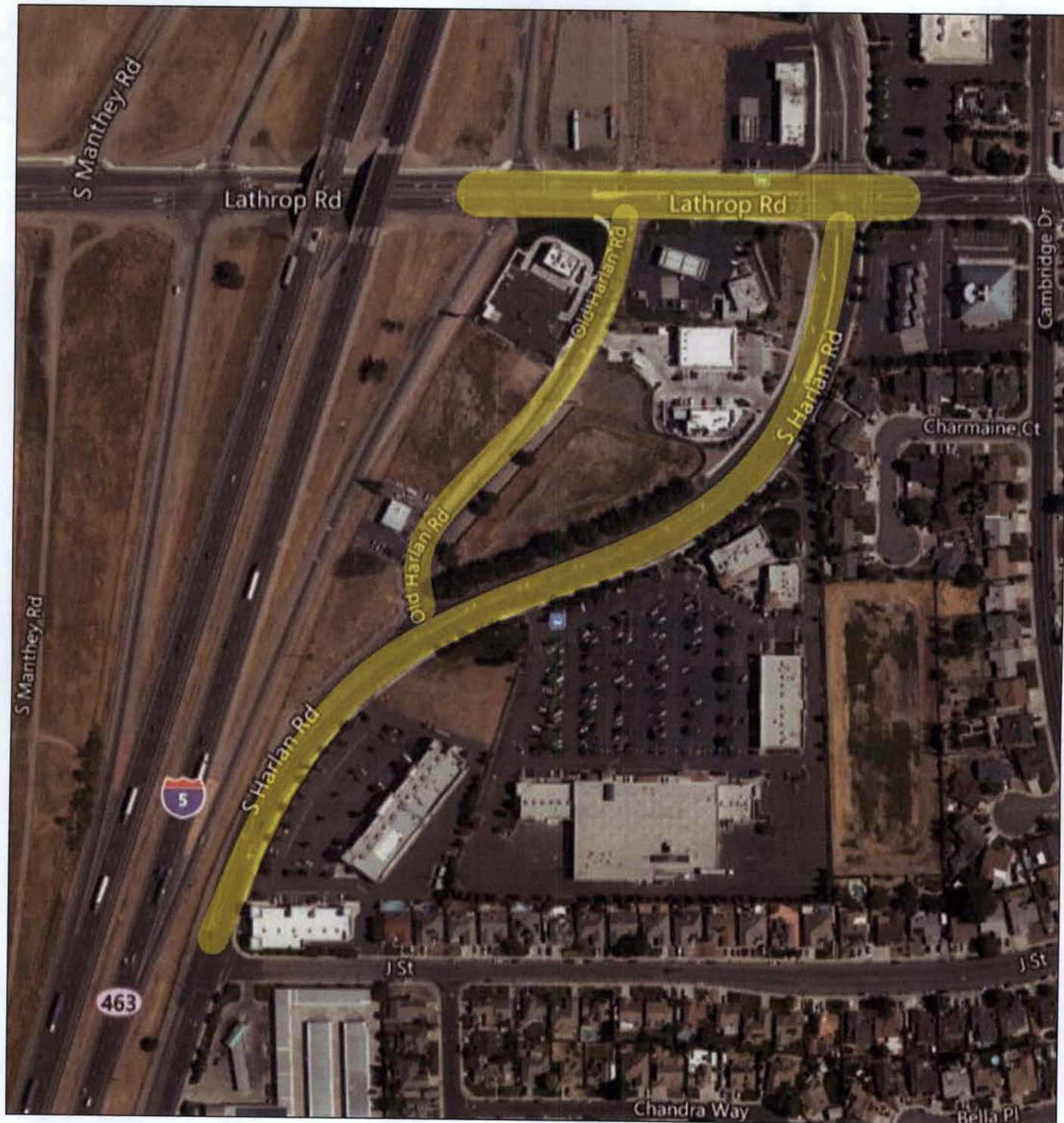
Questions?

Email: OSDSHELP@DGS.CA.GOV

Call OSDS Main Number: 916-375-4940

707 3rd Street 1-400, West Sacramento, CA 95605

**PROJECT LOCATION MAP:
LATHROP ROAD AND HARLAN ROAD
INTERSECTION IMPROVEMENTS CIP PS 21-06**



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ITEM 4.9

CITY MANAGER'S REPORT FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ITEM: **AWARD CONSTRUCTION CONTRACT TO
COMMERCIAL PUMP & MECHANICAL, INC. FOR WELL
10 TESTING, ANALYSIS AND MODIFICATIONS,
CAPITAL IMPROVEMENT PROJECT PW 22-37 AND
APPROVE RELATED BUDGET AMENDMENT**

RECOMMENDATION: **Adopt Resolution Awarding a Construction Contract
to Commercial Pump & Mechanical, Inc. (CPM) for
Well 10 Testing, Analysis and Modifications, Capital
Improvement Project (CIP) PW 22-37 and Approve
Related Budget Amendment**

SUMMARY:

The Well 10 Testing, Analysis and Modifications (Well 10 TAM), CIP PW 22-37 is needed to address sanding and other maintenance items for the City's Well 10, one of four active wells comprising the City's groundwater supply. The bid specifications for this project were completed and a notice inviting informal bids was issued on January 6, 2022 in accordance with the Lathrop Municipal Code (LMC) 3.30.060.

A total of two (2) bids were received on January 20, 2022. Based on review and evaluation of the bids, the lowest responsive and responsible bidder was determined to be Commercial Pump & Mechanical, Inc. (CPM) with a base bid amount of \$87,664.

Staff requests City Council award a construction contract to Commercial Pump & Mechanical, Inc. for construction of the Well 10 TAM, CIP PW 22-37 for a cost of \$87,664. In addition, a construction contingency for alternate bid items in the amount of up to \$112,336 is requested for a total construction cost not to exceed \$200,000. The need for the alternate bid items will not be determined until the well survey work, which is included with the base bid, has been completed and the well condition has been evaluated.

Sufficient project funds were not included in the adopted Fiscal Year (FY) 21/22 Budget for the alternate bid items; therefore, staff is requesting that Council approve a budget amendment allocating \$95,000 of the Water Capital Replacement Fund 5600 for the proposed project to complete the Well 10 Testing, Analysis and Modifications, CIP PW 22-37.

CITY MANAGER’S REPORT **PAGE 2**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
AWARD CONSTRUCTION CONTRACT TO COMMERCIAL PUMP & MECHANICAL, INC. FOR WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, CIP PW 22-37 AND APPROVE RELATED BUDGET AMENDMENT

BACKGROUND:

The Well 10 TAM, CIP PW 22-37 is needed to address sanding and other maintenance items for the City’s Well 10, one of four active wells comprising the City’s groundwater supply. This project will complete recommended maintenance and repairs, which include testing and analysis to evaluate whether additional modifications are needed to improve the performance and efficiency of Well 10. On November 8, 2021, City Council approved the creation of the Well 10 TAM, CIP PW 22-37.

The bid specifications for this project were completed and a notice inviting informal bids was issued on January 6, 2022 in accordance with the LMC 3.30.060. A total of two (2) bids were received, and both were determined to be responsive and responsible. The bid results are summarized in Table 1 below:

Table 1: Summary of Base Bid Results

Contractor	Base Bid
Commercial Pump & Mechanical, Inc.	\$87,664
NorCal PumpMan	\$124,300

Staff reviewed and evaluated the bids, and determined that the lowest responsive and responsible bidder to be CPM. Staff requests City Council adopt resolution awarding a construction contract to CPM with a base bid amount of \$87,664. Staff also requests City Council authorize a construction contingency for the alternate bid items in the amount of \$112,336 for a combined total construction cost \$200,000. The need for the alternate bid items will not be determined until the well survey work, included with the base bid, has been completed and the well condition has been evaluated. Staff requests Council to authorize staff to spend the contingency as necessary to achieve the goals of the project for a total cost not to exceed \$200,000.

REASON FOR RECOMMENDATION:

This project is needed to address sanding and other maintenance items for the City’s Well 10, one of four active wells comprising the City’s groundwater supply.

FISCAL IMPACT:

Sufficient project funds were not included in the approved budget for Well 10 TAM, CIP PW 22-37 for the alternate bid items; therefore, staff is requesting that Council approve a budget amendment allocating \$95,000 of the Water Capital Replacement Fund 5600 to the project as follows:

CITY MANAGER'S REPORT **PAGE 3**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
AWARD CONSTRUCTION CONTRACT TO COMMERCIAL PUMP & MECHANICAL,
INC. FOR WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, CIP PW 22-
37 AND APPROVE RELATED BUDGET AMENDMENT

Increase Transfers Out		
5600-99-00-990-90-10		\$95,000
Increase Transfers In		
5690-99-00-393-00-00	PW 22-36	\$95,000
Increase Expenditures		
5690-80-00-420-12-00	PW 22-36	\$95,000


ATTACHMENTS:

- A. Resolution Awarding a Construction Contract to Commercial Pump & Mechanical, Inc. for Well 10 Testing, Analysis and Modifications, Capital Improvement Project (CIP) PW 22-37 and Approve Related Budget Amendment

- B. Construction Contract with Commercial Pump & Mechanical, Inc. for Well 10 Testing, Analysis and Modifications, CIP PW 22-37

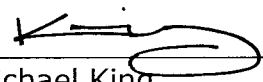
CITY MANAGER'S REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
AWARD CONSTRUCTION CONTRACT TO COMMERCIAL PUMP & MECHANICAL,
INC. FOR WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, CIP PW 22-
37 AND APPROVE RELATED BUDGET AMENDMENT

APPROVALS:




Greg Gibson
Senior Civil Engineer

01/25/2022
Date




Michael King
Public Works Director

1-26-2022
Date



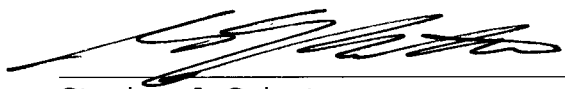
Cari James
Finance Director

2/2/22
Date



Salvador Navarrete
City Attorney

1.27.2022
Date



Stephen J. Salvatore
City Manager

2.7.22
Date

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP AWARDING A CONSTRUCTION CONTRACT TO COMMERCIAL PUMP & MECHANICAL, INC. (CPM) FOR WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, CAPITAL IMPROVEMENT PROJECT (CIP) PW 22-37 AND APPROVE RELATED BUDGET AMENDMENT

WHEREAS, the Well 10 Testing, Analysis and Modifications (Well 10 TAM) CIP PW 22-37 is needed to address sanding and other maintenance items for the City's Well 10, one of four active wells comprising the City's groundwater supply; and

WHEREAS, the bid specifications for this project were completed and a notice inviting informal bids was issued on January 6, 2022 in accordance with the Lathrop Municipal Code (LMC) 3.30.060; and

WHEREAS, a total of two (2) bids were received and evaluated by the Public Works Department on January 20, 2022; and

WHEREAS, based on review and evaluation of the bids, the lowest responsive and responsible bidder was determined to be Commercial Pump & Mechanical Inc., with a base bid amount of \$87,644; and

WHEREAS, staff requests City Council adopt resolution awarding a construction contract to Commercial Pump & Mechanical, Inc. with a base bid amount of \$87,644; and

WHEREAS, staff also requests City Council authorize a construction contingency in the amount of \$112,336 for alternate bid items and authorize staff to spend the contingency as necessary to achieve the goals of the project for a total cost not to exceed \$200,000; and

WHEREAS, sufficient project funds were not included in the adopted Fiscal Year (FY) 21/22 Budget for the alternate bid items; therefore, staff is requesting that Council approve a budget amendment allocating \$95,000 of the Water Capital Replacement Fund 5600 for the proposed project to complete the Well 10 Testing, Analysis and Modifications, CIP PW 22-37.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby approve awarding a construction contract to Commercial Pump & Mechanical, Inc. for the Well 10 Testing, Analysis and Modifications, CIP PW 22-37 in the amount of \$87,664; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop does hereby approve a construction contingency in the amount of \$112,336 for alternate bid items for a total cost not to exceed \$200,000 and authorizes staff to spend up to this amount as necessary to accomplish the goals of the project.

BE IT FURTHER RESOLVED, a budget amendment allocating \$95,000 of the Water Capital Replacement Fund 5600 to the project is approved as follows:

Increase Transfers Out		
5600-99-00-990-90-10		\$95,000
Increase Transfers In		
5690-99-00-393-00-00	PW 22-36	\$95,000
Increase Expenditures		
5690-80-00-420-12-00	PW 22-36	\$95,000

The foregoing resolution was passed and adopted this 14th day of February 2022, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:


ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

SECTION 00500

WELL 10 TESTING, ANALYSIS & MODIFICATIONS, CIP PW 22-37
CUPCAA INFORMAL BID SOLICITATION

CONSTRUCTION CONTRACT

CONTRACT

This Contract, dated **February 14, 2022**, is entered into by and between the **City of Lathrop**, a municipal corporation of the State of California (City), and **Commercial Pump & Mechanical, Inc.** (Contractor), whose Taxpayer Identification Number is _____.

For and in consideration of the following covenants, terms and conditions, City and Contractor (the parties) agree:

1. Term. This Contract shall commence on, and be binding on the parties on, the date of execution of this Contract, and shall expire on the date of recordation of the Notice of Substantial Completion, or, if no such notice is required to be filed, on the date that final payment is made hereunder, subject to the earlier termination of this Contract.
2. General Scope of Project and Work. Construction Documents for the **Well 10 Testing, Analysis & Modifications, CIP PW 22-37** (Project). Contractor shall furnish labor, services, materials and equipment in connection with the construction of the Project and complete the Work in accordance with the covenants, terms and conditions of this Contract to the satisfaction of City. The Project and Work is generally described as follows:

The work to be performed under this contract includes all work contained in the Construction Documents, as detailed in Paragraph 3 below, including, but not limited to Well 10 testing, pump rebuild, well modifications and well cleaning and redevelopment; and any task necessary to accomplish the aforementioned tasks

The work shall be **completed within 45 working days** following issuance of Notice to Proceed.

The Work shall be complete, and all appurtenant work, materials, and services not expressly shown or called for in the Construction Documents which may be necessary for the complete and proper construction of the Work in good faith shall be performed, furnished, and installed by the Contractor as though originally specified or shown. The Contractor will be compensated for actual work performed in accordance with the unit prices and provisions contained in these Construction Documents.

Base Bid Total: \$ 87,664 (Eighty-Seven Thousand Six Hundred Sixty-Four Dollars)

3. Construction Documents. This Contract shall include the Construction Documents, which are hereby incorporated by reference (i.e. Project Specifications, Project Plans, addenda, performance bond, labor and materials bond, certification of insurance, workers compensation certification, and guaranty), and the Bid Documents submitted by **Commercial Pump & Mechanical, Inc.** on **January 20, 2022**. For the purposes of construing, interpreting and resolving inconsistencies between the provisions of this Contract, these documents and the provisions thereof are set forth in the order of precedence described in Article 3 of the General Conditions.
4. Compensation. In consideration of Contractor’s performance of its obligations hereunder, City shall pay to Contractor the amount set forth in Contractor’s Bid in accordance with the provisions of this Contract and upon the receipt of written invoices and all necessary supporting documentation within the time set forth in the Construction Documents. Contractor hereby shall not be permitted to invoice the City nor accept compensation for work not yet complete. In no

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event, shall the Contractor be entitled to payment for work not included in the approved scope of work, a written task order, or change order signed by the City's Public Works Director prior to commencement of any work.

5. Insurance. On or before the Date of Execution, Contractor shall obtain and maintain the policies of insurance coverage described in Section 5.2 of the General Conditions on terms and conditions and in amounts as may be required by the City. City shall not be obligated to take out insurance on Contractor's personal property or the personal property of any person performing labor or services or supplying materials or equipment under the Project. Contractor shall furnish City with the certificates of insurance and with original endorsements affecting coverage required under this Contract on or before the Date of Execution. The certificates and endorsements for each insurance policy shall be signed by a person who is authorized by that insurer to bind coverage in its behalf. Proof of insurance shall be mailed to the Project Manager to the address set forth in Section 15 of this Contract.
6. Indemnification. Contractor agrees to protect, defend, indemnify and hold City, its City Council members, officers, employees, engineer, and construction manager harmless from and against any and all claims, demands, liabilities, losses, damages, costs, expenses, liens, penalties, suits, or judgments, arising in whole or in part, directly or indirectly, at any time from any injury to or death of persons or damage to property as a result of the willful or negligent act or omission of Contractor, or which results from Contractor's noncompliance with any Law respecting the condition, use, occupation or safety of the Project site, or any part thereof, or which arises from Contractor's failure to do anything required under this Contract or for doing anything which Contractor is required not to do under this Contract, or which arises from conduct for which any Law imposes strict liability on Contractor in the performance of or failure to perform the terms and conditions of this Contract, except as may arise from the sole willful or negligent act or omission of City or any of its City Council members, officers, employees. This indemnification shall extend to any and all claims, demands, or liens made or filed by reason of any construction, renovation, or remodeling work performed by Contractor under this Contract at any time during the term of this Contract, or arising thereafter.
7. Assumption of Risk. Contractor agrees to voluntarily assume any and all risk of loss, damage, or injury to the property of Contractor which may occur in, on, or about the Project site at any time and in any manner, excepting such loss, injury, or damage as may be caused by the sole willful or negligent act or omission of City or any of its City Council members, officers, or employees.
8. Waiver. The acceptance of any payment or performance, or any part thereof, shall not operate as a waiver by City of its rights under this Contract. A waiver by City of any breach of any part or provision of this Contract by Contractor shall not operate as a waiver or continuing waiver of any subsequent breach of the same or any other provision, nor shall any custom or practice which may arise between the parties in the administration of any part or provision of this Contract be construed to waive or to lessen the right of City to insist upon the performance of Contractor in strict compliance with the covenants, terms and conditions of this Contract.
9. Compliance with Laws. Contractor shall comply with all Laws now in force or which may hereafter be in force pertaining to the Project and Work and this Contract, with the requirement of any bond or fire underwriters or other similar body now or hereafter constituted, with any discretionary license or permit issued pursuant to any Law of any public agency or official as well as with any provision of all recorded documents affecting the Project site, insofar as any are required by reason

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of the use or occupancy of the Project site, and with all Laws pertaining to nondiscrimination and affirmative action in employment and hazardous materials.

DEPARTMENT OF INDUSTRIAL RELATIONS- COMPLIANCE MONITORING UNIT

DIR Registration.

- a) Contractor and Subcontractor Compliance. Strict compliance with DIR registration requirements pursuant to Labor Code Section 1725.5 is a material obligation of the Contractor under the Contract Documents. The foregoing includes without limitation, compliance with DIR Registration requirements at all times during performance of the Work by the Contractor and all Subcontractors of any tier. The failure of the Contractor and all Subcontractors of every tier to be DIR registered at all times during the performance of the Work is the Contractor's default of a material obligation of the Contractor under the Contract Documents.
- b) No Subcontractor Performance of Work Without DIR Registration. No portion of the Work is permitted to be performed by a Subcontractor of any tier unless the Subcontractor is a DIR Registered contractor.
- c) Contractor Obligation to Verify Subcontractor DIR Registration Status. An affirmative and ongoing obligation of the Contractor under the Contract Documents is the Contractor's verification that all Subcontractors, of all tiers, are at all times during performance of Work in full and strict compliance with DIR Registration requirements. The Contractor shall not permit or allow any Subcontractor of any tier to perform any Work without the Contractor's verification that all such Subcontractors are in full and strict compliance with DIR Registration requirements.
- d) Contractor Obligation to Request Substitution of Non-DIR Registered Subcontractor. If any Subcontractor identified in the Contractor's Subcontractor List submitted with the Contractor's proposal for the Work is not DIR Registered at the time of opening of proposals for the Work or if a Subcontractor's DIR registration lapses prior to or during a Subcontractor's performance of Work, the Contractor shall request the CITY's consent to substitute the non-DIR registered Subcontractor pursuant to Labor Code Section 1771.1(c)(3) and/ or Labor Code Section 1771.1(d).

Certified Payroll Records

- a) Compliance with Labor Code Section 1771.4 and 1776. A material obligation of the Contractor under the Contract Documents is: (i) the Contractor's strict compliance with the requirements pursuant to Labor Code Section 1771.4 and 1776 for preparation and submittal of Certified Payroll Records ("CPR"); and (ii) the Contractor's enforcement of CPR preparation and submittal for all Subcontractors of every tier.
- b) Express Condition Precedent to Payment of Contract Price. Strict compliance with CPR requirements established pursuant to Labor Code Section 1776 is an express condition precedent to the CITY's obligation to: (i) process any request for payment of any portion of the Contract Price; or (ii) to disburse any portion of the Contract Price to the Contractor. The Contractor shall demonstrate strict compliance with CPR preparation and submittal requirements by delivery to the CITY of electronic files or hard copies of all CPR's submitted by the Contractor and/ or Subcontractors for Work pursuant to Labor Code Section 1771.4 and 1776 concurrently with the

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submittal thereof to the Labor Commissioner. The CITY: (i) shall not be obligated to process or disburse any portion of the Contract Price; or (ii) shall not be deemed in default of the CITY's obligations under the Contract Documents unless the Contractor's demonstrates strict compliance with CPR preparation and submittal requirements.

- c) PWR Monitoring and Enforcement. During the Work pursuant to Labor Code Section 1771.4(a)(4), the Department of Industrial Relations shall monitor and enforce the obligation of the Construction and Subcontractors of every tier to pay the laborers performing any portion of the work the PWR established for the classification of work/ labor performed.

RECORD OF WAGES PAID: INSPECTION

Pursuant to Labor Code section 1776, Contractor stipulates to the following:

- a) Contractor and each subcontractor shall keep an accurate payroll record, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with the public work under the Facilities lease and Construction Provisions. Such records shall be on forms provided by the Division of Labor Standards Enforcement or shall contain the same information of such forms. The payroll records may consist of payroll data that are maintained as computer records, if printouts contain the same information as the forms provided by the division and the printouts are verified as specified in subdivision (a) of Labor Code section 1776.
- b) The payroll records enumerated under subdivision (a) shall be certified and shall be available for inspection at all reasonable hours at the principal office of Contractor on the following basis:
 - (1) A certified copy of an employee's payroll record shall be made available for inspection or furnished to such employees or his or her authorized representative on request.
 - (2) A certified copy of all payroll records enumerated in subdivision (a) shall be made available for inspection or furnished upon request to a representative of the CITY, the Division of Labor Standards Enforcement, and Division of Apprenticeship Standards of the Department of Industrial Relations.
 - (3) A certified copy of all payroll records enumerated in subdivision (a) shall be made available upon request by the public for inspection or copies thereof. However, a request by the public shall be made through either the CITY, the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement. If the requested payroll records have not been provided pursuant to paragraph (2), the requesting party shall, prior to being provided the records, reimburse the costs of preparation by Contractor, subcontractors, and the entity through which the request was made. The public shall not be given access to such records at the principal office of Contractor.
- c) Contractor shall file a certified copy of the records enumerated in subdivision (a) with the entity that requested such records within ten (10) days after receipt of the written request.

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- d) Any copy of records made available for inspection as copies and furnished upon request to the public or any public agency, by the CITY, the Division of Apprenticeship Standards, or the division of Labor Standards Enforcement shall be marked or obliterated in such a manner as to prevent disclosure of an individual's name, address and social security number. The name and address of contractor awarded the contract or performing the contract shall not be marked or obliterated.
- e) Contractor shall inform the CITY of the location of the records enumerated under subdivision (a), including the street address, city, and county, and shall, within (5) working days, provide a notice of a change of location and address.
- f) In the event of noncompliance with the requirements of this Article, Contractor shall have ten (10) days in which to comply subsequent to receipt of written notice specifying in what respects Contractor must comply with this Article. Should noncompliance still be evident after such 10-day period, Contractor shall pay a penalty of One- Hundred Dollars (\$100.00) to the CITY for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Upon the request of the Division of Apprenticeship Standards or the Division of Labor Standards Enforcement, such penalties shall be withheld from the progress payment then due.

The responsibility for compliance with this Article shall rest upon Contractor.

10. Bonds. As a condition precedent to City's obligation to pay compensation to Contractor, and on or before the date of Execution, Contractor shall furnish to the Project Manager the Bonds as required under the Notice to Contractors.
11. Representations and Warranties. In the supply of any materials and equipment and the rendering of labor and services during the course and scope of the Project and Work, Contractor represents and warrants:
 - (1) Any materials and equipment which shall be used during the course and scope of the Project and Work shall be vested in Contractor;
 - (2) Any materials and equipment which shall be used during the course and scope of the Project and Work shall be merchantable and fit to be used for the particular purpose for which the materials are required;
 - (3) Any labor and services rendered and materials and equipment used or employed during the course and scope of the Project and Work shall be free of defects in workmanship for a period of one (1) year after the recordation of the Notice of Substantial Completion, or, if no such notice is required to be filed, on the date that final payment is made hereunder;
 - (4) Any manufacturer's warranty obtained by Contractor shall be obtained or shall be deemed obtained by Contractor for and on behalf of City.
 - (5) Any information submitted by Contractor prior to the award of Contract, or thereafter, upon request, whether or not submitted under a continuing obligation by the terms of the Contract to do so, is true and correct at the time such information is submitted or made available to the City;

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- (6) Contractor has not colluded, conspired, or agreed, directly or indirectly, with any person in regard to the terms and conditions of Contractor's Bid, except as may be permitted by the Notice to Contractors;
 - (7) Contractor has the power and the authority to enter into this Contract with City, that the individual executing this Contract is duly authorized to do so by appropriate resolution, and that this Contract shall be executed, delivered and performed pursuant to the power and authority conferred upon the person or persons authorized to bind Contractor;
 - (8) Contractor has not made an attempt to exert undue influence with the Project Manager or any other person who has directly contributed to City's decision to award the Contract to Contractor;
 - (9) There are no unresolved claims or disputes between Contractor and City which would materially affect Contractor's ability to perform under the Contract;
 - (10) Contractor has furnished and will furnish true and accurate statements, records, reports, resolutions, certifications, and other written information as may be requested of Contractor by City from time to time during the term of this Contract;
 - (11) Contractor and any person performing labor and services under this Project is duly licensed as a contractor with the State of California as required by California Business & Professional Code Section 7028, as amended; and
 - (12) Contractor has fully examined and inspected the Project site and has full knowledge of the physical conditions of the Project site.
12. Assignment. This Contract and the performance required hereunder is personal to Contractor, and it shall not be assigned by Contractor. Any attempted assignment shall be null and void.
 13. Claims of Contractor. All claims pertaining to extra work, additional charges, or delays within the Contract Time or other disputes arising out of the Contract shall be submitted by Contractor in accordance with the General Conditions.
 14. Audits by City. During the term of this Contract and for a period of not less than three (3) years after the expiration or earlier termination of this Contract, City shall have the right to audit Contractor's Project-related and Work-related writings and business records, as such terms are defined in California Evidence Code Sections 250 and 1271, as amended, during the regular business hours of Contractor, or, if Contractor has no such hours, during the regular business hours of City.
 15. Notices. All contracts, agreements, appointments, approvals, authorizations, claims, demands, Change Orders, consents, designations, notices, offers, requests and statements given by either party to the other shall be in writing and shall be sufficiently given and served upon the other party if (1) personally served, (2) sent by the United States mail, postage prepaid, (3) sent by private express delivery service, or (4) in the case of a facsimile transmission, if sent to the telephone FAX number set forth below during regular business hours of the receiving party and followed with two (2) days by delivery of a hard copy of the material sent by facsimile transmission, in accordance

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with (1), (2) or (3) above. Personal service shall include, without limitation, service by delivery and service by facsimile transmission.

To City: City of Lathrop
City Clerk
390 Towne Centre Drive
Lathrop, CA 95330

To City: City of Lathrop
Department of Public Works
390 Towne Centre Drive
Lathrop, CA 95330
PHONE: (209) 941-7430
FAX: (209) 941-7449
ATTN: Senior Construction Manager

To Contractor: _____

Mailing Address: _____

Phone: _____

Email: _____

ATTN: _____

Miscellaneous

- (1) Bailee Disclaimer. The parties understand and agree that City does not purport to be Contractor's bailee, and City is, therefore, not responsible for any damage to the personal property of Contractor.
- (2) Consent. Whenever in this Contract the approval or consent of a party is required, such approval or consent shall be in writing and shall be executed by a person having the express authority to grant such approval or consent.
- (3) Controlling Law. The parties agree that this Contract shall be governed and construed by and in accordance with the Laws of the State of California.
- (4) Definitions. The definitions and terms are as defined in these specifications.
- (5) Force Majeure. Neither party shall be deemed to be in default on account of any delay or failure to perform its obligations under this Contract, which directly results from an Act of God or an act of a superior governmental authority.
- (6) Headings. The paragraph headings are not a part of this Contract and shall have no effect upon the construction or interpretation of any part of this Contract.
- (7) Incorporation of Documents. All documents constituting the Construction Documents described in Section 3 hereof and all documents which may, from time to time, be referred to in any duly executed amendment hereto are by such reference incorporated in this Contract and shall be deemed to be part of this Contract.

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- (8) Integration. This Contract and any amendments hereto between the parties constitute the entire contract between the parties concerning the Project and Work, and there are no other prior oral or written contracts between the parties that are not incorporated in this Contract.
- (9) Modification of Contract. This Contract shall not be modified or be binding upon the parties unless such modification is agreed to in writing and signed by the parties.
- (10) Provision. Any contract, covenant, condition, clause, qualification, restriction, reservation, term or other stipulation in the Contract shall define or otherwise control, establish, or limit the performance required or permitted or to be required of or permitted by either party. All provisions, whether covenants or conditions, shall be deemed to be both covenants and conditions.
- (11) Resolution. Contractor shall submit with its Bid a copy of any corporate or partnership resolution or other writing, which authorizes any director, officer or other employee or partner to act for or on behalf of Contractor or which authorizes Contractor to enter into this Contract.
- (12) Severability. If a court of competent jurisdiction finds or rules that any provision of this Contract is void or unenforceable, the provisions of this Contract not so affected shall remain in full force and effect.
- (13) Status of Contractor. In the exercise of rights and obligations under this Contract, Contractor acts as an independent contractor and not as an agent or employee of City. Contractor shall not be entitled to any rights and benefits accorded or accruing to the City Council members, officers or employees of City, and Contractor expressly waives any and all claims to such rights and benefits.
- (14) Successors and Assigns. The provisions of this Contract shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.
- (15) Time of the Essence. Time is of the essence of this Contract and each of its provisions. In the calculation of time hereunder, the time in which an act is to be performed shall be computed by excluding the first Day and including the last. If the time in which an act is to be performed falls on a Saturday, Sunday, or any Day observed as a legal holiday by City, the time for performance shall be extended to the following Business Day.
- (16) Venue. In the event that suit is brought by either party hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin or in the United States District Court for the Eastern District of California.
- (17) Recovery of costs. The prevailing party in any action brought to enforce the terms of this Contract or arising out of this Contract, including the enforcement of the indemnity provision(s), may recover its reasonable costs, including reasonable attorney's fees, incurred or expended in connection with such action against the non-prevailing party.
- (18) Contractor and subcontractors must comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 USC 1857(h)), Section

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508 of the Clean Water Act (33 USC1368), Executive Order 11738, and Environmental Protection Agency Regulations at 40 CFR Part 15.

- (19) Contractors and subcontractors must comply with mandatory standards and policies relating to the energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation ACT (Public Law 94-163, 89 stat 871).
- (20) The Contractor shall provide access to the site for the Environmental Protection Agency and its duly authorized representatives, and the City.
- (21) If during the course of construction evidence of deposit of historical or archaeological interest is found, the Contractor shall cease operation affecting the find and shall notify the City, who shall notify the EPA and the State Historic Preservation Officer. No further disturbance of the deposits shall ensue until the Contractor has been notified by the City that construction may proceed. The City will issue a notice to proceed only after the state official has surveyed the find and made a determination to the EPA and the City. Compensation to the contractor, if any, for lost time or changes in construction to avoid the find, shall be determined in accordance with changed conditions or change order provisions of the Construction Documents.
- (22) Notice to Proceed. Prior to commencing work under this Contract, CONTRACTOR shall receive a written "Notice to Proceed" from CITY. A Notice to Proceed shall not be issued until all necessary bonds and insurances have been received. City shall not be obligated to pay CONTRACTOR for any services prior to issuance of the Notice to proceed.
- (23) Signatures. The individuals executing this Contract represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Contract on behalf of the respective legal entities of the CONTRACTOR and the CITY. This Contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
- (24) This project is a public works project: Contractor shall comply with requirements of California Labor Code § 1700 and following, and prevailing wages shall be paid for work performed on this project.
- (25) The statutory provisions for penalties for failing to comply with the State of California wage and labor laws be enforced, as well as that for failing to pay prevailing wages.

EXHIBITS:

EXHIBIT A: Contractor's Submitted Bid Packet

Certification of insurance, performance and payment bonds, and worker's compensation certification shall be furnished to the City by the Contractor after City Council's approval with resolution.

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IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above stated in Lathrop, California.

CONTRACTOR:


By: _____

Name: _____

Title: _____

CITY OF LATHROP

APPROVED AS TO FORM:

By:  _____
Salvador Navarrete, City Attorney

RECOMMENDED FOR APPROVAL:

By: _____
Michael King, Director of Public Works

APPROVED:

By: _____
Stephen J. Salvatore, City Manager

(END OF SECTION)

WELL 10 TESTING, ANALYSIS AND MODIFICATIONS, CIP# PW 22-37

BASE BID SCHEDULE

BID ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNITS	UNIT PRICE	EXTENDED TOTAL
1	Mobilization & Demobilization	1	LS	21661	21661
2	Pump Removal and Replacement	1	LS	12040	12040
3	Well Video Surveys	2	EA	1937	3874
4	Well Gyroscopic Survey	1	LS	2453	2453
5	Swab & Airlift Development	6	Hours	550	3300
6	Install & Remove Test Pump	1	LS	15724	15724
7	Dynamic Video Survey	1	LS	3384	3384
8	Aquifer Pump Testing	20	Hours	325	6500
9	Disinfection with Tremie Pipe	1	LS	2000	2000
10	Chlorination and Dechlorination	1	LS	1000	1000
11	Performance Testing	2	EA	767	1534
12	Well Casing Air Vent	1	LS	136	136
13	Lineshaft, bearings and bearing retainers	22	EA	639	14058
				Base Bid	87,664
14	Motor Reconditioning (alternative)	1	LS	4870	4870
15	Well Modification Patch/Swage (alternative)	1	LS	15313	15313
16	Well Modification Liner (alternative)	1	LS	45422	45422
17	Post Modification Well Development (alternative)	10	Hours	2359	23,590
18	Post Modification Well Aquifer Testing (alternative)	20	Hours	325	6500
19	Bowl Assembly (alternative)	1	LS	36665	36665
20	Column Pipe (alternative)	22	EA	1733	38,126
21	Mechanical Seal (alternative)	1	LS	4142	4142

TOTAL BASE BID : 87,664

TOTAL BASE BID IN WORDS :

EIGHTY SEVEN THOUSAND - SIX HUNDRED SIXTY FOUR
DOLLARS**INFORMATION REQUIRED OF BIDDER**

The Bidder (Contractor) shall furnish the following information. This information is considered essential in enabling the Project Manager to determine if the Bidder is experienced in similar types of work and if the Bid is based on a careful study of methods applicable to the work and full realization of the various factors which may affect the progress of the work. Failure to comply with this requirement may render the Bid non-responsive and may cause its rejection. Additional sheets shall be attached as required.

BIDDER'S INFORMATION

(1) Bidder's name and address:

COMMERCIAL PUMP & MECHANICAL, INC.
11254 MIDWAY
CHICO, CA 95928

(2) Bidder's telephone number: 530-899-1583(3) Bidder's fax number: 530-899-7225(4) Bidder's Contractor's License (Class): C-57 921066License No.: 921066Expires: 3/31/2023

(5) Person who inspected site of proposed work for Contractor's firm:

Name: GRANT STANLEY Date of Inspection: 1/13/2022

(6) List 3 projects of a nature similar to this project:

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WELL 10 TESTING, ANALYSIS AND MODIFICATIONS
CIP # PW 22-37

BID PROPOSAL FORMS

Project	Contract Price	Name, Address and Telephone Number of Owner
CITY OF LATHROP WELLS 7, 8, 9	293,861	GREG GIBSON, CITY OF LATHROP 390 TOWN CENTER DRIVE, LATHROP
CITY OF WATSONVILLE	102,539	BEAV KAISER - 831-768-3193 CITY OF WATSONVILLE
CITY OF WILLIAMS	112,285	MIKE MITCHELL 530-473-2955 CITY OF WILLIAMS

LIST OF SUBCONTRACTORS:

The Bidder shall list below the name and business address of each subcontractor who will perform work under this Bid in excess of one-half of one percent of the Contractor's Total Bid Price, and shall also list the portion of the WORK which will be done by such subcontractor, in accordance with Section 4107 of the Public Contract Code. After the opening of bids, no changes or substitutions will be allowed except as otherwise provided by law. The listing of more than one subcontractor for each item of work to be performed with the words "and/or" will not be permitted. Failure to comply with this requirement may render the Bid non-responsive and may cause its rejection. Should the Contractor provide a bid that does not require a subcontractor, the Contractor shall note that on this page by writing "Not Applicable" in the list below.

<u>Work to be Performed</u>	<u>Subcontractor License Number</u>	<u>Percent of Total Contract</u>	<u>Subcontractor / Address / Phone #</u>
1. VIDEO SURVEYS GEOSCOPIE LOG	N/A		PACIFIC SURVEYS 4456 VIA ST ANDREWE CLAREMONT, CA 91711
2. PERFORMANCE TEST VIBRATION TEST	N/A		POWER HYDRO DYNAMICS 6301 BERDOW LN MODESTO, CA 95357
3. SWAGE PATCH	1003102		SWAGE KINGS P.O. BOX 1374 HANFORD, CA 93232
4.			
5.			
6.			

Note: Attach additional sheets if required.

ADDENDA

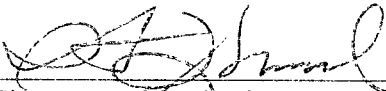
Bidder acknowledges receipt of the following addendum (addenda):

#1

Respectfully submitted.

1/19/2022
Dated

COMMERCIAL PUMP MECHANICAL, INC.
Legal Name of Firm


Signature of Authorized Representative

(Seal)

(If Bidder is a corporation, show State in which incorporated.)

CALIFORNIA

The full names and post office addresses of all persons and parties interested in the foregoing Bid as principals are as follows:

(NOTICE): Give first and last names in full; in case of corporation, give names of President, Secretary, Treasurer, and Manager, and in case of partnerships and joint ventures, give names and Post Office addresses of all the individual members.

STEVEN L. GREENWOOD, PRESIDENT

PO Box 7947, Chico, CA 95929

HERB C. GREENWOOD, SECT, CFO

ADDRESS SAME

PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE

In accordance with Public Contract Code Section 10162, the Bidder shall complete, under penalty of perjury, the following questionnaire:

Has the Bidder, any officer of the Bidder, or any employee of the Bidder, who has a proprietary interest in the Bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes _____ No X

If the answer is yes, explain the circumstances in the following space.

PUBLIC CONTRACT SECTION 10232 STATEMENT

In accordance with Public Contract Code Section 10232, the Contractor hereby states under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board.

NOTE: The above Statement and Questionnaire are part of the Proposal. Signing this proposal on the signature portion thereof shall also constitute signature of this Statement and Questionnaire.

Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

(END OF SECTION)

SECTION 00660

WELL 10 TESTING, ANALYSIS AND MODIFICATIONS
CIP# PW 22-37

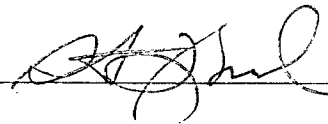
WORKER'S COMPENSATION CERTIFICATION

WORKER'S COMPENSATION CERTIFICATION

(AS REQUIRED BY SECTION 1861
OF THE CALIFORNIA LABOR CODE)

I am aware of the provision of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of the Contract.

Contractor: COMMERCIAL PUMP & MECHANICAL, INC.

By:  STEVEN L. GREENWOOD

Title: PRESIDENT

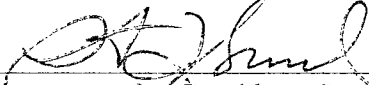
(END OF SECTION)

NONCOLLUSION AFFIDAVIT

STATE OF CALIFORNIA)
) ss.
COUNTY OF BUTTE)

STEVEN GREENWOOD, being first duly sworn, deposes and says that he or she is

PRESIDENT of CPM, INC. the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company associated, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.


Signature of: President, Secretary,
Manager, Project Manager or Representative

The County of BUTTE

State of CALIFORNIA

Subscribed and sworn to (or affirmed) before me

on this 19th day of JANUARY, 2022, by

STEVEN GREENWOOD, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal _____

Signature J. Polk

ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Butte }

On 1/19/2022 before me, J. Daryle Polk, Notary Public

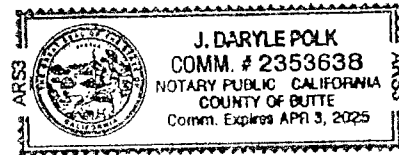
personally appeared STEVEN GREENWOOD
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

J. Daryle Polk
 Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Non Collusion Affidavit

Title or description of claimed document _____

Title or description of attached document (if any) _____

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

Individual (s)

Corporate Officer

_____ (Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

- This form complies with current California rules regarding notary wording and should be completed and attached to the document to which it applies. This form may be completed for documents being sent to the state of California if the jurisdiction does not require the California notary seal. California notary seal.*
- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
 - Date of acknowledgment must be the date that the signer(s) personally appeared at the notary public. It must also be the same date the acknowledgment is completed.
 - The notary public must print his or her name as it appears within his or her commission followed by a comma and the words "Notary Public".
 - Print the names of document signer(s) who personally appeared at the time of authorization.
 - Indicate the correct singular or plural form by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
 - The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudged, re-stamp. If insufficient area permits, otherwise complete a different acknowledgment form.
 - Signature of the notary public must match the signature on file with the office of the county clerk.
 - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - Indicate title or type of attached document, number of pages and date.
 - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
 - Securely attach this document to the signed document with a staple.

ITEM 4.10

CITY MANAGER'S REPORT FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ITEM: **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR STANFORD CROSSING PHASE 1B NEIGHBORHOOD PARK LOCATED IN CENTRAL LATHROP SPECIFIC PLAN AND AUTHORIZE THE RELEASE OF BONDS ASSOCIATED WITH EP NO. 2021-30**

RECOMMENDATION: **Adopt Resolution Accepting Public Improvements for Stanford Crossing Phase 1B Neighborhood Park Located in Central Lathrop Specific Plan and Authorize the Release of Bonds Associated with Encroachment Permit No. 2021-30**

SUMMARY:

Lathrop Land Acquisition, LLC (Saybrook), the developer for the Central Lathrop Specific Plan (CLSP), has completed construction of the public improvements listed in the GASB 34 report, included as Attachment "C", for the Stanford Crossing Phase 1B Neighborhood Park in accordance with their Subdivision Improvement Agreement (SIA) for Tract 4017. The improvements listed in the GASB 34 report have been inspected by City staff to ensure conformance with the approved plans. A Vicinity Map for the park is included as Attachment "B".

The contractor that completed the improvements, Odyssey Environmental Services, Inc., has provided a one-year warranty bond based on 10% of the completed improvement construction cost and Saybrook has provided the lien releases for the improvements being accepted.

BACKGROUND:

On October 5, 2006, the City approved a Vesting Tentative Map (VTM) for Tract 3533 to create 62 parcels on 960 acres of land. On March 20, 2007, the City approved a VTM for Tract 3647 to subdivide a portion of Tract 3533 into 1,071 parcels on 190 acres of land. On August 13, 2018, the City approved VTM 3967 to subdivide a portion of Tract 3533 into 113 parcels on 18 acres of land to replace the previously planned school location with residential lots. The Phase 1B Park is within the geographic boundaries of the VTMs for Tracts 3647 and 3967.

On January 11, 2021, City Council approved Tract 4017, establishing 311 single-family lots. As required by the City's subdivision ordinance, all final maps included an SIA to guarantee certain public improvements associated with the final map. The construction of the Stanford Crossing Neighborhood Park improvements is a requirement of the SIA for Tract 4017 and the work was completed under Encroachment Permit Number 2021-30 (EP 21-30).

**FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR STANFORD CROSSING PHASE
1B NEIGHBORHOOD PARK LOCATED IN CLSP AND AUTHORIZE THE RELEASE
OF BONDS ASSOCIATED WITH EP NO. 2021-30**

The construction of the improvements is complete and the approximate value of the improvements being accepted is \$1,085,491 as shown in the project GASB 34 Report.

The neighborhood park public facilities will be maintained by the City and the costs to maintain these facilities will be covered through the existing City of Lathrop Public Works operating budget and the Community Facilities District (CFD) 2019-02. Odyssey Environmental Services Inc. will provide 90 days of additional maintenance from the date of acceptance to ensure that the turf is established.

Staff recommends the release of Performance Bond No. PB01987300004 in the sum of \$1,927,929.41 and Labor and Materials No. PB01987300004 in the sum of \$963,964.71 associated with EP 21-30.

The contractor that constructed the improvements, Odyssey Environmental Services, Inc., has provided a one-year warranty bond based on 10% of the completed improvements construction cost as shown in Table 1 below and Saybrook has provided the lien releases from each contractor (Attachment D) for the improvements being accepted. Staff recommends City Council accept the public improvements in accordance with City specifications.

Table 1

Contractor	Scope of Work	Bond Number	Bond Value
Odyssey Environmental Services Inc.	Phase 1B NH Park	CAC718792	\$172,854.76

REASON FOR RECOMMENDATION:

City staff has inspected the improvements for the Stanford Crossing Phase 1B Neighborhood Park and confirmed that the improvements have been completed in accordance with City specifications. Staff recommends Council accept the improvements to allow the City to provide maintenance.

FISCAL IMPACT:

The approximate value of the improvements being accepted is \$1,085,491 as shown in the project GASB 34 report. The city’s service maintenance CFD 2019-02 has been established to help fund city maintenance and operating costs. The one-year maintenance bonds cover any repairs or replacements that become necessary during the one-year period, beginning with this acceptance, due to defective materials or workmanship in connection with the completed improvements.

FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR STANFORD CROSSING PHASE 1B NEIGHBORHOOD PARK LOCATED IN CLSP AND AUTHORIZE THE RELEASE OF BONDS ASSOCIATED WITH EP NO. 2021-30

ATTACHMENTS:

- A. Resolution Accepting Public Improvements for Stanford Crossing Phase 1B Neighborhood Park Located in Central Lathrop Specific Plan and Authorize the Release of Bonds Associated with Encroachment Permit No. 2021-30
- B. Location Exhibit for Stanford Crossing Neighborhood Park
- C. GASB 34 Report – Stanford Crossing Neighborhood Park
- D. One-Year Warranty Bond and Lien Releases

CITY MANAGER'S REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR STANFORD CROSSING PHASE
1B NEIGHBORHOOD PARK LOCATED IN CLSP AND AUTHORIZE THE RELEASE
OF BONDS ASSOCIATED WITH EP NO. 2021-30

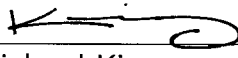
APPROVALS:



Brad Taylor
Land Development Manager

2/3/22


Date



Michael King
Director of Public Works

2/2/22

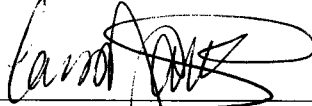
Date



Glenn Gebhardt
City Engineer

2-2-22

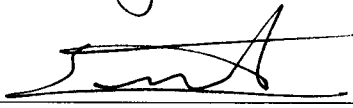
Date



Cari James
Finance Director

2/3/2022

Date



Salvador Navarrete
City Attorney

2-2-2022

Date



Stephen J. Salvatore
City Manager

2.7.22

Date

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS FOR STANFORD CROSSING PHASE 1B NEIGHBORHOOD PARK LOCATED IN CENTRAL LATHROP SPECIFIC PLAN AND AUTHORIZE THE RELEASE OF BONDS ASSOCIATED WITH ENCROACHMENT PERMIT NO. 2021-30

WHEREAS, on October 5, 2006, the City approved a Vesting Tentative Map (VTM) for Tract 3533 to create 62 parcels on 960 acres of land. On March 20, 2007, the City approved a VTM for Tract 3647 to subdivide a portion of Tract 3533 into 1,071 parcels on 190 acres of land; and

WHEREAS, on August 13, 2018, the City approved VTM 3967 to subdivide a portion of Tract 3533 into 113 parcels on 18 acres of land to replace the previously planned school location with residential lots. The Phase 1B Park is within the geographic boundaries of the VTMs for Tracts 3647 and 3967; and

WHEREAS, on January 11, 2021, City Council approved Tract 4017, establishing 311 single-family lots; and

WHEREAS, as required by the City's subdivision ordinance, all final maps included an SIA to guarantee certain public improvements associated with the final map. The Construction of the Stanford Crossing Neighborhood Park improvements is a requirement of the SIA for Tract 4017 and the work was completed under Encroachment Permit Number 2021-30 (EP 21-30); and

WHEREAS, the construction of the improvements is complete and the approximate value of the improvements being accepted is \$1,085,491 as shown in the project GASB 34 Report; and

WHEREAS, the neighborhood park public facilities will be maintained by the City and the costs to maintain these facilities will be covered through the existing City of Lathrop Public Works operating budget and the establishment of a Community Facilities District (CFD); and

WHEREAS, the City's Service Maintenance CFD 2019-02 has been established to help fund City maintenance and operating costs. Odyssey Environmental Services Inc. will provide 90 days of additional maintenance from the date of acceptance to ensure that the turf is established; and

WHEREAS, staff recommends the release of Performance Bond No. PB01987300004 in the sum of \$1,927,929.41 and Labor and Materials No. PB01987300004 in the sum of \$963,964.71 associated with EP 21-30; and

WHEREAS, Odyssey Environmental Services, Inc., has provided the one-year warranty bond based on 10% of the completed improvements construction cost listed in Table 1 below and a lien release (Attachment D of the City Manager's Report) for the improvements being accepted; and

Table 1

Contractor	Scope of Work	Bond Number	Bond Value
Odyssey Environmental Services Inc.	Phase 1B NH Park	CAC718792	\$172,854.76

WHEREAS, City staff has inspected the improvements for the Stanford Crossing Neighborhood Park and confirmed that the improvements have been completed in accordance with City specifications; and

WHEREAS, the developer and the contractor have submitted a lien release, confirming the contractor has been paid in full, and a one-year maintenance bond for the improvements being accepted. Staff recommends Council accept the improvements to allow for the City to provide maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby accept the public improvements for the Stanford Crossing Phase 1B Neighborhood Park located in the Central Lathrop Specific Plan area from Saybrook CLSP, LLC and authorizes the release of bonds associated with Encroachment Permit No. 2021-30.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 14th day of February 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

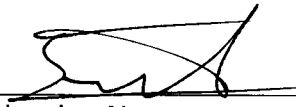
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

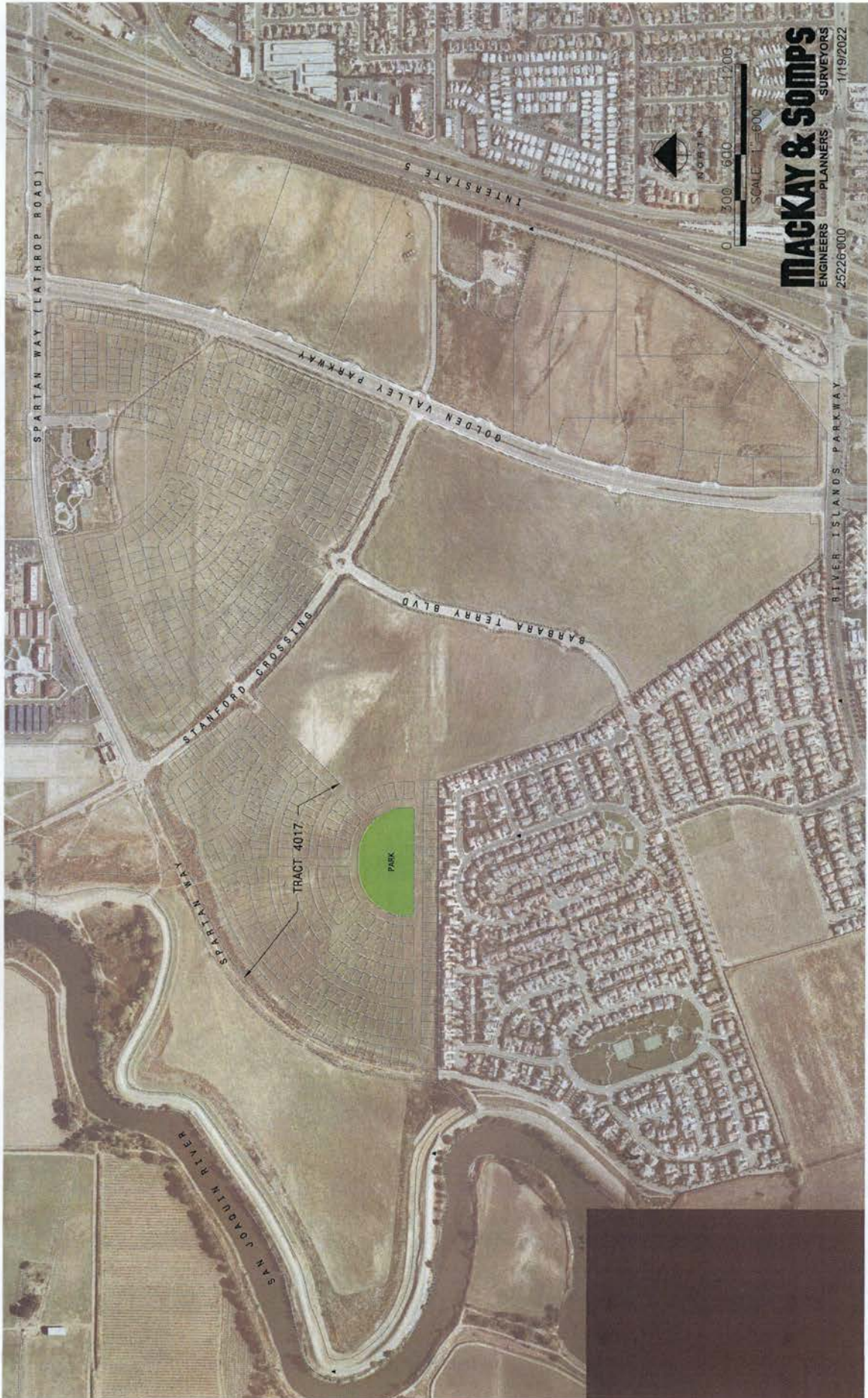
Teresa Vargas
City Clerk

APPROVED AS TO FORM:



Salvador Navarrete
City Attorney

CENTRAL LATHROP SPECIFIC PLAN - TRACT 4017 PARK - VICINITY MAP



MACKAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
25226-000 1/19/2022

01-19-2022 8:57am Jeff Watson P:\25226\DES\EXH-D\TRACT 4017 - PARK - VICINITY MAP.DWG

ATTACHMENT C

CITY OF LATHROP PROJECT ACCEPTANCE (GASB 34 REPORT)

Date: 1/27/2022 Submitted by: MacKay & Soms Tract 4017 Park - Lathrop, CA

*Based on Park Plans prepared by MacKay & Soms, Gates and Vizion dated March 2021

Item	Unit	Quantity	Unit Cost	Cost
1" Water Service	1 LS		\$1,500.00	\$1,500
12" RCP SD	41 LF		\$30.00	\$1,230
Field Inlet	2 EA		\$5,000.00	\$10,000
Conc. Pedestrian Paving, Standard	24,600	SF	\$12.00	\$295,200
Concrete Seat Wall, 18"	68	LF	\$176.00	\$11,968
Mow Band	390	LF	\$10.00	\$3,900
River Cobble (4-6" depth)	1,050	SF	\$5.00	\$5,250
Booster Pump (for shrub planting, trees & lawn)	1	EA	\$20,000.00	\$20,000
24" box tree	65	EA	\$450.00	\$29,250
Lawn area (sod), soil prep, sod, irrigation and installation	9,618	SF	\$3.00	\$28,854
Lawn area (seed), soil prep, sod, irrigation and installation	182,838	SF	\$0.50	\$91,419
Irrigation Controller	1	EA	\$24,000.00	\$24,000
Master Valve, Flow Sensor	1	EA	\$3,000.00	\$3,000
Barbeque (built-in)	1	EA	\$750.00	\$750
Bench	5	EA	\$2,000.00	\$10,000
Bike Racks (size varies)	4	EA	\$1,500.00	\$6,000
Drinking Fountain - ADA, Bottlefiller, Pet Fountain	1	EA	\$5,500.00	\$5,500
Landscape Boulder	21	EA	\$350.00	\$7,350
Picnic Table - A	6	EA	\$3,500.00	\$21,000
Picnic Table - B	4	EA	\$3,500.00	\$14,000
Trash Receptacle	2	EA	\$1,500.00	\$3,000
Recycle Receptacles	2	EA	\$1,500.00	\$3,000
Dog Waste Stations	3	EA	\$500.00	\$1,500
Shade structures	2	EA	\$70,000.00	\$140,000
Bollard lighting	2	EA	\$800.00	\$1,600
Pedestrian Overhead Lighting	2	EA	\$7,000.00	\$14,000
Basketball Standards	2	EA	\$1,800.00	\$3,600
Basketball Court Surfacing (over concrete)	4500	SF	\$20.00	\$90,000
Court Striping	1	LS	\$1,500.00	\$1,500
Court Lighting	3	EA	\$7,000.00	\$21,000
Safety Surfacing (poured in place)	3306	SF	\$20.00	\$66,120
Play Structure 2-5	1	EA	\$75,000.00	\$75,000
Play Structure 5-12	1	EA	\$75,000.00	\$75,000
Total				\$1,085,491

MAINTENANCE AND WARRANTY BOND

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, City of Lathrop, hereinafter called the Obligee or City, and Saybrook CLSP, LLC, hereinafter called Saybrook, the developer for the Central Lathrop Specific Plan ("CLSP"), entered into a Development Agreement dated December 5, 2016, and subsequently a Subdivision Improvement Agreement dated January 11, 2021, requiring construction of a neighborhood park as part of Phase 1B ("Phase 1B Neighborhood Park"); and

WHEREAS, Odyssey Environmental Services, Inc. hereinafter called the Principal or Contractor, constructed and completed the Phase 1B Neighborhood Park under a contract with Saybrook dated April 14, 2021; and

WHEREAS, the City has inspected the Phase 1B Neighborhood Park and deemed said improvements to be complete and built to the Obligee's specifications and the City Council of Lathrop accepted the Phase 1B Neighborhood Park at its meeting on February 14, 2022; and

WHEREAS, Saybrook is required to guarantee replacement and/or repair of the Phase 1B Neighborhood Park as a result of defective materials, equipment or defective workmanship for a period of one (1) year from the date of acceptance of the Phase 1B Neighborhood Park by the City Council of Lathrop.

NOW, THEREFORE, Principal and Merchants Bonding Company (Mutual), hereinafter called Surety, are held and firmly bound unto the Obligee, in the penal sum of One Hundred Seventy-Two Thousand Eight Hundred Fifty-Four and 76/100 Dollars (\$172,854.76) the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that, if Principal shall, upon receipt of notice in writing from City, promptly investigate and make all repairs to Phase 1B Neighborhood Park arising out of defective materials, workmanship, or equipment that appear within one (1) year from the date City accepts the Phase 1B Neighborhood Park, then this obligation shall be null and void; otherwise is shall remain in full force and effect.

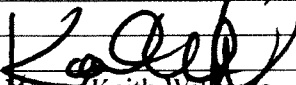

PROVIDED, HOWEVER, that the Obligee shall give Principal and Surety notice of observed defects with reasonable promptness.

City is hereby authorized to make such repairs, and the Principal and Surety shall be liable for the cost thereof, if ten (10) days after giving of such notice to the Contractor, the Contractor has failed to make or undertake the repairs with due diligence. In case of emergency, where in the opinion of the City delay could cause serious loss or damage, repairs may be made without notice being sent to the Contractor, and the expense in connection therewith shall be charged to the Contractor, and its Surety shall be liable for the cost thereof.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Development Agreement, Subdivision Improvement Agreement, or to the Phase 1B Neighborhood Park to be performed thereunder shall in any way

affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Development Agreement, Subdivision Improvement Agreement, or to the Phase 1B Neighborhood Park, including but not limited to the provisions of sections 2819 and 2845 of the California Civil Code.

IN WITNESS WHEREOF, this instrument has been duly executed by the Contractor and Surety above named, on the 12th day of January, 2022.

CONTRACTOR, as Principal	SURETY
Odyssey Environmental Services, Inc.	Merchants Bonding Company (Mutual)
By: 	By: 
Print Name: Keith Williams	Print Name: Mary Collins
Title: President	Title: Attorney-in-Fact
Address: 5400 W. Highway 12 Lodi, CA 95242 Attn.: Keith Williams	Address: 6700 Westown Parkway, West Des Moines, IA 50266-7754

NOTE: NOTARY ACKNOWLEDGMENT FOR SURETY AND SURETY'S POWER OF ATTORNEY MUST BE ATTACHED.

Notary Acknowledgment

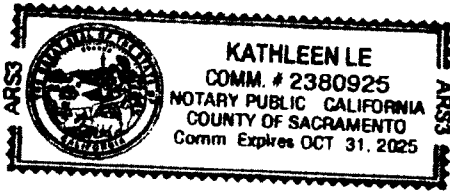
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
 COUNTY OF Sacramento

On January 12, 2022, before me, Kathleen Le, Notary Public, personally appeared Mary Collins, who proved to me on the basis of satisfactory

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Kathleen Le

 Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- Individual
- Corporate Officer

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Partner(s) <input type="checkbox"/> Attorney-In-Fact <input type="checkbox"/> Trustee(s) <input type="checkbox"/> Guardian/Conservator <input type="checkbox"/> Other: | <p>Title(s)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Limited <input type="checkbox"/> General |
|---|--|

Title or Type of Document

Number of Pages

Date of Document

Signer is representing:
 Name Of Person(s) Or Entity(ies)

Signer(s) Other Than Named Above

MERCHANTS
BONDING COMPANY
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING INC., both being corporations of the State of Iowa (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Bill Rapp; Brad Espinosa; Claudine Gordon; Deanna Quintero; Elizabeth Colfodi; Jason March; Jennifer Lakmann; John Hopkins; K Corey Ward; Kristie Phillips; Marissa Robinson; Mary Collins; Matthew Foster; Michael K Feeney; Mindy Whitehouse; Pamela Sey; Paula Senna; Phillip Watkins; Renee Ramsey; Samantha Watkins; Sara Walliser; Sarah Otto; Steven Lee Williams; Tony Clark

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding Inc., on October 16, 2015.

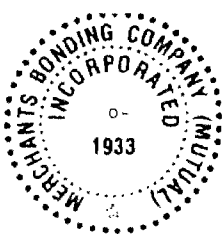
"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 27th day of September, 2021.

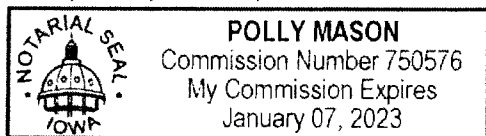


MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF DALLAS ss

On this 27th day of September, 2021, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

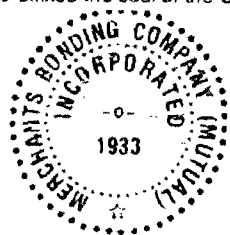


Polly Mason
Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 12th day of January, 2022.



William Warner Jr.
Secretary

**To: City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330**

NOTICE OF WAIVER AND RELEASE

Saybrook CLSP, LLC has received Unconditional Waiver and Release On Final Payment forms from contractor(s) it engaged for construction of the following improvement:

Stanford Crossing Neighborhoods Phase 1B Park

Copies of those documents are attached to this Notice.

Those documents waive and release lien, stop payment notice, and payment bond rights the claimants had for all labor and service provided, and equipment and material delivered, for the work of improvement listed above.

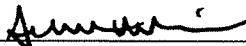
In addition, CLSP certifies:

- 1) To the best of its knowledge, any and all persons entitled to record mechanics lien, stop payment notices or payment bond claims for labor, service, equipment, or material provided to the work of improvement identified above have been paid in full; and
- 2) That it has not received any notice or claim from any persons entitled to record mechanics lien, stop payment notices or payment bond claims for labor, service, equipment, or material provided to the work of improvement identified above.

SAYBROOK CLSP, LLC

Date: 1/18/2022

By: Saybrook Fund Investors, LLC
Its: Managing Member

By: 
Jeffrey M. Wilson

UNCONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT

NOTICE TO CLAIMANT: THIS DOCUMENT WAIVES AND RELEASES LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL WAIVER AND RELEASE FORM.

Identifying Information

Name of Claimant: Odyssey Environmental Services, Inc

Name of Customer: Saybrook CLSP, LLC

Job Location: Stanford Crossings Neighborhoods 1B Park, Lathrop CA

Owner: Saybrook CLSP, LLC

Unconditional Waiver and Release

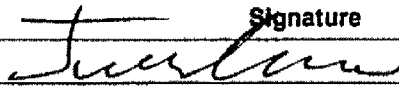
This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for all labor and service provided, and equipment and material delivered, to the customer on this job. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties prior to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. The claimant has been paid in full.

Exceptions

This document does not affect any of the following:
Disputed claims for extras in the amount of: \$ 0.00

Signature

Claimant's Signature:



Claimant's Title: Contracts Administrator

Date of Signature: 01/13/2022

7/1/12

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ITEM 5.1

CITY MANAGER'S REPORT FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ITEM: **REVIEW AND PROVIDE DIRECTION ON DESIGN OPTIONS FOR CIP PK 20-02 MILESTONE MANOR PARK REVITALIZATION**

RECOMMENDATION: **Review Design Options For CIP PK 20-02 Milestone Manor Park Revitalization Project And Approval Of Associated Budget Amendment**

SUMMARY:

At the November 9, 2020 City Council Meeting, Council approved the creation of Capital Improvement Project (CIP) PK 20-02 Milestone Manor Park Revitalization. The approval of CIP PK 20-02 allowed staff to apply for the California Prop. 68 Per Capita Grant program and begin design services for Milestone Manor Revitalization.

Staff has completed the application process and have created two design concepts for Council review. Upon review staff requests Council provide direction on approval of one of the two design options and the associated budget amendment to allow staff to move forward with the creation of construction documents and bidding the project.

BACKGROUND:

In July of 2020 the State of California Office of Grants and Local Services (OGALS) announced California Prop. 68 funds were available to local government agencies for local park rehabilitation projects based on a per capita basis. The funds awarded are designated to rehabilitate existing infrastructure, to address deficiencies in neighborhoods lacking access to the outdoors, or to assist where existing infrastructure is failing due to deferred maintenance or lack of funding. The California Prop. 68 Per Capita Grant has identified \$177,952 in grant funding available to the City of Lathrop for a park revitalization program. Staff identified Milestone Manor Park, a city owned 1-acre park located at 630 Milestone Drive, as the location for this revitalization project.

The project includes the removal of the outdated picnic tables and benches, the removal of a number of trees within the interior park to create more usable open space, the removal and replacement of the sparse perimeter landscaping, installation of additional park drainage, the installation of accessible sidewalks, new benches, picnic tables, garbage cans, as well as option to add a small children's play structure with rubberized fall surfacing, and a concrete park sign.

RECOMMENDATION:

Staff contracted with KLA Landscape Architecture Planning to develop design options for this revitalization project. Tonight staff is asking Council to review these two options, provide staff direction which option to move forward, and approve the associated budget amendment.

CITY MANAGER’S REPORT **PAGE 2**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
REVIEW AND PROVIDE DIRECTION ON DESIGN OPTIONS FOR PK 20-02
MILESTONE MANOR PARK REVITALIZATION

This direction will allow staff to create construction documents to bid the project. Once the bid is completed staff will return to a future meeting for the approval of construction contracts.

Option 1 - Milestone Manor Park Revitalization

This option will include the removal of items mentioned above as well as the addition of the following amenities:

Children’s Play Area	Water Weir & Raised Planters	Accessible Interior Path
Concrete Mow Strips	Multiple Picnic Areas & BBQ’s	Seat Wall
Walkway Bridge	Concrete Stepping Stones	Redesigned Landscaping
4’ Perimeter Fence	Two Park Entries with Gates	

The option 1 design is an extensive redesign of the existing 1-acre park site including the installation of a children’s play area with an engineer’s construction estimate of total cost of \$725,000.

Option 2 - Milestone Manor Park Revitalization

This option will include the removal items mentioned above as well as the addition of the following amenities:

Single Picnic Area	River Cobble at Basin	Concrete Mow Strips
Seat Wall	4’ Perimeter Fence	Redesigned Landscaping

The option 2 design is a limited redesign of the existing 1-acre park site with an engineer’s construction estimate of total cost of \$425,000.

FISCAL IMPACT:

As part of the Fiscal Year 21-22 budget CIP PK 20-02 Milestone Manor Park Revitalization was approved with a budget of \$355,900, of which \$177,952 will be reimbursed to the City through the California Prop. 68 Per Capita Grant Program.

If Council approves Option 1 staff requests approval of a budget amendment in the amount of an additional \$369,100 to meet the estimated construction costs of \$725,000. Of these funds \$177,952 will be reimbursed to the City by the California Prop. 68 Per Capita Grant program for a total City investment of \$547,048.

If Council approves Option 2, staff requests approval of a budget amendment in the amount of an additional \$69,100 to meet the estimated construction costs of \$425,000. Of these funds \$177,952 will be reimbursed to the City by the California Prop. 68 Per Capita Grand program for a total City investment of \$247,048.

CITY MANAGER’S REPORT **PAGE 3**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
REVIEW AND PROVIDE DIRECTION ON DESIGN OPTIONS FOR PK 20-02
MILESTONE MANOR PARK REVITALIZATION

**Allocation of funds to CIP PK 20-02
Budget Amendment**

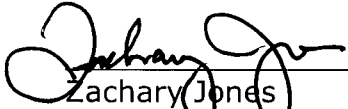
		<u>Option 1</u>	<u>Option 2</u>
Increase Transfer In			
3010-9900-393-0000		\$369,100	\$ 69,100
Increase Transfer Out			
1060-9900-990-9010	(Measure C)	\$369,100	\$ 69,100
Program Expenses Increase			
3010-8000-420-8100	(PK 20-02)	\$369,100	\$ 69,100

ATTACHMENTS:

- A. Resolution to approve design option for CIP PK 20-02 Milestone Manor Park Revitalization, and approval of related budget amendment.

CITY MANAGER'S REPORT **PAGE 4**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
REVIEW AND PROVIDE DIRECTION ON DESIGN OPTIONS FOR PK 20-02
MILESTONE MANOR PARK REVITALIZATION

APPROVALS:



Zachary Jones
Director of Parks and Recreation

1.22.2022
Date



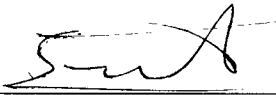
Michael King
Director of Public Works

1.25.2022
Date



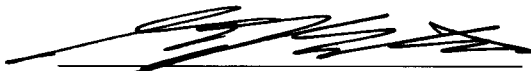
Cari James
Director of Finance

1/26/2022
Date



Salvador Navarrete
City Attorney

1.24.2022
Date



Stephen J. Salvatore
City Manager

1.27.22
Date

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING THE DESIGN OPTION FOR CIP PK 20-02 MILESTONE MANOR PARK REVITALIZATION AND THE ASSOCIATED BUDGET AMENDMENT.

WHEREAS, City Council considered design options for CIP PK 20-02 Milestone Manor Park Revitalization and selected Option 1; and

WHEREAS, City Council also considered a budget amendment of an \$369,100 from the General Fund to be reimbursed by Measure C funds upon approval from the Measure C Oversight Committee to meet the estimated construction costs of \$725,000; and

WHEREAS, the City Council will be reimbursed \$177,952 of this expense through the California Prop 68 Per Capita Grant Program;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop approves the design option for CIP PK 20-02 as well as the following budget amendment.

Allocation of funds to CIP PK 20-02

Budget Amendment

Increase Transfer Out		
1060-99-00-990-90-10	(Measure C)	\$369,100

Allocation of funds to CIP PK 20-02

Increase Transfer In		
3010-99-00-393-00-00	PK 20-02	\$369,100

Increase Expenditure		
3010-80-00-420-12-00	PK 20-02	\$369,100

The foregoing resolution was passed and adopted this 14TH day of February 2022, by the following vote of:

AYES:

NOES:

ABSTAIN:

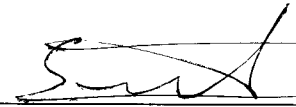
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING THE DESIGN OPTION FOR CIP PK 20-02 MILESTONE MANOR PARK REVITALIZATION AND THE ASSOCIATED BUDGET AMENDMENT.

WHEREAS, City Council considered design options for CIP PK 20-02 Milestone Manor Park Revitalization and selected Option 2; and

WHEREAS, City Council also considered a budget amendment of an \$69,100 from the General Fund to be reimbursed by Measure C funds upon approval from the Measure C Oversight Committee to meet the estimated construction costs of \$425,000; and

WHEREAS, the City Council will be reimbursed \$177,952 of this expense through the California Prop 68 Per Capita Grant Program;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop approves the design option for CIP PK 20-02 as well as the following budget amendment.

**Allocation of funds to CIP PK 20-02
Budget Amendment**

Increase Transfer Out		
1060-99-00-990-90-10	(Measure C)	\$ 69,100

Allocation of funds to CIP PK 20-02

Increase Transfer In		
3010-99-00-393-00-00	PK 20-02	\$ 69,100

Increase Expenditure		
3010-80-00-420-12-00	PK 20-02	\$ 69,100

The foregoing resolution was passed and adopted this 14TH day of February 2022, by the following vote of:

AYES:

NOES:

ABSTAIN:

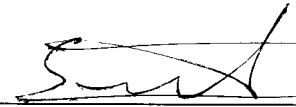
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

**CITY MANAGER'S REPORT
FEBRUARY 14, 2022 REGULAR CITY COUNCIL MEETING**

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAM ALLOCATIONS FOR FISCAL YEAR 2022/2023

RECOMMENDATION: Council to Consider the Following:

- 1. Hold a Public Hearing; and**
- 2. Adopt Resolution Recommending the Allocation of the CDBG and HOME Funds for FY 2022/2023 for consideration by San Joaquin County and the US Department of Housing and Urban Development (HUD)**

SUMMARY:

Each year the City of Lathrop (City) receives an allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funds. Both programs are funded by the U.S. Department of Housing and Urban Development (HUD), and administered by San Joaquin County (COUNTY), under an Urban Cooperative Agreement between San Joaquin County and the cities of Escalon, Lathrop, Manteca, Ripon, and Tracy.

The County guidelines are in place to help meet the needs of the community and the requirements set forth by HUD. Important highlights of these guidelines are as follows:

- Multi-entitlement agencies must apply directly to San Joaquin County for both County and City funding.
- The minimum public service grant request for local organizations should be at least \$5,000.00.
- Cities will be recommending the local allocation of funds for final approval by the San Joaquin County Board of Supervisors and HUD.

For fiscal year 2022/2023, the City of Lathrop anticipates an allocation of \$92,952 in CDBG funds and \$30,506 in HOME funds. This number may increase or decrease depending on Federal Budget approvals. No more than fifteen percent (15%) of the allocated CDBG funds may be designated toward Public Service organizations with the remaining eighty-five percent (85%) designated toward Public/Capital Facility projects. HOME funds may be allocated to eligible program(s) administered by the County.

CITY MANAGER’S REPORT **Page | 2**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2022/2023

City Council must conduct a public hearing to consider funding requests from eligible applicants, prior to finalizing recommendations of local CDBG and HOME funding allocations. Staff published a legal advertisement on December 23, 2021 to promote the availability of CDBG and HOME funds and to solicit eligible applicants. A second legal advertisement was published on January 21, 2022 to announce the public hearing date to consider CDBG and HOME funding allocations for FY 2022/2023.

Multi-entitlement agencies serve residents of multiple cities throughout the County, therefore these agencies are required to submit one application to San Joaquin County for individual local agency funding requests.

There were four (4) multi-entitlement agency applications submitted for CDBG Public Service’s funding, one (1) application was submitted directly to the City for consideration of a local Public Service grant, two (2) applications were received for a Public Facilities grants, and zero (0) applications were received for HOME funds.

The three-step process for allocating funds to identified local activities is referenced below:

- STEP 1. Allocate funding for the CDBG Public Service Organizations.
- STEP 2. Allocate funding for the CDBG Public/Capital Facility Projects.
- STEP 3. Allocate HOME funds to an eligible program administered by the County.

Staff recommends that the City Council consider the information provided at the public hearing, staff’s presentation, and Lathrop’s Scoring Committee’s proposed funding allocations for CDBG’s public service grants, public facility grants, and the HOME funds for fiscal year 2022/2023. City Council maintains sole discretion to accept staff’s recommendation or propose recommended funding allocations toward eligible applicant projects or services they deem in the best interest to meet community and resident needs.

BACKGROUND:

The City of Lathrop, in accordance with the Urban Cooperative Agreement with San Joaquin County, will make recommendations to allocate the anticipated amount of CDBG funds to Public Service organization(s), Public/Capital Facility project(s), and HOME funds as follows:

<u>CDBG</u>	
Public Service Awards (15%):	\$13,942.80
Public/Capital Facility Projects (85%):	<u>\$79,009.20</u>
Total anticipated CDBG Allocation:	<u>\$92,952.00</u>
<u>HOME Funds</u>	
Total anticipated HOME Funds	<u>\$30,506.00</u>

STEP 1: Allocate funds to Public Service Organizations

Multi-Entitlement Agencies:

Multi-entitlement agency applicants include San Joaquin County Department of Aging, Emergency Food Bank of Stockton/San Joaquin, San Joaquin Fair Housing, and Give Every Child a Chance (GECAC). Each of these organizations provide services within multiple cities throughout San Joaquin County, and have applied directly to the County through the one application process to request funding from the County and Cities for which they provide services.

The following summary describes the services provided to Lathrop residents by each of the multi-entitlement agency applicants and the amount requested by each organization:

San Joaquin Fair Housing **\$1,250**

The San Joaquin Fair Housing Board is designed to further fair housing in San Joaquin County. They achieve this by educating tenants and owners on all the Federal and State Fair housing laws accomplished through direct outreach, education, mediation and virtual workshops. It is important to note that this is a HUD mandated program, which requires each jurisdiction to provide their proportionate share of the anticipated expenditures by San Joaquin Fair Housing for the fiscal year. In other words, the \$1,250 is a requirement. The program expects to benefit approximately 1,995 Lathrop residents.

Give Every Child a Chance – Before/After School Programs **\$5,500**

Give Every Child a Chance (GECAC) is requesting funding for its “After School & Summer Mentor/Tutor Programs”, which offer a literacy based mentor/tutoring program at no charge to students in K-12th grade. Due to COVID, they have adapted to virtual and in-person sessions. Sites are open every day after school during the school year and a drop-in program is available during the summer. Classes for Lathrop are held at Lathrop Elementary School, Joseph Widmer School, Mossdale School, River Islands Technology Academy and a summer site at Our Lady Guadalupe Church. For FY 2022-23, GECAC anticipates providing services to 350 Lathrop children. The requested funds will be used to provide supplies and nutritious snacks for the students.

Emergency Food Bank – Mobile Farmer’s Market **\$1,500**

The Emergency Food Bank of Stockton/San Joaquin is requesting funding for its “Farm to Family Program & Mobile Farmers Market”, which provides access to fresh fruits and vegetables along with nutrition education to various underserved areas throughout San Joaquin County, free of charge.

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FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2022/2023

The programs are open to residents residing throughout San Joaquin County. In addition to its main pantry location, food is distributed through 82 additional sites (21 community partner pantries and 61 Mobile Farmer's Market sites). There are three Mobile Farmer's Market sites serving Lathrop for one day each month: Head Start, the Senior Center, and Our Lady of Guadalupe Church. The program expects to serve 989 residents of Lathrop.

SJC Department of Aging – Meals on Wheels **\$1,000**

The San Joaquin County Human Services Agency's Department of Aging & Community Services is requesting funding for its Home Delivered Meals Program "Meals on Wheels", which serves seniors throughout the county by delivering a package of five meals each week per person. The program targets to reduce social isolation and to promote better health by providing nutritional meals to homebound senior citizens. Mandated by the Older Americans Act, this program is administered through the Department of Aging. The requested funds will be utilized on operational costs associated with the procurement of meals, delivery, and other associated expenses. The program expects to benefit nine (9) senior residents of Lathrop.

Local Organizations:

Local organizations that serve and operate within specific jurisdictions are encouraged to apply directly to the Cities for CDBG grant funding. For FY 2022-23, the City received one local organization application.

The following summary describes the services provided by the applicant(s) to Lathrop residents and the amount of funding requested:

City of Lathrop (Parks & Recreation Department) **\$5,000**

The City of Lathrop's Parks & Recreation Department (PRD) offers an Activity Assistance Program designed to provide financial assistance to eligible low-income families and individuals who wish to participate in recreation services and activities. PRD services and activities may include before and after school programs, day camps, sports programs, and classes. Eligible individuals may use up to \$250 annually, but only 50% of the fees may be covered through the Activity Assistance Program; families must pay the remaining percentage. Due to the impacts of COVID-19, an application for CDBG funding was not submitted in FY 2021/22. The program expects to benefit 29 Lathrop residents.

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FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2022/2023

The Lathrop Ranking and Scoring Committee reviewed the applications and recommends allotment to each qualified public service organization as follows:

PUBLIC SERVICE ORGANIZATIONS ALLOTMENT SUMMARY

Organization	Requested Amounts for FY 22/23	Recommended Allotment for FY 22/23
San Joaquin Fair Housing	\$1,250	\$1,250.00
Give Every Child a Chance (GECAC)	\$5,500	\$5,192.80
Emergency Food Bank of Stockton/San Joaquin	\$1,500	\$1,500.00
SJC Dept of Aging, Meals on Wheels	\$1,000	\$1,000.00
Lathrop Activity Assistance Program	\$5,000	\$5,000.00
TOTAL FUNDS	\$14,250.00	\$13,942.80

STEP 2: Allocate Funds for Public/Capital Facility Project(s)

The City of Lathrop anticipates \$79,009.20 of CDBG funds to be available for eligible public/capital facility projects. Two applications were received, however, one was disqualified due to it not meeting the HUD requirement of a shovel-ready project.

An application was received by the City’s Public Works Department for additional funding towards the ADA accessibility improvements at City Hall which have increased in cost due to availability of materials and supplies, and an additional ADA improvement to meet closed caption requirements. A summary of the project and the amount requested are referenced below:

Lathrop City Hall – ADA Accessibility Improvements **\$129,250.00**

The City of Lathrop was awarded \$79,009.20 of FY 2021/22 CDBG grant funding for City Hall upgrades and improvements needed to comply with the requirements of the Americans with Disabilities Act (ADA). An additional allocation of funding was transferred from the unexpended remaining balance of the Senior Center Improvements project, completed in early 2021, for a total of \$82,300.61 available for the City Hall ADA Accessibility Improvements project, which at the time had an estimated cost of \$83,050.

Due to the nationwide supply chain issues and lack of available materials and supplies, the cost of the improvements have increased. The City’s Public Works Department is submitting this grant application to address the increase in costs and additional ADA improvements needed to meet closed-caption requirements. Total project costs are estimated at \$212,300, which includes ADA door upgrades, an ADA lift and other associated modifications in the Council Chambers, an ADA Kiosk in City

CITY MANAGER'S REPORT **Page | 6**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2022/2023

Hall lobby, additional strike edge clearance, accessible surfacing to City Hall exterior Bulletin Board, and replacement of broadcasting equipment to enhance audio/video.

Lathrop City Hall was built in 2005, and the facility serves as a place for in-person accessibility to local government services for residents and the public. The seventeen-year old building is in need of upgrades and improvements to meet ADA standards. In accordance with the ADA Self-Evaluation and Transition Plan, City staff continues to work towards the removal of architectural barriers in public facilities and pathways. The upgrades and improvements will allow safe and improved access for people with disabilities to engage in services, programs, activities, and meetings conducted in City Hall, such as City Council, Planning Commission, Measure C Committee, Fire Department, etc.

STEP 3: Allocate Home Funds

The estimated HOME fund allocation for FY 2022-23 is \$30,506. The City of Lathrop participates in two eligible HOME Loan programs—the Homebuyer Down-Payment Assistance (GAP) and the Lathrop Housing Rehabilitation Program. Both programs provide low-interest loans for qualified low-income households. The City advertises these programs through the City website, Channel 97, and through flyers distributed at City Hall, Community Center, Senior Center and the library.

San Joaquin County administers the HOME fund applications, contracts, and program disbursements. According to County records, the current balance for the Lathrop Housing Rehabilitation program is \$119,367, which includes allocations from FY's 2018/2019, 2019/2020, 2020/2021, and 2021/2022. The GAP program has a balance of zero.

As of January 5, 2022, the County reported that the Lathrop Housing Rehabilitation program has assisted one (1) resident with one (1) more client on the waiting list. The Homebuyer Down Payment Assistance Program (GAP) has not been utilized for the past eight (8) years. Due to the rising cost of housing and a high-income ratio requirement to purchase a house, residents of San Joaquin County find it difficult to qualify for GAP.

Staff recommends all HOME Funds be allocated toward the Lathrop Housing Rehabilitation Loan Program.

RECOMMENDATION:

Staff recommends that the City Council consider the information given at the public hearing and during the staff presentation to make a funding recommendation to allocate the 2022/2023 fiscal year CDBG and HOME program funds as follows:

CITY MANAGER’S REPORT **Page | 7**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2022/2023

- Step 1: Allocate CDBG funds to Public Service Organizations (\$13,942.80) as indicated on the Lathrop Scoring and Ranking Committee Recommendations (Attachment 2).
- Step 2: Allocate CDBG Public/Capital Facility funds (\$79,009.20) to the City of Lathrop for City Hall’s ADA Accessibility Improvements Project (CIP GG 22-04).
- Step 3: Allocate all HOME funds (\$30,506.00) to the Lathrop Housing Rehabilitation Loan Program administered by the County.

FISCAL IMPACT:

Staff time to review the applications, prepare this report, presentation and monitor and manage this program.

The County’s disbursement process requires the City to set up a separate account(s) to accommodate the CDBG reimbursement program. Because the applicant(s) have been awarded CDBG grants in the past, all necessary accounts are in place and funded according to this requirement. The only exception will be an increase in the revenue account to accommodate the Public Facilities award for City Hall’s ADA Accessibility Improvements Project through a budget adjustment for CIP GG 22-04.

Staff is requesting the following budget amendments to accommodate the CDBG FY 2022/2023 allocations for Public Service and Public Facility Grants:

Increase Revenues

2650-2010-333-01-02	Intergov. Federal - CDBG CC	\$79,009
2700-3001-333-01-02	Intergov. Federal – CDBG CC	\$5,000

Proposed Budget Amendment

1010-9900-393-00-00	CDBG Transfer In – Public Agency	\$5,000
2700-9900-99-90-10	CDBG Transfer Out – Public Agency	\$5,000
2650-9900-990-90-10	CDBG Fund Transfer Out – Public Agency	\$79,009
3010-9900-393-00-00	Increase Transfer CIP GG 22-04	\$79,009
3010-8000-420-12-00	Increase Expense CIP GG 22-04	\$79,009

GOALS ADVANCED BY THIS AGENDA:

The proposed Resolution promotes Public Safety by providing funding for those in need of assistance and support.

CITY MANAGER'S REPORT **Page | 8**
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2022/2023

ATTACHMENTS:

- A. Resolution Recommending the Allocation of the Community Development Block Grant and Home Investment Program Funds for FY 2022/2023.
- B. FY 2022/2023 – CDBG/HOME Grant Applications, Scoring and Ranking Committee Recommendations

**CITY MANAGER'S REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CDBG AND HOME
FUNDING ALLOCATIONS FOR FISCAL YEAR 2022/2023**

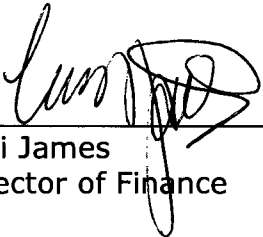
APPROVALS:



Shelley Burcham
Economic Development Administrator

2-3-2022


Date



Cari James
Director of Finance

2/1/2022

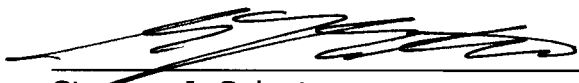
Date



Salvador Navarrete
City Attorney

2-3-2022

Date



Stephen J. Salvatore
City Manager

2-8-22

Date

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP RECOMMENDING THE ALLOCATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PROGRAM FUNDS FOR FISCAL YEAR 2022/2023

WHEREAS, the City anticipates it will receive an estimated allocation of \$92,952 for Community Development Block Grant (CDBG) and \$30,506 for the HOME Investment Program (HOME) for Fiscal Year (FY) 2022-2023; and

WHEREAS, the City of Lathrop has properly published a 30-day public notice of availability of funds for the programs in accordance with HUD regulations; and

WHEREAS, the City Council has determined in accordance with the California Environmental Quality Act, Article 18, Section 15273, that this item is categorically exempt because CEQA does not apply to the establishment or modification of HUD funding programs to public agencies which are to meet community needs; and

WHEREAS, the City Council conducted a duly noticed public hearing on February 14, 2022 to consider applications for CDBG and HOME Funds for FY 2022-2023, has considered the information given at the public hearing and during the staff presentation, and determines that the recommended allocations represent the community needs in Lathrop; and

WHEREAS, the recipients of CDBG funding are required to enter into an agreement with the City to ensure that funds are spent in accordance with HUD regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop, does hereby recommend the following public service agencies and allocated amounts for funding in the Fiscal Year 2022/2023 for the CDBG program:

<u>Public Service Organizations</u>	<u>Allocations</u>
San Joaquin Fair Housing	\$ 1,250.00
Give Every Child a Chance (GECAC)	\$5,192.80
Emergency Food Bank of Stockton/San Joaquin	\$ 1,500.00
SJC Dept. of Aging (Meals on Wheel)	\$ 1,000.00
Lathrop Activity Assistance Program	\$ 5,000.00
Total Allocation (15% of \$92,952)	<u>\$13,942.80</u>

BE IT FURTHER RESOLVED that the City does hereby recommend allocating \$79,009.20 of the Public/Capital Facility funds to the City of Lathrop, City Hall’s ADA Accessibility Improvement projects CIP GG 22-04; and

BE IT FURTHER RESOLVED that the City does hereby recommend allocating the \$30,506.00 HOME Program funds to the Lathrop Housing Rehabilitation Loan Program.

PASSED AND ADOPTED this 14th day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

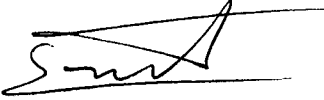
ABSTAIN:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney



**FY 2022/2023 - CDBG/HOME GRANT APPLICATIONS
SCORING AND RANKING COMMITTEE RECOMMENDATIONS**

A. PUBLIC FACILITY APPLICATIONS			FUNDING
			AVAILABLE FUNDING
			\$79,009.20
APPLICANT	PROGRAM	REQUEST	RECOMMENDATION
1. City of Lathrop (PW)	ADA Improvements	\$129,250.00	\$79,009.20
2. Chest of Hope	New Shelter/Office/Services	\$116,275.00	Disqualified*
B. PUBLIC SERVICE APPLICATIONS			FUNDING
			AVAILABLE FUNDING
			\$13,942.80
APPLICANT	PROGRAM	REQUEST	RECOMMENDATION
1. City of Lathrop (PRD)	Activity Assistance Program	\$5,000.00	\$5,000.00
<i>Multi-City Agencies</i>			
2. Emergency Food Bank of Stockton/San Joaquin	Mobile Farmers Market	\$ 1,500.00	\$1,500.00
3. San Joaquin Fair Housing ¹	HUD Mandated Services	\$1,250.00	\$1,250.00
4. SJC Dept. of Aging	Meals on Wheels	\$1,000.00	\$1,000.00
5. GECAC	After School Program	\$5,500.00	\$5,192.80
<i>TOTAL FUNDING REQUEST</i>		\$14,250.00	13,942.80
C. HOME FUNDS			FUNDING
			AVAILABLE FUNDING
			\$30,506.00
PROGRAM	BALANCE	RECOMMENDATION	
GAP PROGRAM – DOWNPAYMENT ASSISTANCE	\$0.00	\$0.00	
HOUSING REHABILITATION PROGRAM	\$119,367.00	\$30,506.00	

*Project not shovel ready.

NOTES:

- A) Public Facility Grant funding is the total CDBG allocation less 15% for Public Services. CDBG Allocation for FY 2022/2023 based on FY 2021/2022 final allocation numbers of \$92,952.00.
- B) Public Service Applications submitted directly to the City, if awarded, must be allocate a minimum award of \$5,000.00. Multi-County agencies who have applied through the County may be awarded less than the \$5,000 minimum and recommendations are up to the discretion of the Committee with Council have the final say on recommended amounts.
- C) HOME funds have been awarded toward the Housing Rehabilitation Program since 2018. There is a total of \$119,367 remaining in Lathrop's program. In Lathrop, one (1) rehab client was provided assistance and one (1) is on the waiting list. Note that the County has funded these awards and not yet used Lathrop's allocation. GAP Program – Downpayment Assistance is rarely used in the County due to the high price of homes and households not able to meet the income qualification to purchase a home.

¹ HUD mandated program, which requires each jurisdiction to provide their proportionate share of the anticipated expenditures by San Joaquin Fair Housing for the fiscal year.

ITEM 5.3

CITY MANAGER'S REPORT FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ITEM: APPROVE THE SELECTION PROCESS AND THE ISSUANCE OF A REQUEST FOR PROPOSALS, REVISED MERIT BASED SELECTION CRITERIA, AND APPEAL PROCEDURES FOR A COMMERCIAL CANNABIS DISPENSARY IN THE CITY OF LATHROP

RECOMMENDATION: Council to Consider Approval of a Resolution Approving a Cannabis Dispensary Selection Process, a Resolution to Adopt Revised Merit-Based Selection Criteria, and a Resolution Adopting an Appeal Procedure and Applicable Rules for Commercial Cannabis Activities in the City of Lathrop

SUMMARY:

The proposed Cannabis Dispensary Application process establishes the framework for the submission and review of responses to a City issued Request for Proposals ("RFP"). With this approval, the RFP will be issued inviting applicants to submit proposals. Staff will then prepare a summary of each response and all responses will be provided to City Council, who will be provided the opportunity select a commercial cannabis business to proceed with final steps necessary to operate a cannabis dispensary pursuant to Lathrop Municipal Code ("LMC") Chapter 5.26.

The proposed revised Merit Based Selection Criteria ("Selection Criteria") will be used to allow Council to objectively review all proposals and select an applicant to move forward with the formal application for the operation of a cannabis dispensary within the City.

In anticipation of any potential appeals by applicants who are not selected by Council, staff recommends Council adopt the proposed Commercial Cannabis Appeal Procedure to outline the rights and responsibilities of both the City and any appellant.

BACKGROUND:

On November 8, 2021, Council introduced an Ordinance to amend the LMC to establish cannabis business regulations and approved a merit-based selection criteria for scoring commercial cannabis applications pursuant to Resolution No. 21-4983.

On December 13, 2021, Ordinance No. 21-428 was passed and adopted, thereby amending the LMC to allow regulation of commercial cannabis business operations within the City. Pursuant to Council approvals on December 13, 2021, staff and outside Counsel prepared the attached proposed RFP, selection process, revised criteria, and appeal procedures for Council consideration.

CITY MANAGERS REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PROPOSED RFP APPLICATION PROCESS, REVISED SELECTION CRITERIA,
APPEAL PROCEDURES FOR COMMERCIAL CANNABIS

PAGE 2

ANALYSIS:

Cannabis Dispensary Application Process- RFP

The selection process starts with all interested applicants submitting a response to an RFP issued by the City (the "RFP Response"). Applicants do not need to have secured ownership or physical control over a location to submit an RFP Response, but must include a proposed location, site plan, and floor plan in the RFP Response. City staff will review each RFP response and provide a summary of each proposal as well as each proposal in its entirety to Council for its evaluation at a future public meeting.

Revised Merit Based Selection Criteria

The Selection Criteria, as approved by Resolution on November 8, 2021, included five questions relating to full-time local residency and prior business ownership within San Joaquin County as selection criteria requirements. Recent court cases have held that such criteria should not be used in the selection process. Therefore, Council is provided this opportunity to remove full-time residency, prior business ownership within San Joaquin County criteria by approving the revised criteria.

Commercial Cannabis Appeal Procedures

City appeal procedures can provide any disgruntled applicants an opportunity for an independent hearing officer to evaluate any appeal of the City's selection process. The purpose and intent of the establishment of this appeal procedure is to afford due process of law to any person who is directly affected by an administrative action of the City under LMC Chapter 5.26. This establishes the regulations governing appeals of the decisions of the City surrounding the commercial cannabis application process and award of a permit to operate a commercial cannabis business.

RECOMMENDATION:

Staff recommends that the City Council consider all information provided and, if determined to be appropriate, adopt the Resolutions provided.

FISCAL IMPACT:

There is no fiscal impact to the City of Lathrop, only staff time to prepare the report.

ATTACHMENTS:

- A. A Resolution of the City Council of the City of Lathrop Approving Criteria for Award of a Commercial Cannabis Business Permit and Authorizing Issuance of a Request For Proposals Seeking Applications for Same.
- B. A Resolution of the City Council of the City of Lathrop Adopting Procedures for Appeals of Decisions Under Chapter 5.26 of the Lathrop Municipal Code

CITY MANAGERS REPORT
FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING
PROPOSED RFP APPLICATION PROCESS, REVISED SELECTION CRITERIA,
APPEAL PROCEDURES FOR COMMERCIAL CANNABIS

APPROVALS:



Salvador Navarrete
City Attorney

2-9-2022

Date



Stephen J. Salvatore
City Manager

2.10.22

Date

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING REVISED CRITERIA FOR AWARD OF A COMMERCIAL CANNABIS BUSINESS PERMIT AND AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS SEEKING APPLICATIONS FOR SAME

WHEREAS, the City Council of the City of Lathrop approved Ordinance No. 21-428, establishing requirements for operation of commercial cannabis businesses within the City of Lathrop (the "City"); and

WHEREAS, Ordinance No. 21-428 sets forth a selection process for Commercial Cannabis for issuance of commercial cannabis business permits; and

WHEREAS, the City Council approved Resolution No. 21-4983 adopting the Merit Based Selection Criteria for Cannabis; and

WHEREAS, City staff has proposed a Request for Proposals establishing a merit-based approach to awarding a commercial cannabis business permit to operate a dispensary within the City; and

WHEREAS, City staff proposed amendments to the Merit Based Selection Criteria for Cannabis approved by Resolution No. 21-4983.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY RESOLVE AND APPROVES AS FOLLOWS:

1. RECITALS. The recitals set forth above are true and correct and incorporated herein by this reference.
2. REQUEST FOR PROPOSALS. The City Manager or his designee is hereby authorized to issue the Request for Proposals for award of a commercial cannabis business permit, attached hereto as Exhibit "A" and incorporated herein by this reference.
3. MERIT-BASED SELECTION CRITERIA FOR CANNABIS. The Criteria Matrix included as Attachment "B" to Exhibit "A" hereto is hereby approved and specifically supersedes the Merit Based Selection Criteria for Cannabis previously approved by Resolution No. 21-4983.
4. SEVERABILITY CLAUSE. Should any section, clause, or provision of this Resolution be found invalid by a court of competent jurisdiction, that finding shall not affect the validity of the Resolution as a whole, or parts thereof, other than the part declared to be invalid.
5. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Resolution and shall give notice of it if and as required by law.

6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 14th day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:



Teresa Vargas , City Clerk

Salvador Navarrete, City Attorney

CANNABIS DISPENSARY APPLICATION PROCESS

The City will utilize a merit-based approach to determining which applicant will receive a commercial cannabis business permit to operate a dispensary under Lathrop Municipal Code Chapter 5.26. The information contained in this Request for Proposals includes the minimum requirements necessary to administer Chapter 5.26 of the Lathrop Municipal Code.

The selection process starts with all interested applicants submitting a response to the RFP to the City (the “RFP Response”). Applicants do not need to have secured ownership or physical control over a location to submit an RFP Response, but must include a proposed location, site plan, and floor plan in the RFP Response. City staff will review each RFP Response and provide comment to the City Council as to whether each meets the requirements of Lathrop Municipal Code Chapter 5.26 and this Request for Proposals.

City staff will submit all RFP Responses to the City Council. The City Council, in its sole discretion, may invite some or all applicants to attend interviews to be conducted as part of public meetings of the City Council. Following review and interviews, if held, the City Council may select a top-ranked RFP Response to be awarded a commercial cannabis business permit to operate a dispensary. The City Council may, in its sole discretion, reject all applications. The successful applicant must comply with all other requirements in Lathrop Municipal Code Chapter 5.26 and State law before operating a commercial cannabis business and, therefore, preliminary award of a license by the City Council creates no rights to operate a cannabis dispensary, the applicant selected must comply with all other requirements of that Chapter and obtain the other approvals it requires. Unsuccessful applicants will be timely notified of the City Council’s decision and may appeal the City Council’s decision pursuant to appeal procedures established by the City in the time those rules permit.

PROPOSAL REQUIREMENTS

Documents Required in Response to Request for Proposals:

Applicants shall submit the following information in their responses to the Request for Proposals:

- **Required Submittal Item #1:** Completed Applicant/Owner Information Form, attached as Attachment “A” hereto.
- **Required Submittal Item #2:** Cover Letter
- **Required Submittal Item #3:** Applicant’s Business Plan. Sections of the Business Plan shall include:
 - Section 1: Qualifications of Applicant/Owners, addressing:
 - **Experience:** Owners’ experience in owning, managing and operating the commercial cannabis businesses.

- **Cannabis Industry Knowledge:** Knowledge of the cannabis industry, including identification of how industry best practices and state regulations have been incorporated in any existing or earlier legal business outside the City of Lathrop.
 - **Ownership Team:** Involvement of the owners in on-site day-to-day operation.
 - **Compliance with Lathrop Municipal Code:** Understanding and ability to comply with operational standards in the Lathrop Municipal Code including, but not limited to, Lathrop Municipal Code sections 5.26.090 and 5.26.100.
 - **Satisfaction of the Criteria for Award of a Cannabis License** adopted by City Council Resolution No. 21-4983 and amended by Resolution No. 22-____.
- Section 2: Business Plan, addressing:
 - **Standard Operating Procedures (SOP):** Proposed operating procedures for all aspects of the proposed business, including incorporation of industry best practices. Applicant should show specific examples of where practices referenced have worked before.
 - **Financial Plan:** Financial plan and/or budget to start and to operate the business (e.g., business pro forma, cash flow, accounting procedures, etc.). Proposals should provide clear and complete details about the financial position, plan & operating procedures of business.
 - **Funding/Proof of Capitalization:** Demonstration of access to adequate capital and/or on-going line of credit to operate the business.
 - **Records Software:** Standard operating procedures for electronic tracking and storage of required records of sales, delivery manifests, and inventory.
 - **Track-and-Trace:** Standard operating procedures for track-and-trace, include detailed California Cannabis Track-and-Trace (CCTT) procedures as outlined by the State.
 - **State Testing Requirements:** Standard operating procedures for ensuring all cannabis products on the premises or held by Applicant have met the testing requirements as defined by the State.
 - **Employee Training:** Proposed employee training including, for example, training on differences in products, potency of products, customer service, and/or laws governing “adult use” vs medical use.

- **Customer Education:** Plan for educating customers regarding cannabis products, including the potency and effects of products, and variety of cannabis products offered for sale.
 - **Marketing:** Key aspects of Applicant’s marketing strategy that would be generated and incorporated into Applicant’s marketing plan. The proposed marketing strategy should describe compliance with local regulation related to advertising (i.e., local sign regulations).
 - **Product Procurement:** Procurement plan, including due diligence performed before executing purchase contracts and quality control of incoming products.
 - **Emergency Contact:** Applicant must designate and provide contact information for an Emergency Contact who is be an on-site employee or owner to whom emergency notice can be provided 24 hours per day.
- Section 3: Community Benefit, addressing:
- **Council Goals:** How the business will further the City Council’s goals to support and promote the quality of life, enhance the local community, and help sustain the local economy through a community engagement plan that demonstrates an understanding of the community, its values and unique aspects, and how the business will integrate into the community.
 - **Job Creation:** How the business plans to create well-paying, high-quality jobs with benefits via a share in ownership, management or other employment opportunities.
 - **Community Assistance:** How the business plans to assist organizations in our community that provide help to those persons most harmed by cannabis criminalization and poverty.
 - **Non-Profit Support:** How the business plans to work with local non-profits and other community groups. Non-profits or groups located in or serving Lathrop are preferred.
 - **Business Support:** How the business plans to partner with existing Lathrop businesses (e.g., procurement of goods and services from local businesses).
 - **Youth Education:** How the business plans to educate the youth in the community about the dangers of substance abuse. Such planned outreach may include to local schools and youth groups.
 - **Community Relations Contact:** Applicant shall designate and provide contact information for a Community Relations Contact who shall be the person notified of problems associated with the commercial cannabis business. If selected, Applicant will be required to provide the designated

Community Relations Contact's contact information to all property owners located within 100 feet of the commercial cannabis business.

- Section 4: Neighborhood Compatibility & Enhancement, addressing:
 - **Exterior Design Concept:** A contextual exterior design which reflects the best of the City's architecture, the use of quality materials and the level of investment that can be expected for the architecture, landscaping, signage, lighting, entry experience, parking, etc.
 - **Site Plan & Floor Plan:** Applicant shall provide a site plan and floor plan for the proposed commercial cannabis business. The Site Plan and Floor Plan shall include: (1) physical boundaries of the site including, but not entrances and exits; (2) location of all cannabis-related activities; and (3) any space on the property shared with non-cannabis-related businesses.
 - **Integration of Security Measures:** Applicant's plan to integrate security enhancements into the physical design concept, so as not to be overly noticeable by customers or the public. Applicants should provide details about physical and technological security components as well as crime prevention efforts through environmental and site planning.
 - **Air Quality/Odor Control:** Description of proposed ventilation and air purification system, including demonstrated effectiveness and any nuisance mitigation.
- Section 5: Security Plan, addressing:
 - **Security Experience:** Experience of individual/firm designing the security plan. Individual/firm should be identified, and experience described. If relevant, the RFP Response should include information on the quality of delivery driver security, safety procedures, and vehicle security, including driver education related to potential hazards and response thereto.
 - **Designated Security Contact:** Applicant must designate a Security Representative/City Liaison who shall be reasonably available to meet with the City Manager or his/her designee at any time regarding any security related measures or operational issues.
 - **Background Checks:** Applicant should describe whether it intends to use background checks in the employee hiring process. Provide detail about level of checks and use of the information obtained.
 - **Employee Safety Education:** Employee safety education plan, including training regarding product handling, burglary protocols, robbery protocols, and other potential hazards of the commercial cannabis business.

- **Employee Theft Reduction Measures:** Employee theft reduction measures, including audits and check in/out.
 - **Cash Management Plan:** Cash management plan, including cash counting/reconciliation procedures, cash storage, cash transport, deposit into a banking institution (if any), and employee training.
 - **Product Access Protocols:** Business plan details product access protocols. Product access protocols must include, but are not limited to, a separate check-in area where identification is checked to ensure that only qualified employees gain access to where cannabis products are stored.
 - **Product Deliveries:** Plan for securing product deliveries to the business (i.e., from delivery vehicles to building).
 - **Security Guards:** Anticipated security guard plan for the business, including number of guards, hours, protocols, and day-to-day procedures/operations.
 - **Video Camera Surveillance:** Security plan includes video camera surveillance. Additionally, overall quality of Applicant’s plan to use cameras, including number of cameras, locations, resolution, and how long footage is saved and how access is granted by investigative/regulatory agencies.
- Section 6: Hazardous Materials Management Plan.
 - A Hazardous Materials Management Plan, in compliance with all federal, state and local requirements for management of hazardous materials, is necessary only to the extent that Applicant intends to use any hazardous materials in its operations. “Hazardous materials” includes any hazardous substance regulated by any federal state or local laws or regulations intended to protect human health or the environment from exposure to such substances
- **Required Submittal Item #4:** Completed Criterion Matrix, attached as Attachment “B” hereto.

Further Information Regarding Required Items:

Applicant/Owner Information Forms – Each RFP Response shall complete the Applicant/Owner Information Forms (Required Submittal Item #1). This form includes basic information on Applicant, owners, and non-owners with a financial interest in the business. The information requested is similar to that requested by the State. The City Council may disqualify any Application that includes an owner who checks “YES” on one or more of the boxes included in Section C: Declarations.

Cover Letter – The Cover Letter (Required Submittal Item #2) shall be a concise overview of Applicant’s RFP Response, including the proposed business concept. The Cover Letter may not exceed three pages.

Detail of Applicant’s Business Plan – This section is the main portion of the RFP Response (Required Submittal Item #3). Applicant shall provide as much detail as possible to clearly describe the day-to-day operations of the proposed commercial cannabis business. Applicants shall label each of the sections noted above.

Required Format and Submittal Guidelines for RFP Response:

Length – RFP Responses shall be no longer than 100 pages for each permit type. The page total does not include the applicant/owner information forms or the cover letter (cover letter cannot exceed three pages). Double-sided pages count as two pages. Please avoid duplicating information. All pages shall be numbered.

Font and Page Size – 11-point font minimum shall be used in the narrative portions of the RFP Response. All pages shall be 8.5 x 11.

Submittal Deadline – RFP Responses may be submitted to the City no later than 6:00pm (Pacific Time) on March 16, 2022. RFP Responses received after the established due date will be considered a “late RFP Response”, will not be accepted and will not be considered. No additional weight will be given to RFP Responses submitted earlier than other RFP Responses. The City assumes no responsibility for any delays caused by delivery service. Postmarking by the due date will not substitute for actual timely delivery.

Document Submittal – All RFP Responses shall be submitted before the Submittal Deadline. Ten (10) hard copies of the RFP Response and one electronic PDF version of the proposal on a flash drive shall be provided in a sealed envelope or box with Applicant’s return address, and addressed to the following:

City of Lathrop
City Attorney’s Office
390 Towne Centre Drive
Lathrop, CA 95330

Applications must be complete when submitted; there will be no later opportunity to supply missing and/ or supplemental information after the Submittal Deadline.

Other Key Information:

Background Check – A background check of Applicant whose RFP is selected will be required. Applicant, owners, and non-owners with a financial interest in a commercial cannabis business will also be required to complete the background check.

Permits Not Transferable – The assignment of, or attempt to assign, any commercial cannabis business permit is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void.

Public Records Requests and Proprietary Data – All RFP Responses will become the property of the City when received. Information contained in the RFP Responses may be subject to disclosure under the California Public Records Act. Any sections or pages of the RFP Response Applicant considers proprietary should be clearly marked as such, although such marking is not determinative of whether it is proprietary under state law. The City reserves the right to disclose and/or withhold any information contained therein in accordance with the law.

Ownership Stake in Multiple Applications – Individuals may not be party to or listed as Owners in more than one RFP Response. The definition of Owner is provided on the Applicant/Owner Information Form and is consistent with the State definition of “Owner.”

Original Ordinance – Ordinance No. 21-428 can be found following the text of this document and as codified in the Lathrop Municipal Code under Chapter 5.26. A copy of this Ordinance may also be obtained by submitting a Public Records Act request with the City Attorney’s Office at (209) 941-7235.

Disclosure Regarding Changes to Published Information – While the City does not anticipate any changes to the published information, the City reserves the right to update the information as necessary to resolve any unanticipated issues that may arise before or during the screening period. Any updated information will be made by written addendum and posted on the City’s website. The failure of an applicant to read any addenda shall have no effect on the validity of such update or modification.

Limitations on City Liability:

To the fullest extent permitted by law, the City of Lathrop shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, Applicant shall, and hereby does agree to:

1. Indemnify, defend (at applicant’s sole cost and expense), and hold the City of Lathrop, and its officers, officials, employees, representatives, attorneys and agents, harmless, from any and all claims, losses, damages, injuries, or liabilities which arise out of, or which are in any way related to, the City’s issuance of the commercial cannabis business permit, the City’s decision to approve the operation of the commercial cannabis business or activity, the City’s decision-making process, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.
2. Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Manager or his or her designee, to provide coverage for the obligations required by the Lathrop Municipal Code, and provide evidence of coverage upon request.

3. Reimburse the City of Lathrop for all costs and expenses, including, but not limited to, legal fees and costs, which the City may incur as a result of any legal challenge related to the City's action on Applicant's commercial cannabis business permit, or related to the City's action on a commercial cannabis activity. The City of Lathrop may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve an Applicant of any of the obligations imposed hereunder.

Applicant Signature:

I, as Applicant for a commercial cannabis business permit, certify under penalty of perjury that the information contained in this application package is true and correct to the best of my knowledge. I acknowledge my obligation to abide by and conform to the conditions of all permits issued by the City of Lathrop related to the proposed commercial cannabis business and all provisions of the Lathrop Municipal Code pertaining to establishment and operation of the commercial cannabis use including, but not limited to, the provisions of Lathrop Municipal Code Chapter 5.26. I further acknowledge approval of a commercial cannabis business permit shall, in no way, permit activity contrary to the Lathrop Municipal Code or any activity in violation of applicable laws.

Applicant/Agent Signature _____

Printed Name and Title: _____ Date _____

ATTACHMENT "A" – APPLICANT/OWNER INFORMATION FORM

Section C: DECLARATIONS

1. Do you have an ownership or financial interest (as defined in Title 16 CCR 5003 and 5004) in a licensed cannabis business? If "yes", complete section C-1. YES NO
2. Have you ever been denied a permit or state license to engage in commercial cannabis activity, or had a permit or state license to engage in commercial cannabis activity suspended and not reinstated, or revoked, by any city, county, city and county, or any other state cannabis licensing authority? If "yes", complete section C-2. YES NO
3. Have you ever been convicted of a crime? If "yes", complete section C-3. (HSC BPC §26057) YES NO
4. Have you ever failed to pay federal, state, or local taxes and/or fees when notified by the appropriate agencies? YES NO

Section C-1: Other Licensed Cannabis Businesses

Use additional sheets if necessary.

Agency: _____ License No. _____ Date Issued: _____
Description of business: _____

Agency: _____ License No. _____ Date Issued: _____
Description of business: _____

Agency: _____ License No. _____ Date Issued: _____
Description of business: _____

Section C-2: Cannabis License(s) Suspended, Revoked or Denied

Use additional sheets if necessary.

License Authority : _____ License Type _____ Suspension or Revocation Date: _____
Details: _____

License Authority : _____ License Type _____ Suspension or Revocation Date: _____
Details: _____

License Authority : _____ License Type _____ Suspension or Revocation Date: _____
Details: _____

Section C-3: Criminal Violation(s)

Use additional sheets if necessary.

Date of Conviction: _____ Code Section: _____ Felony or Misdemeanor? _____
Date of incarceration: _____ Date of Probation: _____ Date of Parole: _____

Details: _____

Date of Conviction: _____ Code Section: _____ Felony or Misdemeanor? _____
Date of incarceration: _____ Date of Probation: _____ Date of Parole: _____

Details: _____

Date of Conviction: _____ Code Section: _____ Felony or Misdemeanor? _____
Date of incarceration: _____ Date of Probation: _____ Date of Parole: _____

Details: _____

SECTION D: REQUIRED DOCUMENTS

- Copy of a currently valid government-issued identification

SECTION E: AFFIRMATION & CONSENT

Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that misrepresentation of fact is cause for rejection of this screening application, denial of a license, or revocation of a license issued.

Signature: _____ Date: _____

Printed Name: _____

ATTACHMENT “B” – CRITERION MATRIX

Description of Criteria	Meets Criteria	
	Yes	No
Section 1: Prioritize Medicinal Cannabis Access		
a) RFP Response includes combined medicinal/adult use dispensary		
b) RFP Response includes Delivery Services		
Section 2: Geographical Preference/Neighborhood Relations		
a) Proposed location is within 1,200 feet of local transportation		
b) RFP Response includes a process and schedule for at least two public outreach meetings per year that meet City requirements		
c) Business plan includes a schedule for communication and receiving feedback from all entities within 300 feet of the business at least two times per year		
d) RFP Response includes appointment of an employee as a designated liaison to the neighborhood		
Section 3: Facility Plan		
a) Business is and/or was associated with a non-cannabis-related business in the City of Lathrop		
b) RFP Response includes daily site inspection to ensure maintenance of the interior and exterior of the facility (i.e., free of trash, graffiti, etc.)		
c) Commercial cannabis business will be open more than five days a week and at least six hours per day		
d) Location is within an existing building or facility with ability to be open for business within six months of approval by the City		
Section 4: Standards and Procedures for the Safe Operation of Facilities		
a) RFP Response includes documented employee safety training program		
b) RFP Response includes documented employee cannabis educational training program		
c) Business Plan includes enhanced security measure, with at least three of the following: panic buttons, dye packets, bulletproof window film (with break strength of 400 lbs. per inch or better), a UL-approved safe with a fire rating that is 2-hour 1,700 degrees F or better with a complex locking device; motion sensing lighting; or other enhanced security measure acceptable to the City		
d) RFP Response includes climate-controlled environment		

Description of Criteria	Meets Criteria	
	Yes	No
e) RFP Response includes a comprehensive documented process for 24-hour minimum response time to cannabis product recall notifications		
f) RFP Response includes plan for disposal of all solid waste based on best practices of the State		
g) RFP Response includes more than one on-site security guard during business hours		
h) RFP Response includes plans and procedures on how all cannabis products on the premises or held by the Applicant meet the testing requirements as defined by the State		
i) RFP Response includes a separate lobby where identification is checked to ensure that only qualified individuals gain access to separate, locked areas where cannabis products are displayed		
j) RFP Response includes electronic storage of required records of sales, delivery manifests, patient information (if medicinal and required by State), inventory, etc., which can be provided to City personnel upon request		
k) RFP Response includes participation in web-based public safety application or equivalent that provides law enforcement with confirmation of local and state licenses		
l) RFP Response includes proposed “green” business practices related to energy and climate, water conservation, and materials/waste storage		
m) RFP Response includes secured loading/unloading area for deliveries		
Section 5: Prior Experience in Business Ownership and Management		
a) Combined prior experience of proposed owners includes more than three years of verified successful management of any non-cannabis legal retail facility		
b) Owners are listed on State approved commercial cannabis licenses.		
c) Combined prior experience of proposed owners is more than three years with a commercial cannabis business in compliance with California law, with proof of timely payment of taxes		
Section 6: Qualifications of Principals/Business Plan		
a) At least one proposed owner is a military veteran with an honorable discharge		
b) Does the business qualify as a Disadvantaged Business Enterprise (DBE) as defined by the U.S. Department of Transportation?		
c) Does the business have documented proof of access to at least \$150,000 in capital (or enough capital to pay all startup costs plus at least three months of operating costs?)		

Description of Criteria	Meets Criteria	
	Yes	No
d) Does the Business Plan contain a valid pro forma for at least three years of operation		
e) Does the proposed commercial cannabis business have documented agreements with cannabis distributors to supply products to their business?		
Section 7: Employee and Public Relations		
a) The proposed commercial cannabis business will promote local hiring or provide incentives for City residents to work for the business		
b) The proposed commercial cannabis business provides employee health benefits for all full-time employees		
c) The proposed commercial cannabis business will employ more than five people full-time, not counting the owners or security personnel		
d) RFP Response includes an ongoing public information program to inform City residents of cannabis issues and proper/safe/legal use of cannabis products		
Section 8: Community Benefits		
a) RFP Response includes offer to deposit funds to cover the costs of application and entitlement processing		
b) RFP Response includes offer to provide a percentage of annual gross receipts as a community benefit to be allocated by the City		
c) RFP Response includes benefits to the community, such as monetary contributions to local community organizations, or volunteer work for local community organizations, or any other proposed community benefit deemed acceptable to the City		

*** The Criterion Matrix is intended solely to provide additional information to the City Council and does not reflect minimum criteria for RFP Responses ***

ORDINANCE NO. 21-428

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04, BUSINESS LICENSES GENERALLY, CHAPTER 5.26, PROHIBITION AGAINST COMMERCIAL CANNABIS, AND TITLE 17, ZONING, CHAPTER 17.18, PROHIBITED CANNABIS ACTIVITIES (TA-21-116)

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a special meeting on September 1, 2021, at which they adopted PC Resolution No. 21-23 recommending City Council adopt Municipal Code Text Amendment No. TA-21-116 pursuant to the Lathrop Municipal Code; and

WHEREAS, California Health and Safety Code section 11362.5, the Compassionate Use Act of 1996 ("CUA"), adopted by the voters in the State of California, authorizes a limited defense to criminal charges for the use, possession or cultivation of marijuana for medical purposes when a qualified patient has a doctor's recommendation for the use of marijuana; and

WHEREAS, Health and Safety Code section 11362.7 et. seq., The Medicinal Marijuana Program Act ("MMPA"), was adopted by the state legislature and offers some clarification on the scope of the CUA, and section 11362.83, and specifically authorizes cities and other governing bodies to adopt and enforce regulations related to medical marijuana; and

WHEREAS, the Medical Marijuana Regulation and Safety Act ("MCRSA" (Business and Professions Code section 19300 et. seq.)) was adopted by the Legislature in 2015, and regulates the commercial activity of medical marijuana and assigns certain state agencies with regulatory tasks regarding commercial medical marijuana, including product labeling and environmental regulation; and

WHEREAS, the Control, regulate and Tax Use of Marijuana Act ("AUMA" or Proposition 64") to legalize the recreational use of marijuana in California for individuals twenty-one (21) years of age and older was approved by the voters and became effective November 9, 2016; and

WHEREAS, the California Legislature passed Senate Bill 94 in June 2017, which was signed by the Governor and went into effect immediately, and which repealed MCRSA entirely and merged certain portions of that law with AUMA to create a more comprehensive regulatory structure for both medical and recreational marijuana; and

WHEREAS, the new comprehensive regulatory system created by Senate Bill 94, intended to regulate all commercial cannabis uses, is called the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"); and

WHEREAS, the CUA, MMPA, and MAUCRSA do not prevent the city from using its constitutional authority to enact nuisance, health and safety, and land use regulations regarding cannabis cultivation, dispensaries or other commercial cannabis uses; and

WHEREAS, the City Council desires to regulate commercial cannabis businesses operating in the City of Lathrop in a manner that mitigates potential negative impacts, prevents cannabis from reaching minors or the illicit market, preserves public health and safety, protects the environment, drives diverse economic opportunities, and implements the City's General Plan; and

WHEREAS, the proposed text amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "Common Sense Exemption" that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and Business and Professions Code Section 26055(h), in that the commercial cannabis regulations ordinance allows for requiring discretionary review and adequate environmental compliance for each application; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve Municipal Code Amendment as shown Attachments "3", "4", and "5", incorporated by reference herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Lathrop Municipal Code is hereby amended as shown in Attachments "3", "4", and "5", incorporated by reference herein.

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

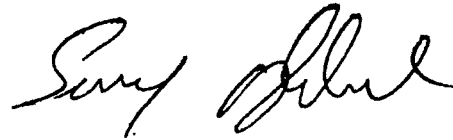
THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 8th day of November 2021, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the 13th day of December 2021, by the following vote:

AYES: Diallo, Torres-O'Callaghan, and Dhaliwal

NOES: Akinjo and Lazard

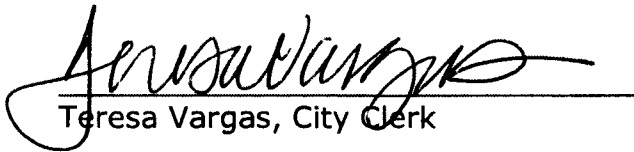
ABSENT: None

ABSTAIN: None



Sonny Dhaliwal, Mayor

ATTEST:



Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN JOAQUIN) ss.
CITY OF LATHROP)

I, Teresa Vargas, City Clerk of the City of Lathrop, California, do hereby certify that the foregoing Ordinance No. 21-428 was duly and regularly introduced at a regular meeting of the City Council on the 8th day of November 2021, and that thereafter said Ordinance was duly and regularly adopted at a regular meeting of the City Council on the 13th day of December 2021, by the following vote, to wit:

AYES: Diallo, Torres-O’Callaghan, and Dhaliwal
NOES: Akinjo and Lazard
ABSENT: None
ABSTAIN: None

This ordinance was duly published in accordance with State Law (G.C. 40806).

I hereby certify that the foregoing is the original of Ordinance No. 21-428 duly and adopted by the City of Lathrop City Council at its regular meeting held December 13, 2021, and that the Summary of the Ordinance was published on December 8, 2021, and Full Reading on December 22, 2021 in the Manteca Bulletin Newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Lathrop, California, this 22nd day of December 2021.



TERESA VARGAS, MMC
CITY CLERK

(SEAL)

New text is shown by underline; deleted text is shown by ~~strikethrough~~

Chapter 5.26 ~~PROHIBITION AGAINST COMMERCIAL CANNABIS~~ REGULATIONS

5.26.010 Purpose and intent.

~~The purpose of this chapter is to promote the public health, safety, and general welfare, and to enact a complete and total prohibition of commercial cannabis activity the city of Lathrop. (Ord. 18-387 § 1)~~It is the purpose and intent of this chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of and provide access to cannabis for medicinal purposes and implement the desire of California voters who approved the Adult Use of Marijuana Act (“AUMA”) by Proposition 64 in November 2016, while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this chapter to regulate the commercial cannabis activity in a responsible manner to protect the health, safety, and welfare of the residents of Lathrop and to enforce rules and regulations consistent with state law. Nothing in this chapter is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or local law. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to operate cannabis business in the City, such as conditional use permit issued pursuant to Title 17 of this Code, and are in addition to any permits, licenses, and approval required under state, county, or other law.

5.26.020 Legal Authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of MAUCRSA, and any subsequent state legislation and/or regulations regarding same, the City of Lathrop is authorized to adopt ordinances that establish standards, requirements, and regulations regarding health and safety, and worker protections established by the State of California, or any of its departments or divisions shall be the minimum standards applicable in the City of Lathrop to all commercial cannabis activity.

5.26.0230 Definitions.

“Business” means a profession, trade, occupation, gainful activity, and all and any kind of calling whether or not carried on for profit.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code.

“Cannabis business” means any business engaged in commercial cannabis activity. “Cannabis Business” does not include any of the following:

1. A clinic pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the Health and Safety Code.
5. The cultivation, delivery, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with identification card as defined by Section 11362.7 of Health and Safety Code provided such activity complies strictly with all applicable state law, including but not limited to, Sections 11362.5 and 11362.765 of the Health and Safety Code.

“Cannabis cultivation business” means any business that, pursuant to a Type 1, Type 1A, Type 1B, Type 1C, Type 2, Type 2A, Type 2B, Type 3, Type 3A, Type 3B, Type 4, Type 5, Type 5A, Type 5B, or Type 12 state business license, or their successors, cultivates cannabis or cannabis products.

“Cannabis delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Cannabis delivery” also includes the use by a retailer of any technology platform.

“Cannabis delivery business” means any cannabis business that, pursuant to a Type 10 state cannabis license, or its successors, delivers, makes available, or distributes cannabis and cannabis products to a consumer.

“Cannabis dispensary” means any cannabis business where medicinal or adult-use cannabis or cannabis products are sold at retail, pursuant to a Type 10 state cannabis license, or its successors. A cannabis dispensary may include a cannabis business that provides cannabis deliveries.

“Cannabis distribution business” means any business that, pursuant to Type 11 or Type 13 state cannabis license, or their successors, procures, sells, or transports cannabis and cannabis products between cannabis businesses.

“Cannabis for personal use” means any use or possession of cannabis that does not require a license pursuant to Chapter 1 of Division 10 of the California Business and Professions Code.

“Cannabis manufacturing business” means any cannabis business that, pursuant to Type 6, Type 7, or Type 12 state cannabis license, or their successors, manufactures cannabis or cannabis products.

“Cannabis product” means cannabis or a product containing cannabis, including, but not limited to, manufactured cannabis, and shall have the same meaning as in Section 11018.1 of the California Health and Safety Code. For purposes of this chapter, “cannabis” does not include

industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

“Cannabis testing laboratory” means a cannabis business that tests cannabis or cannabis products pursuant to a Type 8 state cannabis license, or its successors.

“City” or “City of Lathrop” means the City of Lathrop, a California general law City.

“City Council” means the City Council of the City of Lathrop.

“Commercial cannabis activity” means any activity including cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensaries, collectives, cooperatives and sale of cannabis or cannabis products that requires a state license.

“Commercial cannabis business” or “Cannabis business” means any business or operation which engages in medicinal or adult-use commercial cannabis activity.

“Commercial cannabis waste” means cannabis plants and plant materials that are discarded by a cannabis business, including, but not limited to, extra vegetative plants, failed clones, and harvest waste.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Day care center” means any licensed child care facility other than a small or large day care home, including infant centers and preschools.

“Department” means the Department of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Cannabis Control, the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.

“Juvenile” means any natural person who is under the age of eighteen years.

“License” means a state license issued pursuant to Business and Professions Code Section 26000.

“Manufacture” means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

“Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation. For the purposes of this chapter, the term “medicinal cannabis” is synonymous with medical cannabis.

“Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)” means Senate Bill 94 contained in Division 10 of the California Business and Professions Code. (Ord. 18-387 § 1)

“Microbusiness” means a commercial cannabis facility operating under a state Type 12 license, or a state cannabis license type subsequently established, and meeting the definition of microbusiness Business and Professions Code section 26070(a)(3)(A), as may be amended from time to time, which cultivates less than 10,000 square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and retailer.

“Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

“Primary caregiver” has the same meaning as that term is defined by Section 11362.7 of the Health and Safety Code.

“Qualified patient” has the same meaning as that term is defined by Section 11362.7 of the Health and Safety Code.

“School” means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school where education is primarily conducted in private homes.

“State” means the State of California.

“State license” means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same, to engage in commercial cannabis activity.

“Volatile solvent” means volatile organic compounds, including but not limited to: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O2 or H2; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene, Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene as determined by the Fire Marshal.

“Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social teenage club facilities, video arcades, or similar amusement park facilities.

~~5.26.030 Prohibition.~~

~~———— A. ——— Commercial cannabis activities of all types including, but not limited to, dispensaries, collectives, cooperatives, transportation, distribution, manufacturing, delivery, storing, testing, sale, processing and cultivation are expressly prohibited within the city limits. No person shall establish, operate, conduct, or allow any commercial cannabis (marijuana) activity anywhere within the city.~~

~~———— B. ——— This section is meant to prohibit all activities for which a state license is required. Accordingly, the city shall not issue any permit, license, authorization or other entitlement for any activity for which a state license is required under MAUCRSA.~~

~~C. This section is not intended to prohibit cannabis for personal use or cannabis cultivation for personal use as set forth in Chapter 8.44 of the LMC.~~

~~D. This section is not intended to prohibit any of the following:~~

~~1. A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code.~~

~~2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code.~~

~~3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code.~~

~~4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the California Health and Safety Code.~~

~~5. The cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined by Section 11362.7 of Health and Safety Code provided such activity complies strictly with all applicable state law, including, but not limited to, Sections 11362.5 and 11362.765 of the California Health and Safety Code. (Ord. 18-387 § 1)~~

5.26.040 Public nuisance.

~~Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to California Code of Civil Procedure Section 731 or any other remedy available to the city. (Ord. 18-387 § 1)~~

5.26.040 State and local requirements.

A. Any cannabis business allowed in the city shall obtain all of the following:

1. Development Agreement;

2. Conditional Use Permit pursuant to Lathrop Municipal Code Chapter 17.112;

3. Site Plan Review, if applicable, pursuant to Lathrop Municipal Code Chapter 17.100;

4. City Business License.

B. All cannabis businesses shall maintain compliance with Title 17 of the Lathrop Municipal Code.

C. A valid city and state license must be clearly posted in a conspicuous place within the permitted premises.

5.26.050 Selection procedure.

A. The City Manager, or his or her designee(s), may design application forms and procedures specific to each permitted license type, including online permitting, and require inspections of proposed facilities before issuing a permit under this Chapter. Such procedures may include a request for proposal (RFP) process for certain license types where deemed necessary.

B. Applications shall be reviewed by City staff or qualified consultants, as designated by the City Manager for City Council consideration. Such review may include a scoring or merit based system.

C. Applicants providing false or misleading information in the selection process will result in rejection of the application and/or nullification or revocation of any issued permit.

D. Applications shall require, at a minimum, the following:

1. All necessary information related to the business its operators, including names, birth dates, addresses, social security or tax identification numbers, all relevant criminal history, relevant work history, names of cannabis businesses owned or operated by the applicant within the last ten (10) years, investor and/or partner information, and APN number of the parcel upon which the business will be located. Such private information will be exempt from disclosure to the public, pursuant to applicable law, to protect an individual's privacy interests and public health and safety.

2. Business Plan.

3. Security Plan as required under Section 5.26.090.

4. Site Plan.

5. Floor Plan.

6. Hazardous Materials Information. To the extent that the applicant intends to use any hazardous materials in its operations, the applicant shall provide a hazardous materials management plan that complies with all federal, state, and local requirements for management of such substances. "Hazardous materials" includes any hazardous substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances.

7. Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign the application and shall include affidavits agreeing to abide by and conform to the conditions of the permit and all provisions of the Lathrop Municipal Code pertaining to the establishment and operation of the commercial cannabis use, including, but not limited to, the provision of this Chapter. The affidavit(s) shall acknowledge that the approval of the permit shall, in no way, permit activity contrary to the Lathrop Municipal Code, or any activity which is in violation of any applicable laws.

5.26.060 Development Agreement.

A. Prior to operating in the City, and as a condition of issuance of any applicable permits, including but not limited to, a business license, the applicant seeking to operate a cannabis business shall enter into a Development Agreement with the city setting forth the terms and conditions under which the cannabis business will operate. Such Development Agreement shall be in addition to the requirements of this chapter as mutually agreed upon that will protect and promote the public health, safety, and welfare of all persons in the city.

B. Every Development Agreement approved by the city pursuant to this chapter shall be subject to an annual review by the City Council to determine compliance with the terms of the development agreement, applicable local and state laws and regulations, this chapter, and the Lathrop Municipal Code.

5.26.070 Maximum number and type authorized.

A. The number of each type of cannabis business that shall be permitted to operate in the city at any one given time shall be as follows:

1. Cannabis Cultivation Business (Indoor Only) – Not permitted.
2. Cannabis Delivery Business (stand alone) – Not Permitted.
3. Cannabis Dispensary – A maximum of one (1) cannabis dispensary.
4. Cannabis Distribution Business – Not permitted.
5. Cannabis Manufacturing Business – Not permitted.
6. Cannabis Microbusiness – Not permitted.
7. Cannabis Testing Laboratory – Not permitted.

This section is only intended to create a maximum number of cannabis businesses that may operate in the city under each category.

5.26.080 Location and minimum proximity requirements.

A. Cannabis business uses shall be located in compliance with Chapter 17.18 of the Lathrop Municipal Code.

B. No cannabis business shall be located within six hundred feet (600') of a school, child day care center, or youth center, as measured from the nearest property lines.

C. No cannabis business shall be located within one thousand feet (1,000') from the following roadways, as measured from the centerline of the street:

1. Spartan Way and Lathrop Road, between the intersection of Spartan Way/Stanford Crossing and Lathrop Road/Harlan Road.

2. Golden Valley Parkway, between the intersection of Golden Valley Parkway/Spartan Way and Golden Valley Parkway/River Islands Parkway.

5.26.090 Cannabis dispensaries

A. Cannabis dispensaries shall maintain all applicable state licenses and comply with all of the following:

1. The number of cannabis dispensaries permitted shall be pursuant to Section 5.26.070 and is subject to the requirements in Title 17 of the Lathrop Municipal Code.

2. Cannabis dispensaries shall only be allowed within fully enclosed buildings pursuant to Section 5.26.100 A. The maximum building size occupied by a cannabis dispensary shall not exceed 5,000 square feet.

3. Any commercial cannabis activity related to delivery shall maintain all applicable state licenses and locally required permits and licenses.

4. Tax Compliance. A cannabis dispensary shall maintain any applicable tax certificates and permits, and timely remit any taxes due to the appropriate government entity.

5. Insurance. A cannabis dispensary shall maintain certificates of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the cannabis business.

6. Emergency Contact. A cannabis dispensary shall provide the city manager with the current name and primary and secondary telephone numbers of at least one (1) twenty-four (24) hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the dispensary. The dispensary shall make good faith efforts to encourage neighborhood residents to call this person to solve operating problems, if any, before any calls or complaints are made to the city.

7. Required Signage. The following signs, in measurements of not less than eight by ten inches (8"x10"), shall be clearly and legibly posted in a conspicuous location inside the dispensary where they will be visible to customers in the normal course of a transaction, stating:

1. "The sale of cannabis without a state license and local permit is illegal"

2. "Smoking cannabis on this property, within twenty feet (20') of the dispensary, or in any public place is illegal under California law."

3. "For medical cannabis dispensaries: "No one under the age of eighteen (18) shall be allowed on the premises, unless they are a qualified patient or a primary care giver."

4. "For nonmedical cannabis dispensaries: "No one under the age of twenty-one (21) shall be allowed on the premises."

5. “For all cannabis dispensaries: “This business is under surveillance accessible by Lathrop Police.”

5.26.100 Development and operational standards.

The following standards and regulations apply to all commercial cannabis uses:

A. Building Requirements. All structures used in commercial cannabis uses shall be located in structures designated for that occupancy and shall comply with all applicable sections of the Lathrop Municipal Code. Commercial cannabis uses that provide access to the public including, but not limited to, employees, vendors, contractors, business partners, members, customers, or patients shall meet Lathrop Municipal Code and state requirements for accessibility including accessible parking, assessable path of travel, restrooms, and washing facilities.

B. Emissions Control. All commercial cannabis uses shall utilize appropriate measures in construction and, where applicable, operations to prevent the emissions of dust, smoke, noxious gases, or other substances that have the potential to impact local or regional air quality.

C. Hours of Operation. The maximum hours of operation for a commercial cannabis use shall be established by the conditional use permit and Development Agreement issued by the City, provided that the hours shall not exceed the maximum hours of operation allowed under state law.

D. Odor Control and Ventilation. Commercial cannabis uses shall comply with all current and future state law and regulations related to odor control and ventilation, in addition to any specific requirements for the particular use established in this chapter. No commercial cannabis use may operate in a manner whereby cannabis odors are detectable from adjacent and nearby properties. All commercial cannabis uses must install a ventilation system that adequately controls for odor, humidity, and mold. Conditions of approval may include a schedule related to changing filters.

E. Lighting. All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky.

F. Police Notification. A cannabis dispensary shall notify the chief of police or his/her designee(s) within twenty-four (24) hours after discovery any of the following:

a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City.

b. Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the cannabis business.

c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the cannabis business.

d. Any other breach of security.

G. Security Plan. Security plan including but not limited to the following information:

a. Security Surveillance Cameras. Security surveillance cameras and a video recording system shall be installed to monitor all doors into the buildings on the business site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the business site. The recording system shall be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.

b. Security Video Retention. Video from the security surveillance cameras shall be recorded at all times (twenty-four hours a day, seven days a week) and the recording shall be maintained for at least ninety days. The video recording shall be made available to the city upon request.

c. Alarm System. Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition. The alarm system shall include a private security company that is required to respond to every alarm.

H. Waste Management Plan. A cannabis dispensary shall submit and comply with an approved commercial cannabis waste management plan describing how commercial cannabis waste will be disposed.

I. Weights and Measures. All scales used for commercial transactions shall be registered for commercial use and sealed by the Department of Agriculture/Weights & Measures.

J. Tracking. Commercial cannabis operators shall comply with any track and trace program established by state agencies. Commercial cannabis operators must maintain records tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the City upon request. Commercial cannabis operators shall comply with a County track and trace system if one is adopted by the County.

K. Restrictions on Alcohol Sales and Consumption. No alcoholic beverages may be sold, dispensed, or consumed on or about the premises of any commercial cannabis business.

5.26.110 Health and safety.

Commercial cannabis uses shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.

5.26.120 Taxes.

Commercial cannabis uses shall comply with additional taxes that may be enacted by the voters or any additional regulations that may be promulgated in addition to all current applicable state and local taxes.

5.26.130 Employees.

A. All employees of commercial cannabis businesses must be at least twenty-one (21) years of age.

B. All employees of commercial cannabis business may be subject to background search by the California Department of Justice and local law enforcement. Permits for commercial cannabis uses may not be permitted for operators with felony convictions, as specified in subdivision (c) of Section 667.5 of the Penal Code, and subdivision (c) of Section 1192.7 of the Penal Code. Permits for commercial cannabis uses may not be permitted for operators with criminal convictions that substantially relate to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement or a criminal conviction for the sale or provision of illegal controlled substances to a minor.

C. Each owner or operator of a commercial cannabis business shall maintain onsite a current register of all the employees currently employed by the commercial cannabis business, and shall produce such register to the Chief of Police, designee, or any other City official authorized to enforce the Lathrop Municipal Code for purposes of determining compliance with this chapter.

D. The Chief of Police is authorized to implement an employee permit system, whereby any employee or volunteer of a commercial cannabis business, must obtain a work permit from the City of Lathrop.

1. At a minimum, such program shall require the issuance of a permit that must be visibly displayed at all times by the employee or volunteer when he or she is working and contains a recent photograph of the individual and the name of the commercial cannabis business where he or she works or volunteers.

2. The Chief of Police may establish a fee for the cost of issuing such a permit.

5.26.150 Promulgation of regulations, requirements, standards and other legal duties.

A. Regulations shall be published on the City's website.

B. The amount of any fee, cost or charge imposed pursuant to this chapter shall be deemed a debt to the City of Lathrop that is recoverable via an authorized administrative process as set forth in the Lathrop Municipal Code, or in any court of competent jurisdiction.

5.26.160 Permit holder responsible for violations.

The person to whom a permit is issued pursuant to this chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Lathrop, whether committed by the permittee or any employee, volunteer, or agent of the permittee, which violations occur in or about the premises of the cannabis business, and violations which occur during deliveries to off-site locations, whether or not said violations occur within the permit holder's presence.

5.26.170 Inspection and enforcement.

A. The City Manager or designee(s), Chief of Police or designee(s), and Fire Chief or designee(s) charged with enforcing the provisions of the Lathrop Municipal Code, or any provision thereof, may enter the location of a cannabis business during normal business hours, without notice, and inspect the location of any cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.

B. It is unlawful for any person having responsibility over the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this chapter or under state or local law.

5.26.180 Violations declared a public nuisance.

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

5.26.190 Each violation a separate offense.

Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Lathrop Municipal Code. Additionally, as a nuisance per se, any violation of this chapter shall be subject to injunctive relief, and any permit issued pursuant to this chapter shall be deemed null and void, entitling the City to disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity, including the imposition of a civil penalty not to exceed one thousand and no/100ths (\$1,000.00) dollars for each day, or part thereof, such violation or failure to comply occurs. The City of Lathrop may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the Police Chief or designee(s), may take immediate action to temporarily suspend a cannabis business permit issued by the City, pending a hearing before the City Council.

5.26.200 Criminal penalties.

Each and every violation of the provisions of this Chapter may be prosecuted as a misdemeanor at the discretion of the City Attorney and upon conviction be subject to a fine not to exceed one thousand and no/100ths (\$1,000.00) dollars or imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

5.26.210 Remedies cumulative and not exclusive.

The remedies provided herein are not to construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provide by law.

5.26.220 Service of notices.

All notices required by this chapter are deemed issued and served upon the date they are either deposited in the United States mail, postage pre-paid, addressed to the applicant or cannabis business at the mailing address identified in its application, the last updated address on file with the City Manager's office, or the mailing address on the appeal form; or the date upon which personal service of the notice is provided to the applicant or a manager identified on the application or appeal form.

New text is shown by underline; deleted text is shown by ~~strikethrough~~

Chapter 17.18 ~~PROHIBITED CANNABIS ACTIVITIES~~

Note

* ~~———— Prior ordinance history: Ord. 14 338.~~

17.18.010 Purpose.

~~———— The purpose of this chapter is to promote the public health, safety, and general welfare, and to enact a complete and total prohibition of commercial cannabis activity in the city of Lathrop. (Ord. 18-387 § 1)~~ The purpose and intent of this chapter is to define the Zoning Districts in which Commercial Cannabis Uses are permitted consistent with the standards pursuant to Chapter 5.26. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to operate cannabis business in the City.

17.18.020 Definitions.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code.

“Cannabis cultivation business” means any business that, pursuant to a Type 1, Type 1A, Type 1B, Type 1C, Type 2, Type 2A, Type 2B, Type 3, Type 3A, Type 3B, Type 4, Type 5, Type 5A, Type 5B, or Type 12 state business license, or their successors, cultivates cannabis or cannabis products.

“Cannabis delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Cannabis delivery” also includes the use by a retailer of any technology platform.

“Cannabis delivery business” means any cannabis business that, pursuant to a Type 10 state cannabis license, or its successors, delivers, makes available, or distributes cannabis and cannabis products to a consumer.

“Cannabis dispensary” means any cannabis business where medicinal or adult-use cannabis or cannabis products are sold at retail, pursuant to a Type 10 state cannabis license, or its successors. A cannabis dispensary may include a cannabis business that provides cannabis deliveries.

“Cannabis distribution business” means any business that, pursuant to Type 11 or Type 13 state cannabis license, or their successors, procures, sells, or transports cannabis and cannabis products between cannabis businesses.

“Cannabis for personal use” means any use or possession of cannabis that does not require a license pursuant to Chapter 1 of Division 10 of the California Business and Professions Code.

“Cannabis manufacturing business” means any cannabis business that, pursuant to Type 6, Type 7, or Type 12 state cannabis license, or their successors, manufactures cannabis or cannabis products.

“Cannabis product” means cannabis or a product containing cannabis, including, but not limited to, manufactured cannabis, and shall have the same meaning as in Section 11018.1 of the California Health and Safety Code. For purposes of this chapter, “cannabis” does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

“Cannabis testing laboratory” means a cannabis business that tests cannabis or cannabis products pursuant to a Type 8 state cannabis license, or its successors.

“Commercial cannabis activity” means any activity including cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensaries, collectives, cooperatives and sale of cannabis or cannabis products that requires a state license.

“Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)” means Senate Bill 94 contained in Division 10 of the California Business and Professions Code. (Ord. 18-387 § 1)

17.18.030 Commercial cannabis - usesProhibition.

A. The Use Table in Section 17.18.040 lists the zoning districts and commercial cannabis uses. The regulations for each district and use are established by letter designation as follows:

1. “C” designates commercial cannabis uses permitted upon approval of a Conditional Use Permit, as provided in Chapter 17.112.

B. Commercial cannabis uses are defined in Section 17.18.020 and Section 5.26.030. In cases where a proposed use is not listed or defined, the use is prohibited.

17.18.040 Commercial Cannabis – Use Table

Commercial Cannabis – Use Table^{1,2,3}

<u>Commercial Cannabis Use</u>	<u>CN</u>	<u>CC</u>	<u>CS</u>	<u>CH</u>	<u>CS-MV</u>	<u>CH-MV</u>	<u>CV-MV</u>	<u>CO-LG</u>	<u>CS-LG</u>	<u>CO-SL</u>	<u>CR-RI</u>	<u>NC-CL</u>	<u>CO-CL</u>
<u>Cannabis cultivation business</u>													
<u>Cannabis delivery business (stand-alone)</u>													
<u>Cannabis dispensary</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Cannabis distribution business</u>													
<u>Cannabis manufacturing business</u>													
<u>Cannabis testing laboratory</u>													
<u>Cannabis microbusiness</u>													

¹ Must comply with Chapter 5.26, Commercial Cannabis Regulations.

² Commercial cannabis use not listed or identified with a “C” in this Table are prohibited.

³ MV = Mossdale Village, LG = Lathrop Gateway, SL = South Lathrop, CL = Central Lathrop, RI = River Islands

~~A. Commercial cannabis activities of all types including, but not limited to, dispensaries, collectives, cooperatives, transportation, distribution, manufacturing, delivery, storing, testing, sale, processing and cultivation are expressly prohibited within the city limits. No person shall establish, operate, conduct, or allow any commercial cannabis (marijuana) activity anywhere within the city.~~

~~B. This section is meant to prohibit all activities for which a state license is required. Accordingly, the city shall not issue any permit, license, authorization or other entitlement for any activity for which a state license is required under MAUCRSA.~~

~~C. This section is not intended to prohibit cannabis for personal use or cannabis cultivation for personal use as set forth in Chapter 8.44 of the LMC.~~

~~D. This section is not intended to prohibit any of the following:~~

~~1. A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code.~~

~~2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code.~~

~~3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code.~~

~~4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the California Health and Safety Code.~~

~~5. The cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined by Section 11362.7 of the Health and Safety Code provided such activity complies strictly with all applicable state law, including but not limited to, Sections 11362.5 and 11362.765 of the California Health and Safety Code. (Ord. 18-387 § 4)~~

17.18.040 Public nuisance.

~~Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to California Code of Civil Procedure Section 731 or any other remedy available to the city. (Ord. 18-387 § 1)~~

New text is shown by underline; deleted text is shown by ~~strikethrough~~

Chapter 17.18 ~~PROHIBITED-CANNABIS ACTIVITIES~~

Note

* ~~_____ Prior ordinance history: Ord. 14-338.~~

17.18.010 Purpose.

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17.18.030 Commercial cannabis - uses ~~Prohibition.~~

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17.18.040 Commercial Cannabis – Use Table

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~~A. — Commercial cannabis activities of all types including, but not limited to, dispensaries, collectives, cooperatives, transportation, distribution, manufacturing, delivery, storing, testing, sale, processing and cultivation are expressly prohibited within the city limits. No person shall establish, operate, conduct, or allow any commercial cannabis (marijuana) activity anywhere within the city.~~

~~B. — This section is meant to prohibit all activities for which a state license is required. Accordingly, the city shall not issue any permit, license, authorization or other entitlement for any activity for which a state license is required under MAUCRSA.~~

~~C. — This section is not intended to prohibit cannabis for personal use or cannabis cultivation for personal use as set forth in Chapter 8.44 of the LMC.~~

~~D. — This section is not intended to prohibit any of the following:~~

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~~2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code.~~

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[...]

5.04.190 Authorization by chief of police.

A. No license shall be issued for the following businesses without prior authorization by the chief of police:

1. Solicitors and peddlers, handbill distributors;
2. Vehicular street advertising;
3. Machines or games for skill or amusement, or amusement arcades;
4. Bowling alleys, ice or roller skating rinks;
5. Pool and billiard halls;
6. Theaters maintaining a fixed place of business in the city;
7. Dance halls or operation of premises where dancing is permitted;
8. Animal hospitals, kennels and boarding stables;
9. Pawn brokers and watchpersons;
10. Private police and detective agencies;
11. Junk dealers or collectors, second hand dealers (including second hand jewelry dealers);
12. Automobile and machine wrecking yards;
13. Automobile parking lots;
14. Used car, used truck and used trailer establishments;
15. Fortune telling;
16. Klieg lights (large rotating lights);
17. Auctioneers;
18. Hospitals, sanitariums, rest homes, mortuaries and funeral parlors;
19. Fire sales or sales after catastrophes;
20. Vending machines.

21. Cannabis business

B. The chief of police may limit the hours and days of the week during which the license is valid. If limitations are made, they shall be so noted on the license and the license will be deemed valid only during the hours of authorization, excluding cannabis business.

C. If, in the judgment of the chief of police, the representations made in the application or in investigation of the applicant discloses that the granting of the license applied for may be detrimental to the public peace, morals, health, safety or general welfare, or that the applicant is not of good moral character or has been convicted of any violation of the law involving moral turpitude, he or she shall not authorize the issuance of the license, excluding cannabis business.

D. The finance director shall thereupon advise the applicant that he or she may appeal to the city council in the same manner as required for license initially requiring authorization by the city council. (Ord. 02-198 § 1; prior code § 110.40)

[...]

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D. The finance director shall thereupon advise the applicant that he or she may appeal to the city council in the same manner as required for license initially requiring authorization by the city council. (Ord. 02-198 § 1; prior code § 110.40)

[...]

RESOLUTION NO. 22-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING PROCEDURES FOR APPEALS OF DECISIONS UNDER CHAPTER 5.26 OF THE LATHROP MUNICIPAL CODE

WHEREAS, the City Council of the City of Lathrop approved Ordinance No. 21-428, establishing requirements for operation of commercial cannabis businesses within the City of Lathrop (the "City"); and

WHEREAS, the City Council authorized issuance of a Request for Proposals establishing a merit-based approach to award a commercial cannabis business permit to operate a dispensary within the City; and

WHEREAS, the City Council now desires to establish a procedure by which aggrieved parties may appeal decisions of the City under Chapter 5.26 of the Lathrop Municipal Code, including, but not limited to, the City Council's award of commercial cannabis business permits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY RESOLVE AND APPROVES the Commercial Cannabis Appeal Procedures, attached hereto as Exhibit "A" and incorporated herein by this reference, and are hereby adopted.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 14th day of February, 2022, by the following vote:

AYES:

NOES:

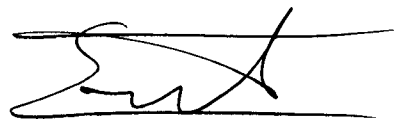
ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:



Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

CITY OF LATHROP
COMMERCIAL CANNABIS
APPEAL PROCEDURES

Pursuant to Lathrop Municipal Code Chapter 5.26, the City Council of the City of Lathrop hereby adopts the following regulations governing appeals of decisions of the City under Chapter 5.26 of that Code, including, but no limited to, award of commercial cannabis business permits.

1. **DEADLINE.** An appeal may be submitted to the City Clerk in writing within 15 days of the date the decision appealed was made. Appeals shall be filed on a form provided by the City.
2. **FILING FEE.** An appeal must be accompanied by an appeal fee established from time to time by resolution of the City Council. As of February 2022, the fee is \$588.00. An appeal is not perfected until the City Clerk receives both the appeal form and the filing fee.
3. **DECISIONMAKER.** The City Council shall appoint a hearing officer to hear any appeal received, pursuant to the procedures established herein. Any hearing officer shall be a neutral party uninvolved in the making of the decision from which appeal is taken.
4. **HEARING PROCEDURES.**
 - a. **BRIEFING.** The hearing officer shall establish deadlines by which:
 - i. The City or the appellant may invite any other person with an interest in the appeal, including but not limited to a successful applicant for a license as to an appeal by an unsuccessful applicant for that same license (“real party in interest”), or such real party in interest may state interest in intervening in the appeal or participating in it as an amicus without invitation by the City or the appellant;
 - ii. The appellant must submit all arguments and evidence relevant to the appeal,

- iii. City staff and any real party in interest may submit counter-arguments and evidence, and
 - iv. The appellant may submit reply papers. If the hearing officer orders an oral hearing on an appeal, any reply papers shall be submitted no later than five business days before the hearing.
- b. REPRESENTATION. An appellant or real party in interest may represent him- or herself or may retain counsel or a non-attorney representative to argue an appeal.
- c. ORAL HEARING. These rules confer no right to an oral hearing and the hearing officer retains discretion to decide the appeal on the papers but the City, the appellant, or any real party in interest may make written request to the hearing officer for an oral hearing. If the hearing officer orders an oral hearing, the following procedures apply:
- i. NOTICE OF ORAL APPEAL HEARING. The City Clerk shall serve a notice of oral appeal hearing either personally or by U.S. Mail, first class postage prepaid, to the appellant at the address provided on the appeal form and to the real party in interest at such address as it may have provided the City. The hearing shall occur no sooner than 10 days after service of the notice.
 - ii. TIME AND PLACE OF HEARING. The hearing officer shall conduct any oral appeal hearing at the place and time stated in the notice of hearing. Appeal hearings may be held by teleconference or other electronic means in the hearing officer's discretion. A hearing may be continued from time to time by agreement of the appellant and City staff or for good cause as determined in the hearing officer's discretion.
 - iii. EVIDENCE. The hearing officer will consider written or oral testimony or other evidence regarding the issues the parties identify. Evidence to support a decision must be credible and relevant in the estimation of the hearing officer, but formal rules of evidence do not apply. The hearing officer retains the discretion to exclude evidence it finds to be unduly repetitious or irrelevant.

- iv. PRESIDING OFFICER. The hearing officer shall conduct the hearing, govern the presentation of evidence, and address any procedural issues presented during the course of the hearing. The hearing officer may issue orders, including protective orders, as necessary to exercise the appellate jurisdiction granted by these Procedures.
 - d. BURDEN OF PROOF; STANDARD OF REVIEW. The appellant bears the burdens to produce evidence of reversible error and to persuade the hearing officer of it by a preponderance of the evidence. The hearing officer shall affirm the decision appealed from unless the appellant persuades it that:
 - i. The procedure by which the decision was made violates due process or other applicable law;
 - ii. The substance of the decision violates the Lathrop Municipal Code or other applicable law; or
 - iii. The record on which the decision was made does not include substantial evidence to support factual findings the law requires for the decision.
- 5. CITY COUNCIL CONSIDERATION OF HEARING OFFICER'S RECOMMENDATION. If the City Council appoints a hearing officer, it shall consider his or her written recommended decision as follows:
 - a. HEARING OFFICER'S DECISION; TIME FOR SAME. After considering all arguments and evidence submitted, including testimony submitted at any oral appeal hearing, the hearing officer shall provide the City Council a recommended written decision to affirm (in all or part), modify, or reverse the decision appealed. The hearing officer shall render the written decision no later than 30 after the hearing is completed unless the appellant and City staff agree otherwise or the hearing officer determines in writing that 60 days are necessary due to the volume or complexity of the issues or evidence.
 - b. ORAL HEARING ON HEARING OFFICER'S RECOMMENDATION. The City Council may, in its discretion, order an oral hearing on the hearing officer's recommendation or may make a final decision based on the administrative

record before the hearing officer and the hearing officer's written recommendation without further input from the appellant, City staff, and the real party in interest (if any). Any oral hearing the City Council orders on the hearing officer's recommended decision shall be conducted pursuant to section 4 of these Procedures.

- c. COUNCIL ACTION ON HEARING OFFICER'S RECOMMENDATION. In its reasoned discretion under the standards stated in section 4.d. of these Procedures, the City Council may adopt or amend the hearing officer's recommendation in all or part or remand it to the hearing officer for further consideration.
 - d. NOTICE. Whether or not the City Council allows an oral hearing on the hearing officer's recommended decision, the City Clerk shall give notice (in the manner required by section 4.c.1. of these Procedures) of the City Council's consideration of that recommended decision, enclosing a copy of it, to every party who participated in the appeal before the hearing officer.
6. FINALITY. The City Council's adoption of a written decision on the appeal, whether or not provided by a hearing officer, shall be final as to the City and subject to judicial review as provided below.
 7. NOTICE OF DECISION. The City Clerk shall mail notice of the City Council decision to the appellant at the address provided on the appeal form and to any real party in interest as such address as it may have provided the City within five business days of the decision.
 8. JUDICIAL REVIEW. Judicial review of the City Council's decision on any appeal shall be subject to California Code of Civil Procedure section 1094.5, if timely filed as required by California Code of Civil Procedure section 1094.6.
 9. EXHAUSTION OF ADMINISTRATIVE REMEDIES. Failure to timely file a complete appeal form accompanied by the filing fee constitutes a waiver of appeal rights and a failure to exhaust administrative remedies. Failure to raise an issue on the appeal form or in the opening papers on an appeal constitutes a failure to exhaust administrative remedies as to that issue and a waiver of the right to raise that issue upon judicial review of the City Council's decision.

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ITEM 6.1

CITY MANAGER'S REPORT FEBRUARY 14, 2022 CITY COUNCIL REGULAR MEETING

ITEM: MAYOR'S REFERRAL

RECOMMENDATION: Appointment of One (1) Member to the Measure C Oversight Committee with Term Expiring June 30, 2022, Due to Unscheduled Vacancy

MEASURE C OVERSIGHT COMMITTEE – LMC CHAPTER 3.13.180

The Committee currently has one (1) available vacancy.

- One (1) seat available (unscheduled vacancy), with existing term ending June 30, 2022

Commissioner Vacancy due to Unscheduled Vacancy	Date of Appointment	Reappointment Date	Term Expiration Date
Jeremy Aguilar	02/10/20	N/A	06/30/22 <i>Resigned in May 2021</i>
Gene Neely	10/11/21	N/A	06/30/22 <i>Resigned in November 2021</i>

Three (3) applications were received.

APPLICANTS FOR CONSIDERATION:

1. James (Jim) Hilson
2. Debra Rock
3. Dan MacNeilage

OCT 08 2021



COMMISSION/COMMITTEE APPLICATION

FINANCE DEPARTMENT

Applying for: MEASURE C COMMITTEE

Special Requirements:

Youth Advisory Commission: Must be a Lathrop resident between 13 to 18 years of age to serve on this commission.

Senior Advisory Commission: Must be a Lathrop resident 50 years of age or over to serve on this commission.

Planning, Parks & Recreation Commissions, and Measure C Oversight Committee: Must be a Lathrop resident to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: JAMES (Jim) HILSON

Address: [REDACTED] City: LATHROP Zip: 95330

Telephone (home) _____ Telephone (work) _____

Telephone (cell) [REDACTED] Telephone (other) _____

Email: [REDACTED] Resident of the City of Lathrop: 38 years

Do you have Transportation to attend the Commission meetings and Functions? Yes No

Background Information:

Are you related to a current City Employee? NO

If yes, give name and relationship N/A

Employment/Volunteer Information:

MEASURE C COMMITTEE - LATHROP 2014-2019 (5 YRS)
Organization _____ Date _____

LATHROP _____ MEMBER / MEAS CHAIR
Location _____ Position(s) _____

Responsibilities/accomplishments: NORMAL CITY BUSINESS

SJ COG _____ 2005 TO PRESENT
Organization _____ Date _____

STOCKTON _____ CITIZENS COMMITTEE - LATHROP
Location _____ Position(s) _____

Responsibilities/accomplishments: 2 YRS VICE CHAIR, 2 YRS CHAIR
(1 YEAR TERMS)

Community Activities that you have been involved with (feel free to attach additional pages)

HABIT PRODUCTIONS TECHNICAL DIRECTOR / SOUND 1996-2002
Name of Organization Position/Responsibilities Dates

Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: TECHNICAL EMMYS FOR BROADCAST EQUIPMENT DEVELOPMENT

Educational Information:

CHABOT college AA ELECTRONICS 80
Educational Institution Degree/Diploma Field Year

Educational Institution Degree/Diploma Field Year

Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

ADVANCED TV STANDARDS COMMITTEE GROUP S34 MEMBER
ATSC 3.0 AUDIO STANDARDS

Please sign and date your application and submit to the Office of the City Clerk at the address below..

James D. [Signature] 10/8/2021
Signature Date

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330



COMMISSION/COMMITTEE APPLICATION

RECEIVED

Applying for: Measure "C" Committee

DEC 09 2021

CITY CLERK

Special Requirements:

Youth Advisory Commission: Must be a Lathrop resident between 13 to 18 years of age to serve on this commission.

Senior Advisory Commission: Must be a Lathrop resident 50 years of age or over to serve on this commission.

Planning, Parks & Recreation Commissions, and Measure C Oversight Committee: Must be a Lathrop resident to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Debra L. Rock
Address: [Redacted] City: Lathrop Zip: 95330
Telephone (home) [Redacted] Telephone (work) [Redacted]
Telephone (cell) [Redacted] Telephone (other) [Redacted]
Email: [Redacted] Resident of the City of Lathrop: 30 1/2 years

Do you have Transportation to attend the Commission meetings and Functions? Yes [X] No []

Background Information:

Are you related to a current City Employee? No

If yes, give name and relationship

Employment/Volunteer Information:

Lawrence Livermore National Security, LLC. 1982- Present
Organization Date
Livermore Senior Security Specialist
Location Position(s)

Responsibilities/accomplishments: To ensure best practices are used and considered before making a decision that would effect the organization, stakeholders and National Security.

Lathrop Community Volunteer Club (Lathrop CVC) 2016-Present
Organization Date
Lathrop Committee Member
Location Position(s)

Responsibilities/accomplishments: To help plan community events in the city. Current projects include the Annual Community BBQ honoring Lathrop Police & Firefighters. Operation Senior Christmas.



COMMISSION/COMMITTEE APPLICATION

Applying for: Measure C Oversight Committee

Special Requirements:

Youth Advisory Commission: Must be a Lathrop resident between 13 to 18 years of age to serve on this commission.
Senior Advisory Commission: Must be a Lathrop resident 50 years of age or over to serve on this commission.
Planning, Parks & Recreation Commissions, and Measure C Oversight Committee: Must be a Lathrop resident to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

RECEIVED

DEC 10 2021

Name: Dan MacNeilage

CITY CLERK

Address: [Redacted] City: Lathrop Zip: 95330

Telephone (home) [Redacted] Telephone (work) [Redacted]

Telephone (cell) [Redacted] Telephone (other) [Redacted]

Email: [Redacted] Resident of the City of Lathrop: 20+ years

Do you have Transportation to attend the Commission meetings and Functions? Yes [] No []

Background Information:

Are you related to a current City Employee? No

If yes, give name and relationship

Employment/Volunteer Information:

Haggerty Construction Currently
Stockton CA SUPERINTENDENT

Responsibilities/accomplishments: Planning, scheduling, budgeting & Supervising manpower & Progress of construction jobs.
Planning Commission City of Lathrop 07-12.
City of Lathrop Vice Chair / Member

Responsibilities/accomplishments: Review future development for the City. Work with Council within guidelines

Community Activities that you have been involved with (feel free to attach additional pages)

Kiwanis of Lathrop President 04-09
Name of Organization Position/Responsibilities Dates

Lathrop/MAN team Boys & Girls club Charter
Name of Organization Position/Responsibilities/Accomplishments Dates BOARD member

Special Awards or Recognitions you have received:

Regent Boys & Girls club / Relay for Life Organizer
MAKE A WISH / AGAPE Villages FORMER BOARD member

Educational Information:

UCLA AA HUMAN Development 1970
Educational Institution Degree/Diploma Field Year

Alaska Pacific Univ Construction Management 1985
Educational Institution Degree/Diploma Field Year

Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

I recall when Measure C was approved, and the
best spirit & intent of its body. What is
to be meant to the fire Dept. and the city-
I believe my knowledge and insight will
allow me to serve objectively

Please sign and date your application and submit to the Office of the City Clerk at the address below..

[Signature]
Signature

6 Dec 21
Date

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

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