

June 11, 2018 – 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
Mark Elliott, Vice Mayor
Paul Akinjo
Steve Dresser
Martha Salcedo

City Staff

Stephen Salvatore, City Manager
Salvador Navarrete, City Attorney
Teresa Vargas, City Clerk
Glenn Gebhardt, City Engineer
Cari James, Finance & Administrative
Services Director
Mark Meissner, Community
Development Director
Zachary Jones, Parks & Recreation
Director
James Hood, Police Chief

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 to be 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.



JUNE 11, 2018 – City Council Regular Meeting Agenda – 7:00 p.m.



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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. **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.

To leave a voice message for the Mayor and all Councilmembers simultaneously, dial (209) 941-7220. To send an e-mail for the Mayor and all Councilmembers simultaneously, citycouncil@ci.lathrop.ca.us

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Information

Copies of the Agenda are available in the lobby at the Lathrop City Hall, 390 Towne Centre Drive, Lathrop, on Thursday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items 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 "J" Street Fire Department. The meetings of the Lathrop City Council are broadcast on Lathrop Comcast Cable Television Channel 97.

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:

Address: City Clerk
City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330
Telephone: (209) 941-7230

Your interest in the conduct of your City's business is appreciated.

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, JUNE 11, 2018
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 6:00 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)

- 2 Potential Case(s)

1.2.2 Public Employee Performance Evaluation Pursuant to Government
Code Section 54957

- City Manager
- City Attorney

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 NEW EMPLOYEE INTRODUCTIONS

- Maria Lamas, Administrative Assistant
- Felix Ajayi, Project Manager

2.2 MAYOR'S COMMITTEE REPORT(S)

- Parks & Recreation Update on Committee Events and Programs

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 to be 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 of Ordinances and Resolutions on Agenda Unless Otherwise Requested by the Mayor or a Councilmember

4.2 APPROVAL OF MINUTES

Approve Minutes for the Regular Council Meeting of May 14, 2018

4.3 GENERAL MUNICIPAL ELECTION – NOVEMBER 6, 2018

Council to Consider the Following:

1. Adopt Resolution Calling for the Holding of a General Municipal Election on Tuesday, November 6, 2018;
2. Adopt Resolution Requesting the County of San Joaquin to Consolidate the General Municipal Election with the Statewide General Election; and
3. Adopt Resolution Approving Regulations Pertaining to the Candidate Statements

4.4 GANN APPROPRIATION LIMIT FOR FISCAL YEAR 2018/19

Adopt Resolution Determining the Total Annual Appropriations Subject to Limitation, for Fiscal Year 2018/19

- 4.5 APPOINTMENT OF COUNCILMEMBER AKINJO AS THE VOTING DELEGATE FOR 2018 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE
Appoint Councilmember Akinjo as the City's Voting Delegate for the 2018 League of California Cities Annual Conference, September 12 – 14, Long Beach
- 4.6 AGREEMENT FOR PUBLICATION OF LEGAL ADVERTISEMENTS
Adopt Resolution Awarding Agreement to the Manteca Bulletin for Publication of Legal Advertisements for the Period of July 1, 2018 through June 30, 2019
- 4.7 CITY ANNIVERSARY CELEBRATION TEMPORARY STREET CLOSURE
Adopt Resolution Approving Temporary Street Closures for the Lathrop Anniversary Celebration on July 1, 2018
- 4.8 APPROVE A MASTER AGREEMENT AND TASK ORDERS 1 AND 2 WITH CRANE TRANSPORTATION GROUP
Adopt a Resolution Approving a Master Agreement with Crane Transportation Group and Task Orders 1 and 2 for Traffic Monitoring and Analysis Services
- 4.9 ADOPT ADEQUATE PROGRESS FINDINGS TOWARD PROVISION OF 200-YEAR URBAN LEVEL OF FLOOD PROTECTION FOR RECLAMATION DISTRICT 2062 (RIVER ISLANDS)
Adopt Resolution, Acting as the Land Use Authority, Adopting Adequate Progress Findings toward providing a 200-Year Urban Level of Flood Protection in Phase 1 (Stages 1, 2A and 2B) Area by the Year 2025
- 4.10 TRANSPORTATION DEVELOPMENT ACT CLAIM FOR FISCAL YEAR 2017/18
Adopt Resolution Authorizing the Filing of a Transportation Development Act (TDA) Claim for Local Transportation Funds (LTF) for Fiscal Year 2017/18
- 4.11 APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 74 LOTS IN TRACT 3835 VILLAGE "N" WITHIN EAST VILLAGE OF RIVER ISLANDS
Adopt Resolution Approving Final Map for Tract 3835 Village "N" within East Village, Totaling 74 Single Family Lots and a Subdivision Improvement Agreement with River Islands Development, LLC, and City of Lathrop Annexation No. 7 CFD 2013
- 4.12 INDUSTRIAL SOLID WASTE LICENSE RENEWAL FOR FISCAL YEAR 2018-19
Adopt a Resolution Approving Annual Industrial Solid Waste License Renewal for Stockton Scavengers Association and Delta Container Corporation

- 4.13 CREATE CIP PK 18-10 MOSSDALE COMMUNITY PARK TRAIL LIGHTING AND AWARD A CONSTRUCTION CONTRACT TO T & S INTERMODAL MAINTENANCE, INC.
Adopt Resolution Approving the Creation of CIP PK 18-10 Mossdale Community Park Trail Lighting, Award Construction Contract to T & S Intermodal Maintenance Inc., and Approve Related Budget Amendment
- 4.14 AGREEMENT WITH H2O URBAN SOLUTIONS, INC. FOR WATER SYSTEM OPERATIONS SUPPORT SERVICES AND A RELATED BUDGET AMENDMENT
Adopt a Resolution Approving an Agreement with H2O Urban Solutions, Inc. for Water System Operations Support Services for Fiscal Year 2018-2019 and a Related Budget Amendment
- 4.15 APPROVE PURCHASE OF SURPLUS WATER METER EQUIPMENT FROM THE CITY OF MERCED
Adopt a Resolution Approving the Purchase of Surplus Water Meter Equipment from the City of Merced Associated with CIP PW 13-08 Water Improvements
- 4.16 APPROVE TASK ORDER NO. 9 WITH 4LEAF, INC. FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTANT SERVICES
Adopt a Resolution Approving Task Order No. 9 to the Master Professional Consulting Services Agreement with 4Leaf, Inc. for Interim Chief Building Official Consultant Services

5. SCHEDULED ITEMS

- 5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER TENTATIVE PARCEL MAP FOR THE NORTH CROSSROADS BUSINESS CENTER PROJECT
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Adopt a Resolution affirming the Planning Commission's recommendation to approve the Tentative Parcel Map for the North Crossroads Project (TPM-18-18)
- 5.2 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER GENERAL PLAN AMENDMENT AND ZONING MAP AMENDMENT FOR THE LBA NORTH PROJECT
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Adopt a Resolution adopting the Initial Study and Negative Declaration for the LBA North Project.
 3. Adopt a Resolution approving the General Plan Map Amendment from Freeway Commercial to General Industrial for the LBA North Project (GPA-18-22).
 4. Introduction and First Reading of an Ordinance approving a Zoning Map Amendment from Highway Commercial to General Industrial for the LBA North Project (REZ-18-23)

- 5.3 PUBLIC HEARING (PUBLIC NOTICE) TO CONSIDER MUNICIPAL CODE TEXT AMENDMENT NO. TA-18-56
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Introduction and First Reading an Ordinance Adopting Amendments to the Lathrop Municipal Code (LMC) Title 17, the Zoning Code, Chapter 17.84 (Signs) with the Specific Purpose of Establishing "Content Neutrality" for Temporary Noncommercial Signage
- 5.4 PUBLIC HEARING (PUBLIC NOTICE) AND INTRODUCTION OF AN ORDINANCE ADDING LATHROP MUNICIPAL CODE CHAPTER 13.22 ENTITLED "STATE VIDEO SERVICE FRANCHISES"
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Introduction and First Reading of an Ordinance Adding Lathrop Municipal Code Chapter 13.22 "State Video Service Franchises"
- 5.5 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN ORDINANCE AMENDING LATHROP MUNICIPAL CODE TITLE 15 BUILDINGS AND CONSTRUCTION, CHAPTER 15.18 CALIFORNIA FIRE CODE ADOPTED, SECTION 15.18.030 ENTITLED APPLICATION TO THE CITY TO CLARIFY DESIGNATED FIRE CODE OFFICIAL
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Introduction and First Reading of an Ordinance Amending Lathrop Municipal Code Title 15 Buildings and Construction, Chapter 15.18 California Fire Code Adopted, Section 15.18.030 Entitled Application to the City to Clarify Designated Fire Code Official
- 5.6 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER FISCAL YEAR 2018/19 ASSESSMENTS FOR INDUSTRIAL LIGHTING MAINTENANCE DISTRICT; RESIDENTIAL LIGHTING MAINTENANCE DISTRICT; MOSSDALE LANDSCAPE AND LIGHTING DISTRICT; STONEBRIDGE LANDSCAPING MAINTENANCE DISTRICT; STONEBRIDGE DRAINAGE AND LIGHTING DISTRICT; STORM DRAIN DISTRICT ZONE 1; AND STORM DRAIN DISTRICT ZONE 1A
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the City of Lathrop Industrial Lighting Maintenance District for Fiscal Year 2018/19; Maximum Assessment for the District for Fiscal Year 2018/19 not to exceed Zone A \$7.52; Zone B \$38.35; Zone C \$7.52, and Proposed Annual Assessment for Fiscal Year 2018/19 Zone A \$7.52; Zone B \$38.35; Zone C \$7.52;
 3. Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the City of Lathrop Residential Lighting Maintenance District for Fiscal Year 2018/19; Maximum Assessment for the District for Fiscal Year 2018/19 not to exceed Zone A \$41.16; Zone B \$44.10; Zone C \$29.00; Zone D

\$53.94; Zone E \$56.71; Zone F \$32.62; Zone G \$7.46, and Proposed Annual Assessment for Fiscal Year 2018/19 Zone A \$41.16; Zone B \$44.10; Zone C \$29.00; Zone D \$53.94; Zone E \$56.71; Zone F \$32.62; Zone G \$7.46;

4. Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Mossdale Landscape and Lighting Maintenance District for Fiscal Year 2018/19; Maximum Assessment for Fiscal Year 2018/19 not to exceed \$268.06, and Proposed Annual Assessment for Fiscal Year 2018/19 \$260.25;
5. Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Stonebridge Landscape Maintenance District and the Stonebridge Drainage & Lighting District for Fiscal Year 2018/19; Maximum Assessments for each District for Fiscal Year 2018/19 not to exceed \$397.99, and Proposed Annual Assessments for Fiscal Year 2018/19 for each District \$225.06; and
6. Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Storm Drain District Zone 1 and Storm Drain District Zone 1A for Fiscal Year 2018/19; Proposed Annual Assessment for Fiscal Year 2018/19 for Storm Drain Zone 1 not to exceed \$112.52, and Proposed Annual Assessment for Fiscal Year 2018/19 for Storm Drain Zone 1A not to exceed \$199.92

5.7 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER FISCAL YEAR 2018/19 ASSESSMENTS FOR THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 93-1 WOODFIELD PARK MAINTENANCE ZONE

Council to Consider the Following:

1. Hold a Public Hearing; and
2. Adopt a Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Landscape and Lighting Maintenance District No. 93-1 Woodfield Park Maintenance Zone for Fiscal Year 2018/19

6. COUNCIL COMMUNICATIONS

- 6.1 MAYOR DHALI WAL REFERRAL: Appointment of Two (2) Members to the Planning Commission with Terms Expiring June 30, 2022
 - Six (6) Applications for Consideration
- 6.2 MAYOR DHALI WAL REFERRAL: Appointment of Three (3) Members to the Senior Advisory Commission with Terms Expiring June 30, 2021
 - Three (3) Applications for Consideration
- 6.3 MAYOR DHALI WAL REFERRAL: Appointment of Thirteen (13) Members to the Youth Advisory Commission with Terms Expiring May 31, 2019
 - Eleven (11) Applications for Consideration

6.4 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

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

6.5 MAYOR & COUNCILMEMBER COMMENT(S)

7. ADJOURNMENT



Teresa Vargas, CMC, City Clerk

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**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, MAY 14, 2018
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 6:01 p.m. The Regular Meeting reconvened at 7:05 p.m.

1. PRELIMINARY

1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:01 p.m.

1.2 CLOSED SESSION

- 1.2.1 CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation - Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
- 5 Potential Case(s)

RECONVENE – Mayor Dhaliwal reconvened the meeting at 7:05 p.m.

1.2.2 REPORT FROM CLOSED SESSION

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

1.3 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Elliott;
Councilmembers: Akinjo, Dresser and Salcedo.
Absent: None.

1.4 INVOCATION – Mayor Dhaliwal led a moment of silence.

1.5 PLEDGE OF ALLEGIANCE – Councilmember Dresser led the pledge of allegiance.

1.6 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER

After Item 3, City Manager Stephen Salvatore announced a Special City Council Meeting scheduled for May 29, 2018, at 5:30 p.m., and a future Special Meeting to be scheduled in late June to a date uncertain both to discuss Police Service options for the City of Lathrop. Before Item 5.1, City Manager Stephen Salvatore announced the retirement of Community Development Rebecca Schmidt on June 4, 2018. Councilmembers expressed appreciation to Ms. Schmidt for her tenure with the City.

1.7 INFORMATIONAL ITEM(S)

1.7.1 CITY CLERK INFORMATIONAL ITEM

City Clerk Teresa Vargas provided information related to the June 5, 2018 Statewide Direct Primary Election, including registered voter verification, early voting/vote-by-mail ballot drop off location at the Lathrop City Hall, and important dates related to the Primary Election.

1.8 DECLARATION OF CONFLICT(S) OF INTEREST

Mayor Dhaliwal and Councilmember Dresser declared conflict of interest with Item 4.23 relating to Landscape and Lighting Maintenance District No. 93-1 (Woodfield Park) due to their residence within the area. There were no further declarations.

2. PRESENTATIONS

2.1 VOLUNTEER RECOGNITION AWARDS

Parks and Recreation Director Zach Jones, accompanied by Mayor Dhaliwal, provided the following volunteer recognition awards"

- The Youth Volunteer of the Year Award was presented to Aliyah Conley;
- The Senior Volunteer of the Year Award was presented to Linda Rose; and
- The Volunteer Committee of the Year Award was presented to the Mayor's Art Show Committee Members: Joyce Gatto, Bennie Gatto, Cindy Martin, Tony Martin, Jim Monty, and Tosh Ishihara.

Councilmembers expressed their appreciation to the volunteers being recognized.

2.2 SAN JOAQUIN REGIONAL TRANSIT DISTRICT (RTD) INFORMATIONAL PRESENTATION

San Joaquin Regional Transportation District (RTD) Chief Executive Officer Donna DeMartino provided the presentation, including information related to the function and benefits provided by RTD's Consolidated Transportation Services Agency, programs provided for ADA-certified customers, and RTD's own future UBER-type service.

2.3 MAYOR'S COMMITTEE REPORT(S)

Parks and Recreation Director Zach Jones reported the following past committee events and programs:

- *Community Garage Sale*
Held April 14, 2018, from 8:00 a.m. to 12:00 p.m. at Valverde Park, over 40 booths were made available.
- *Beautification Day – Earth Day Celebration*
Held April 21, 2018, at Valverde Park, included the following projects: replanted flower gardens, paint projects, mulch replacement, and picnic area cleanup. Free tire and e-waste recycling, and confidential shredding was made available to the public.
- *Volunteer Appreciation Dinner*
Held April 27, 2018, at 6:00 p.m. at the Lathrop High School Cafeteria, sold out performance provided by the Lathrop High School Drama Department
- *Mayor’s Art Show*
Held May 11, 2018, at 5:00 p.m. at the Lathrop Council Chamber, celebrated the 25th year anniversary, over 150 art piece entries were displayed.
- *Mother’s Day “Tea Time” Themed Brunch*
Held May 11, 2018, at the Lathrop Senior Center, sold out event in recognition of Mother’s Day.

Parks and Recreation Director Zach Jones reported the following upcoming committee events and programs:

- *Memorial Day – Monday May 28th @ 11:00 am*
Scheduled for May 28, 2018, at 11:00 a.m. at the Valverde Park Veteran’s Memorial Wall.
- *Movies in the Park*
“Despicable ME-3” scheduled for June 1, 2018, at Sanalang Park, “Paddington 2” scheduled for June 15, 2018, at Valverde Park, “Coco” scheduled for July 13, 2018, at Park West, and “Sherlock Gnomes” scheduled for July 27, 2018, at Mossdale Park.
- *City’s Anniversary Celebration Event*
Scheduled for July 1, 2018, at 6:00 p.m. at the Generations Center located at 450 Spartan Way.

3. CITIZEN’S FORUM

Nellie Zavala (Commission on Aging) reported her attendance to the May 7, 2018, San Joaquin County Commission on Aging meeting, in which information provided by the San Joaquin County Catholic Charities was discussed. Jason Laughlin (Assembly Member Heath Flora’s Office) provided new contact information and announced new office location in the City of Ripon. Bennie Gatto (Lathrop, CA) expressed his appreciation to the City Council, sponsors, and staff for their involvement with the 25th Anniversary of the Mayor’s Art Show event.

Sharon Land (Lathrop, CA) read a letter expressing various concerns, including discontent with the recent improvements on Lathrop Road, and traffic safety concerns related to street parking.

See minutes listed for Item 1.6 regarding City Manager comments after Citizen's Forum.

4. CONSENT CALENDAR

On a motion by Mayor Dhaliwal, seconded by Councilmember Akinjo, the City Council approved the Consent Calendar, except Item 4.23, by the following roll call vote, unless otherwise indicated:

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

4.1 WAIVING OF READING OF ORDINANCES AND RESOLUTIONS

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

4.2 APPROVAL OF MINUTES

Approved Minutes for the Regular Council Meeting of April 9, 2018.

4.3 TREASURER'S REPORT MARCH 2018

Approved Quarterly Treasurer's Investment Report for March 2018.

4.4 SECOND READING AND ADOPTION OF ORDINANCE 18-392 OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AN AMENDMENT TO MUNICIPAL CODE, TITLE 10 "VEHICLES AND TRAFFIC", CHAPTER 10.24 "PARKING", SECTION 10.24.160 "VIOLATION PENALTY" TO ADD PAYMENT PLAN OPTIONS

Adopted **Ordinance 18-392** amending Lathrop Municipal Code Section 10.24.160 entitled "Violation – Penalty" to comply with AB 503 and adopt payment plan options.

4.5 RATIFICATION OF THE SAN JOAQUIN COUNCIL OF GOVERNMENTS' ANNUAL FINANCIAL PLAN

Pulled by Councilmember Akinjo. A question and answer period ensued. San Joaquin Council of Governments Deputy Executive Director Steve Dial provided the information.

Adopted **Resolution 18-4374** ratifying the San Joaquin Council of Governments (SJCOG) Annual Financial Plan for FY 2018/19.

4.6 BAY ALARM COMPANY SECURITY, FIRE ALARM, ACCESS CONTROL, AND EQUIPMENT INSTALLATION AND MAINTENANCE SERVICES AGREEMENT

Adopted **Resolution 18-4375** authorizing an agreement with Bay Alarm Company for security, fire alarm, access control, and equipment installation and maintenance services.

4.7 ADJUSTMENT TO THE REPUBLIC SERVICES SOLID WASTE COLLECTION RATES FOR FISCAL YEAR 2018-2019

Adopted **Resolution 18-4376** authorizing an increase to the Republic Services collection rates for Fiscal Year 2018-2019 based on the Consumer Price Index for all urban consumers.

4.8 AMENDMENT WITH WGR SOUTHWEST, INC. TO PROVIDE COMPLIANCE SUPPORT SERVICES FOR THE CITY'S STORM WATER DISCHARGE PERMIT SD 14-10 AND A RELATED BUDGET AMENDMENT

Adopted **Resolution 18-4377** approving Amendment No. 1 with WGR Southwest, Inc., for small construction project review and inspection support services for the Phase II MS4 Storm Water Discharge Permit, CIP SD 14-10, and approved related budget amendment.

4.9 APPROVE BASIN BOUNDARY MODIFICATION REQUEST FOR SGMA COMPLIANCE CIP PW 16-04

Pulled by Councilmember Akinjo; requested further clarification on the item. City Manager Stephen Salvatore provided additional information.

Adopted **Resolution 18-4378** approving a basin boundary modification request to align the Eastern San Joaquin and Tracy Subbasins with the city's limit and associated CEQA determination for SGMA compliance, CIP PW 16-04.

4.10 APPROVE AGREEMENT WITH DE NOVO PLANNING GROUP FOR IWRMP ENVIRONMENTAL CONSULTING SERVICES, CONTRACT AMENDMENT NO. 4 WITH EKI AND RELATED BUDGET AMENDMENT PW 10-10 AND WW 15-08

Adopted **Resolution 18-4379** approving a Professional Services Agreement with De Novo Planning Group for environmental consulting services, Professional Service Agreement Amendment No. 4 with EKI for the Integrated Water Resources Master Plan, and related budget amendment, CIPs PW 10-10 and WW 15-08.

4.11 AGREEMENT WITH HYDROFOCUS, INC. FOR WASTEWATER DISCHARGE REQUIREMENTS PERMIT COMPLIANCE

Adopted **Resolution 18-4380** approving an agreement with HydroFocus, Inc. for groundwater monitoring and reporting services for Waste Discharge Requirements Permit Compliance for the Lathrop Consolidated Treatment Facility for Fiscal Year 2018-2019.

4.12 APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 36 LOTS IN TRACT 3825 VILLAGE "D" WITHIN EAST VILLAGE OF RIVER ISLANDS

Adopted **Resolution 18-4381** approving Final Map for Tract 3825 Village "D" within East Village, totaling 36 single family lots and a Subdivision Improvement Agreement with River Islands Development, LLC.

4.13 APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 31 LOTS IN TRACT 3874 VILLAGE "A" WITHIN EAST VILLAGE OF RIVER ISLANDS

Adopted **Resolution 18-4382** approving Final Map for Tract 3874 Village "A" within East Village, totaling 31 single family lots and a Subdivision Improvement Agreement with River Islands Development, LLC.

4.14 APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 24 LOTS IN TRACT 3913 VILLAGE "O" WITHIN EAST VILLAGE OF RIVER ISLANDS

Adopted **Resolution 18-4383** approving Final Map for Tract 3913 Village "O" within East Village, totaling 24 single family lots and a Subdivision Improvement Agreement with River Islands Development, LLC.

4.15 VESTING TENTATIVE PARCEL MAP FOR THE LATHROP TOWNE CENTRE PROJECT

Pulled by Councilmember Akinjo. A question and answer period ensued. Community Development Director Rebecca Schmidt provided the information.

Adopted **Resolution 18-4384** affirming the Planning Commission's recommendation to approve the Vesting Tentative Parcel Map for the proposed Lathrop Towne Centre Project (VTM-17-111).

4.16 ISU SALE TO HEARTLAND EXPRESS, INC. OF IOWA

Adopted **Resolution 18-4385** approving the sale of 18 ISUs to Heartland Express, Inc. of Iowa for a proposed truck wash located at APNs 196-030-029 and 196-030-31.

4.17 ACCEPT IMPROVEMENTS FROM STUDEBAKER BROWN ELECTRIC FOR CIP PS 17-02 TRAFFIC SIGNAL AT RIVER ISLANDS PARKWAY AND MCKEE BOULEVARD AND FOR CIP PS 17-05 TRAFFIC SIGNAL AT HARLAN ROAD AND STONEBRIDGE LANE

Adopted **Resolution 18-4386** accepting improvements from Studebaker Brown Electric for CIP PS 17-02 traffic signal at River Islands Parkway and McKee Boulevard, and CIP PS 17-05 traffic signal at Harlan Road and Stonebridge Lane, authorized the filing of a Notice of Completion and release of contract retention.

4.18 RATIFY EMERGENCY CONSTRUCTION CONTRACT WITH TEICHERT CONSTRUCTION FOR REPAIRS TO THE CROSSROADS STORM DRAIN SYSTEM EMERGENCY CROSSROADS STORM DRAIN REPAIR

Adopted Resolution **18-4387** ratify City Manager's approval of an emergency construction contract with Teichert Construction for repairs to the crossroads storm drain system, approved creation of CIP SD 18-13, and related budget amendment.

4.19 APPROVE AMENDMENT TO TASK ORDER No. 8 WITH CHARLES R. SIMPSON, DBA BASECAMP ENVIRONMENTAL

Adopted Resolution **18-4388** approving amendment to Task Order No. 8 with Charles R. Simpson, dba BaseCamp Environmental to prepare CEQA Initial Study/Mitigated Negative Declaration for a warehousing and distribution facility at 500 East Louise Avenue, approved to extend the term of Master Agreement dated June 17, 2013.

4.20 APPROVE AMENDMENT NO. 5 WITH VEOLIA TO THE WASTEWATER TREATMENT PLANT OPERATION AND MAINTENANCE AGREEMENT

Adopted Resolution **18-4389** approving Amendment No. 5 to the Wastewater Plant Operation and Maintenance Agreement with Veolia Water West Operation Services, Inc.

4.21 FISCAL YEAR 2018-19 PROJECT LIST ASSOCIATED WITH SENATE BILL 1

Pulled by Councilmember Dresser. A question and answer period ensued. Senior Civil Engineer Michael King provided the information.

Adopted Resolution **18-4390** approving the project list for Fiscal Year 2018-19 funded by Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017, and approved related budget amendment.

4.22 APPROVAL OF THE PRELIMINARY ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY ANNUAL ASSESSMENTS FOR FISCAL YEAR 2018/19 FOR INDUSTRIAL LIGHTING MAINTENANCE DISTRICT; RESIDENTIAL LIGHTING MAINTENANCE DISTRICT; MOSSDALE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT; STONEBRIDGE LANDSCAPE MAINTENANCE DISTRICT; STONEBRIDGE DRAINAGE AND LIGHTING DISTRICT; STORM DRAIN DISTRICT ZONE 1; AND STORM DRAIN DISTRICT ZONE 1A

The Council adopted the following:

1. **Resolution 18-4391** approving the preliminary engineer's report for the Industrial Lighting Maintenance District and declaring intention to levy annual assessments for Fiscal Year 2018/19;
2. **Resolution 18-4392** approving the preliminary engineer's report for the Residential Lighting Maintenance District and declaring intention to levy annual assessments for Fiscal Year 2018/19;

3. **Resolution 18-4393** approving the preliminary engineer's report for the Mossdale Landscape and Lighting Maintenance District and declaring intention to levy annual assessments for Fiscal Year 2018/19;
4. **Resolution 18-4394** approving the preliminary engineer's report for the Stonebridge Landscape Maintenance District and the Stonebridge Drainage & Lighting District and declaring intention to levy annual assessments for Fiscal Year 2018/19; and
5. **Resolution 18-4395** approving the preliminary engineer's report for the Storm Drain Districts Zones 1 and 1A and declaring intention to levy annual assessments for Fiscal Year 2018/19.

4.23 APPROVAL OF THE PRELIMINARY ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY ANNUAL ASSESSMENTS FOR FISCAL YEAR 2018/19 FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 93-1 (WOODFIELD PARK)

Mayor Dhaliwal and Councilmember Dresser abstained from voting and stepped down from the dais. A question and answer period ensued. Finance Director Cari James provided the information.

On a motion by Vice Mayor Elliott, seconded by Councilmember Salcedo, the City Council adopted **Resolution 18-4396** approving the preliminary engineer's report for Landscape and Lighting Maintenance District No. 93-1 (Woodfield Park) and declaring intention to levy annual assessments for Fiscal Year 2018/19.

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

5. SCHEDULED ITEMS

See minutes listed for Item 1.6 regarding City Manager comments before Item 5.1 Public Hearing.

5.1 PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER 2018 CAPITAL FACILITIES FEES UPDATE

Principal Planner Jay Davidson provided the presentation. A question and answer period ensued throughout the presentation. City Manager Stephen Salvatore and City Engineer Glenn Gebhardt provided additional information. Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing. The question and answer period continued.

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

1. Held a Public Hearing; and
2. Adopted **Resolution 18-4397** approving the City of Lathrop 2018 Capital Facilities Fees Study Update.

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

6. COUNCIL COMMUNICATIONS

6.1 MAYOR DHALIWAL REFERRAL: Discuss Placing Surveillance Cameras at the Entrance and Exit Points of the City

Mayor Dhaliwal provided an overview. Council consensus directed staff to agendize the matter to a future City Council meeting.

6.2 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Councilmember Akinjo reported his attendance to a recent Tri Valley-San Joaquin Valley Regional Rail Authority meeting. Councilmember Dresser provided additional information related to the San Joaquin Regional Rail Commission and Council of Governments.

6.3 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmember Akinjo commented on various topics, including the growth of the city, regional representation, and the importance of maintaining a fiscally healthy City. Councilmember Dresser commented on local transportation routes, expressed appreciation to Parks and Recreation staff and volunteers for their work in organizing the Mother's Day and Mayor's Art Show event celebrations, and reported his attendance to a drug awareness program graduation ceremony at the River Islands Technology Academy. Councilmember Salcedo expressed appreciation to community volunteers. Vice Mayor Elliott expressed appreciation to staff, thanked Rebecca Schmidt for her tenure with the City and wished her a happy retirement. Mayor Dhaliwal echoed the sentiments from other councilmembers, expressed appreciation to staff and community volunteers.

7. ADJOURNMENT – There being no further business, Mayor Dhaliwal adjourned the meeting at 9:15 p.m.


Teresa Vargas, CMC
City Clerk

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: GENERAL MUNICIPAL ELECTION – NOVEMBER 6, 2018

RECOMMENDATION: Council to Consider the Following:

- 1. Adopt Resolution Calling for the Holding of a General Municipal Election on Tuesday, November 6, 2018;**
- 2. Adopt Resolution Requesting the County of San Joaquin to Consolidate the General Municipal Election with the Statewide General Election; and**
- 3. Adopt Resolution Approving Regulations Pertaining to the Candidate Statements**

SUMMARY:

The 2018 General Municipal Election will be held on November 6, 2018 for the two-year-term Mayor's seat, two four-year-term City Council seats, and one unscheduled two-year term vacancy of a four-year City Council seat. The terms ending are those of Mayor Dhaliwal, Vice Mayor Elliott, Councilmember Akinjo and Councilmember Dresser.

By statute, a number of actions and decisions must be made by the City Council before the opening of nominations. The City Clerk, as Elections Official, has prepared the attached resolutions for City Council consideration, which will call the election and establish necessary guidelines.

BACKGROUND:

Pursuant to Lathrop Municipal Code Section 1.08.010, the City of Lathrop holds its General Municipal Election on the same day as the Statewide General Election. This is the first Tuesday, after the first Monday in November of each even-numbered year. This year, the date is November 6, 2018. The election will be consolidated with San Joaquin County and the Registrar of Voters will be asked to conduct the election on behalf of the City of Lathrop. In order to initiate the administration of the election as required by the Elections Code, the City Council will need to provide direction regarding several issues as described below.

Staff is requesting City Council consideration of the attached resolutions for the administration of the General Municipal Election. Once adopted, the appropriate resolutions will be forwarded to the Clerk of the Board of Supervisors for the Board's approval, with a copy to the Registrar of Voters. The resolutions are as follows:

- 1. Resolution Calling for the Holding of a General Municipal Election on Tuesday, November 6, 2018 (Attachment A)**

The Elections Code provides that the City Council shall issue a resolution calling the election. Attached is a resolution calling for the holding of a General Municipal Election in the City of Lathrop on November 6, 2018 for the purposes of electing a Mayor for the full term of two (2) years, two (2) Members of City Council for the full terms of four (4) years, and one (1) Member of the City Council for the remainder 2 years of an unexpired term.

2. Resolution Requesting the County of San Joaquin to Consolidate the General Municipal Election with the Statewide General Election (Attachment B)

The Elections Code provides that the City Council may, by resolution, request that the County Board of Supervisors permit the County Elections Official to render specified services to the City relating to the conduct of an election. The City Clerk will work closely with San Joaquin County for election services, which will be reimbursed upon completion of the work and presentation of an appropriately approved bill.

3. Resolution Approving Regulations Pertaining to the Candidate Statements (Attachment C)

The Elections Code provides that the City Council adopt regulations pertaining to the statement prepared by any candidate for the municipal election and to provide an estimate of the costs of such statement.

The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words about the candidate's education and qualifications as expressed by the candidate. A 200-word limit will be a one-half sheet in the voter sample ballot. The City Council may authorize an increase in the limitation of words for the statement from 200 to 400 words. Historically, the City of Lathrop has not authorized the word increase. Staff recommends authorizing the 200-word limit for this election, in order to avoid increased costs for the statements.

The candidate is required to pay for the costs of printing, translating and mailing of the candidate statement and is required to make a deposit with the submittal of nomination papers. Staff is recommending a deposit in the amount of \$450, as estimated by the San Joaquin County Registrar of Voters, to cover estimated costs related to candidate statements for the November 6, 2018 election. The candidate shall be refunded any overage or billed for any additional costs within 30 days of the actual accounting of said costs by the San Joaquin County Registrar of Voters.

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
GENERAL MUNICIPAL ELECTION – NOVEMBER 6, 2018**

PAGE 3

FISCAL IMPACT:

The San Joaquin County Registrar of Voters estimated cost for the 2018 Municipal General Election in the amount of \$35,000.

Election costs in the amount of \$32,000 are included in the proposed Fiscal Year 2018/19 budget. This was an estimate included during the budget process, however, due to an increase in population the cost is slightly higher than anticipated from the last election.

A budget amendment from the General Fund Reserve in the amount of \$3,000 is required to cover the slight increase in cost.

Increase Elections Expense Fund	
1010-1210-420-5700	\$3,000

ATTACHMENTS:

- A. Resolution Calling for the Holding of a General Municipal Election on Tuesday, November 6, 2018
- B. Resolution Requesting the County of San Joaquin to Consolidate the General Municipal Election with the Statewide General Election
- C. Resolution Approving Regulations Pertaining to the Candidate Statements

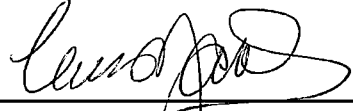
**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
GENERAL MUNICIPAL ELECTION – NOVEMBER 6, 2018**

APPROVALS:



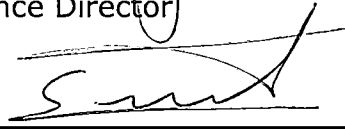
Teresa Vargas
City Clerk

June 4, 2018
Date



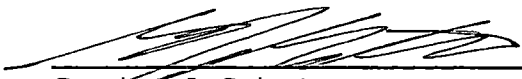
Cari James
Finance Director

6/4/18
Date



Salvador Navarrete
City Attorney

6-4-18
Date



Stephen J. Salvatore
City Manager

6-4-18
Date

RESOLUTION NO. 18-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 6, 2018, for the election of Municipal Officers;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Lathrop, California, on Tuesday, November 6, 2018, a General Municipal Election for the purpose of electing a Mayor for the full term of two (2) years beginning December 2018 and ending December 2020; two (2) Members of the City Council for the full term of four (4) years beginning December 2018 and ending December 2022; and one (1) Member of the City Council for the partial unexpired term of two (2) years beginning December 2018 and ending December 2020.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to coordinate with the County of San Joaquin Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County of San Joaquin Registrar of Voters, the City Council, in accordance with Election Code § 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 9. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

NOW, THEREFORE, BE IT FURTHER RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, DOES HEREBY APPROVE:

A budget amendment from the General Fund Reserve in the amount of \$3,000 is required to cover the slight increase in cost.

Increase Elections Expense Fund
1010-1210-420-5700 \$3,000

PASSED, APPROVED, AND ADOPTED ON the 11th day of June, 2018, by the following vote:

AYES:

NOES:

ABSENT:

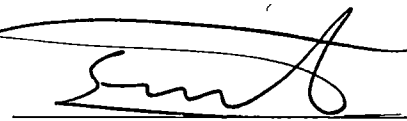
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RESOLUTION NO. 18-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Lathrop called a General Municipal Election to be held on November 6, 2018, for the purpose of the election of a Mayor for the full term of two (2) years beginning December 2018 and ending December 2020; two (2) Members of the City Council for the full term of four (4) years beginning December 2018 and ending December 2022; and one (1) Member of the City Council for the partial unexpired term of two (2) years beginning December 2018 and ending December 2020; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City, the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of San Joaquin canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of San Joaquin is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of the election of a Mayor for the full term of two (2) years beginning December 2018 and ending December 2020; two (2) Members of the City Council for the full term of four (4) years beginning December 2018 and ending December 2022; and one (1) Member of the City Council for the partial unexpired term of two (2) years beginning December 2018 and ending December 2020.

SECTION 2. That the county election department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Lathrop recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of San Joaquin.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON the 11th day of June, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RESOLUTION NO. 18-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018

WHEREAS, § 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to § 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Lathrop on November 6, 2018, may prepare a candidate statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate’s education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate’s nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of San Joaquin. The County is required to translate candidate statements into Spanish.

B. The County will print and mail voter information guides and candidates statements to all voters in English and Spanish.

SECTION 3. PAYMENT.

A. Translations

1. The candidate shall not be required to pay for the cost of translating the candidate statement into any required foreign language as specified in A and B of Section 2 above, pursuant to Federal and/or State law.

2. The candidate shall be required to pay for the cost of translating the candidate statement into any foreign language that is not required as specified above pursuant to State and/or Federal law.

B. Printing

1. The candidate shall be required to pay for the cost of printing the candidate statement in English in the main voter pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidate statement in a foreign language required in A and B of Section 2 above, in the main voter pamphlet.
3. The candidate shall be required to pay for the cost of printing the candidate statement in a foreign language requested by the candidate per Section 3.A(2) above, in the main voter pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating and mailing the candidate statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. MISCELLANEOUS. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the voter information guide.

SECTION 6. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. That all previous resolutions establishing Council policy on payment for candidate statements are repealed.

SECTION 8. That this resolution shall apply only to the election to be held on November 6, 2018, and shall then be repealed.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED the 11th day of June, 2018, by the following vote:

AYES:

NOES:

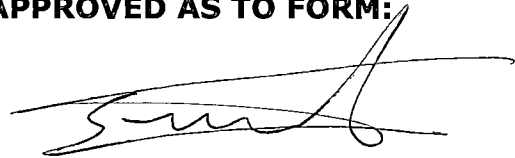
ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:



Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

**ITEM: GANN APPROPRIATION LIMIT FOR FISCAL YEAR
2018/19**

**RECOMMENDATION: Adopt Resolution Determining the Total Annual
Appropriations Subject to Limitation, for Fiscal Year
2018/19**

SUMMARY:

California voters adopted the GANN Initiative (also known as GANN Limit) in 1979. The purpose of the GANN Initiative is to limit tax revenues which can be appropriated in any fiscal year. The GANN Limit is calculated by increasing the base year tax revenues by the Population Growth factor and one of the following: 1. Changes in Assessed Values attributed to Non-Residential Growth or 2. Changes in the Per Capita Personal Income factor whichever is greater and readily available. To comply with Article XIII.B of the State Constitution and Government Code 7900 and as part of the budget process, the City adopts the GANN Limit.

After reviewing the GANN Limit's growth factors, staff recommends using the Per Capita Personal Income factor to set the appropriation limit at \$140,774,084 (Attachment "B") for Fiscal Year 2018/19. The Fiscal Year 2018/19 budget remains in compliance within the appropriation limit.

BACKGROUND:

The GANN Limit originated with Proposition 4 and was passed by California voters in November 1979 (also known as the Gann Initiative). The purpose of the GANN Limit is to limit tax growth.

Section 7910 of the Government Code of the State of California requires that the governing bodies of each local jurisdiction establish its appropriation limit for the following fiscal year pursuant to Article XIII B of the State Constitution (GANN Initiative). The GANN Initiative limits the amount of revenue which can be appropriated in any fiscal year. However, not all revenues are restricted, only those referred to as "proceeds of taxes". The limit is adjusted annually for population growth, inflation/per capita income or changes to non-residential new construction, and other factors. Certain appropriations are exempt from the GANN Limit, such as voter-approved debt, court orders, and federal mandates.

The GANN Limit is calculated by increasing the base year tax revenues annually by a population growth factor and by one of the following:

1. The increase in Assessed Value attributed to Non-Residential Growth; or
2. The increase or decrease in California Per Capita Personal Income

Staff has prepared the FY 2018/19 GANN Appropriation Limit calculation (shown in Attachment "B" of the Proposed Resolution). The increase in per capita personal income of 3.67% provided by the Department of Finance was chosen as the supplemental factor to compute the GANN Limit since the Assessed Value for Non-Residential Growth factor is not yet available from the County estimates.

The GANN Appropriation Limit for FY 2018/19 is \$140,774,084 as calculated in Attachment "B" of the proposed resolution.

REASON FOR RECOMMENDATION:

The City is required by State law to annually adopt the GANN Limit.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

Feeling of Safety: by complying with fiscal requirements.

FISCAL IMPACT:

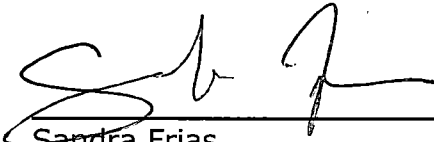
The City's FY 2018/19 appropriations funded by tax revenues are within the required GANN Limit.

ATTACHMENTS:

- A. Resolution Determining the Total Annual Appropriation Subject to Limitation, for Fiscal Year 2018/19
- B. Proposition 4 Appropriation GANN Limit Calculations for Fiscal Year 2018/19

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
GANN LIMIT FISCAL YEAR 2018/19**

APPROVALS:



Sandra Frias
Budget Manager

5/31/18

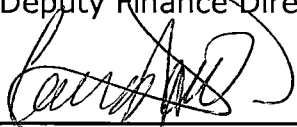
Date



Vanessa Portillo
Deputy Finance Director

5-31-2018

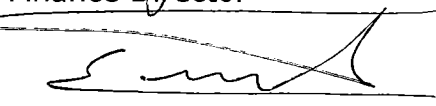
Date



Cari James
Finance Director

6/4/18

Date



Salvador Navarrete
City Attorney

6-4-18

Date



Stephen J Salvatore
City Manager

6-5-18

Date

RESOLUTION NO. 18-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
DETERMINING THE TOTAL ANNUAL APPROPRIATION SUBJECT TO
LIMITATION, FOR FISCAL YEAR 2018/19**

WHEREAS, the City of Lathrop has prepared and submitted to the City Council a budget for the fiscal year commencing July 1, 2018; and

WHEREAS, the City Council should determine its final annual appropriations that are subject to limitation pursuant to Article XIII.B of the State Constitution; and

WHEREAS, said total annual appropriations subject to limitation of the City of Lathrop has been computed by the Director of Finance in accordance with the provisions in Article XIII.B and Government Code 7900, et seq; and

WHEREAS, the increase in per capita personal income of 3.67% was used rather than the assessed value attributed to non-residential growth; and

WHEREAS, the City of Lathrop has complied with all of the provisions of Article XIII.B and Government Code 7902 in determining the Gann Limit which has been calculated for fiscal year 2018/19 to be \$140,774,084 (see Attachment "B");

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the Gann Limit for 2018/19 as set forth in Attachment "B".

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

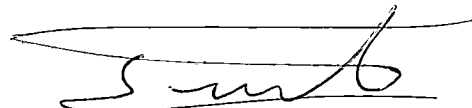
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

CITY OF LATHROP
PROPOSITION 4 APPROPRIATION GANN LIMIT CALCULATIONS

1998-99 GANN LIMIT	17,745,134
1999-00 GANN LIMIT	22,910,743
2000-01 GANN LIMIT	30,292,149
2001-02 GANN LIMIT	34,068,671
2002-03 GANN LIMIT	41,338,925
2003-04 GANN LIMIT	46,340,935
2004-05 GANN LIMIT	49,037,977
2005-06 GANN LIMIT	51,774,296
2006-07 GANN LIMIT	61,109,202
2007-08 GANN LIMIT	71,980,529
2008-09 GANN LIMIT	80,085,537
2009-10 GANN LIMIT	82,111,701
2010-11 GANN LIMIT	81,627,242
2011-12 GANN LIMIT	87,006,477
2012-13 GANN LIMIT	91,800,534
2013-14 GANN LIMIT	98,612,134
2014-15 GANN LIMIT	101,077,437
2015-16 GANN LIMIT	108,061,888
2016-17 GANN LIMIT	121,072,539
2017-18 GANN LIMIT	130,843,093
2018-19 GANN LIMIT	140,774,084

2018-19 FINAL CALCULATION

The City will use the percentage change in per capita income to
calculate the Final Gann Limit.

ADJUST FOR CHANGE IN POPULATION

Based on California Department of Finance Information

.. Increase 3.78%

Adjust for Change in California Per Capita Income

Per Capita Income Change: 3.67%

Adjust by the Above Factors:

Population 1.0378 x Per Capita 1.0367 = 1.0759

\$130,843,093 x 1.0759= \$140,774,084

If you have any questions, contact Cari James in the Finance Department.

ITEM: APPOINTMENT OF COUNCILMEMBER AKINJO AS THE VOTING DELEGATE FOR 2018 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

RECOMMENDATION: Appoint Councilmember Akinjo as the City's Voting Delegate for the 2018 League of California Cities Annual Conference, September 12 – 14, Long Beach

BACKGROUND:

Each year, the League of California Cities holds an Annual Conference and business meeting to decide League policy for the upcoming year. This year, the Conference is being held in Long Beach, September 12 - 14, 2018. In order for the City to participate as a voting member during the Annual Business Meeting, the City Council must formally appoint one voting delegate and up to two alternates as the City's official representatives.

The City Clerk requested availability from the Council to attend the California Cities Conference, at this time the only Council Member available to make the trip is Councilmember Akinjo. Therefore, staff recommends Council appointment of Councilmember Akinjo as the City's Voting Delegate for the 2018 League of California Cities Annual Conference.

REASON FOR RECOMMENDATION:

The City would like to remain informed and participate in the policy decision-making process for the League of California Cities.

FISCAL IMPACT:

Sufficient funds are available in the City Council Training & Travel account for FY 2018-19 for one Councilmember to attend this event. The approximate cost per person is estimated at \$525 for conference registration, hotel expenses, and airfare is an additional \$600. The total cost is expected not to exceed \$1,200.

ATTACHMENTS:

- A. 2018 Annual Conference Voting Procedures and Delegate/Alternate Form
- B. 2018 Annual Conference Announcement and Tentative Schedule of Events

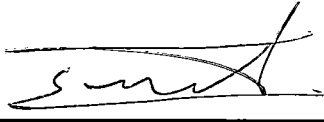
**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL MEETING
VOTING DELEGATE FOR 2018 LOCC ANNUAL CONFERENCE**

APPROVALS:




Teresa Vargas
City Clerk

June 4, 2018
Date



Salvador Navarrete
City Attorney

6-5-18
Date



Stephen J. Salvatore
City Manager

6.5.18
Date



1400 K Street, Suite 400 • Sacramento,
California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2018

May 17, 2018

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 12 - 14, Long Beach**

The League's 2018 Annual Conference is scheduled for September 12 – 14 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, September 14, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 31, 2018. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 12, 8:00 a.m. – 6:00 p.m.; Thursday, September 13, 7:00 a.m. – 4:00 p.m.; and Friday, September 14, 7:30 a.m.– 11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Friday, August 31. If you have questions, please call Kayla Curry at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2018 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 31, 2018. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 31, 2018

League of California Cities
ATTN: Kayla Curry
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kcurry@cacities.org
(916) 658-8254

[Home](#) > [Education & Events](#) > [Annual Conference](#) > [For Attendees](#) > Tentative Schedule

For Attendees

For Exhibitors

Program at a Glance

ATTACHMENT B

As of May 23, 2018 (subject to change)

Wednesday, September 12

8:00 a.m. - 6:00 p.m.	Registration Open
9:00 - 11:00 a.m.	Policy Committees; AB 1234 Ethics Training
9:00 - 11:00 a.m.	AB 1234 Ethics Training
8:30 a.m. - 1:00 p.m.	City Clerks Workshop (additional registration required)
11:00 a.m. - 12:00 p.m.	Department Business Meetings
12:45 - 1:15 p.m.	First Time Attendee Orientation
1:30 - 3:30 p.m.	Opening General Session
3:45 - 5:00 p.m.	Educational Sessions
5:00 - 7:00 p.m.	Grand Opening Expo Hall & Host City Reception (exhibitor exclusive; no competing events)
7:00 - 10:00 p.m.	CitiPAC Leadership Reception

Thursday, September 13

7:00 a.m. - 4:00 p.m.	Registration Open
8:15 - 9:30 a.m.	Educational Sessions
9:00 a.m. - 4:00 p.m.	Expo Open
9:45 - 11:45 a.m.	General Session
11:30 a.m. - 1:00 p.m.	Attendee Lunch in Expo Hall
1:00 - 2:15 p.m.	General Resolutions Committee
1:00 - 5:30 p.m.	Educational Sessions
2:15 - 2:45 p.m.	Caucus Board Meetings
4:00 - 5:30 p.m.	Board of Directors Meeting
Evening	Caucus Events

Friday, September 14

7:30 a.m. - 12:00
p.m. Registration Open

8:00 a.m. - 12:15
p.m. Educational Sessions

12:30 - 2:30 p.m. Closing Luncheon & General Assembly

NOTE: Conference Registration is required to attend all conference activities including Department and Division meetings and the General Assembly.

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

**ITEM: AGREEMENT FOR PUBLICATION OF LEGAL
 ADVERTISEMENTS**

**RECOMMENDATION: Adopt Resolution Awarding Agreement to the
 Manteca Bulletin for Publication of Legal
 Advertisements for the Period of July 1, 2018
 through June 30, 2019**

SUMMARY:

In accordance with Public Contract Code Section 20169, annually, before the beginning of the fiscal year in cities where there is more than one newspaper of general circulation, a notice inviting bid proposals and agreement for the publication of legal notices is required to be published in such a newspaper.

BACKGROUND:

Currently, the City of Lathrop is utilizing the legal advertising services of the Manteca Bulletin as the newspaper of general circulation, pursuant to Resolution No. 17-4252.

On May 14 and May 21, 2018, a notice inviting bid proposals was published in the Manteca Bulletin, requiring a response by 2:00 p.m. on May 31, 2018 to the Office of the City Clerk. Included in the bid packet was a sample legal advertisement that each company was to price and return based on their costs. The City Clerk received one bid proposal as outlined below.

ANALYSIS:

Generally, public notices required by various City and State laws must be published in a "newspaper of general circulation." The newspapers providing proposals have been adjudicated as a newspaper of general circulation within San Joaquin County.

Case law indicates that the City Council has the discretion to award the legal advertising agreement based on a totality of factors, including price, circulation and publication dates. As noted in the table below, the Manteca Bulletin was the only bid proposal received and meets all the minimum requirements.

Newspaper	Price per line	Lines per column inch	Price per column inch	Cost for sample ad	Lead time for publication	Publication days	City of Lathrop circulation
Manteca Bulletin	\$0.94	14	\$13.20	\$66.00	One Day	Monday-Saturday	404

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
AGREEMENT FOR PUBLICATION OF LEGAL ADVERTISEMENTS**

PAGE 2

REASON FOR RECOMMENDATION:

The City has been consistently doing business with the Manteca Bulletin for the last four (4) fiscal years. The proposal submitted by the Manteca Bulletin will continue to meet the needs of the City. Additionally, the Manteca Bulletin has provided ongoing flexibility in lead time and quality customer service.

Most importantly, the Manteca Bulletin did not increase their prices from the prior fiscal year, and the newspaper circulation increased by 18 subscribers in the City of Lathrop. Therefore, staff recommends Council approval of the agreement with the Manteca Bulletin for publication of legal advertisements for the period of July 1, 2018 through June 30, 2019.

FISCAL IMPACT:


Funds for advertising in FY 2018/19 are included in the new fiscal budget. The City anticipates the funds to be sufficient for our legal advertising expenditures in the upcoming fiscal year.

ATTACHMENTS:

- A. Resolution Awarding Agreement for Publication of Legal Advertisements
- B. Copy of Proposal Received by Manteca Bulletin
- C. Agreement with Manteca Bulletin

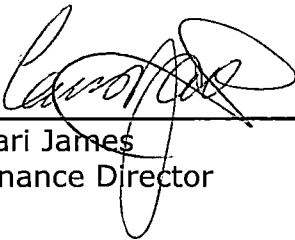
**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
AGREEMENT FOR PUBLICATION OF LEGAL ADVERTISEMENTS**

APPROVALS:



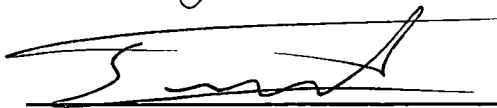
Teresa Vargas
City Clerk

June 4, 2018
Date



Cari James
Finance Director

6/6/18
Date



Salvador Navarrete
City Attorney

6.5.18
Date



Stephen J. Salvatore
City Manager

6.5.18
Date

RESOLUTION NO. 18-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
AWARDING AGREEMENT FOR PUBLICATION OF LEGAL ADVERTISEMENTS
TO THE MANTECA BULLETIN FOR THE PERIOD OF JULY 1, 2018 THROUGH
JUNE 30, 2019**

WHEREAS, a notice inviting bids was published in the Manteca Bulletin, the current newspaper of general circulation, requiring a response by 2:00 p.m. on May 31, 2018; and

WHEREAS, the City received one bid proposal, from the Manteca Bulletin; and

WHEREAS, City staff recommends approval of the bid proposal submitted by the Manteca Bulletin as the bid proposal continues to meet the needs of the City based on its cumulative considerations of price and lead time for publications; and

WHEREAS, the Manteca Bulletin has been adjudicated within San Joaquin County as a newspaper of general circulation;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby finds that the bid proposal submitted by the Manteca Bulletin continues to meet the needs of the City for legal advertising services for period of July 1, 2018 through June 30, 2019; and

BE IT FURTHER RESOLVED that the City Council awards an agreement to the Manteca Bulletin for legal advertising services for said period.

PASSED AND ADOPTED this 11th day of June, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

**ATTACHMENT A
(SAMPLE LEGAL AD)**

City of Lathrop-Public Hearing

Notice is hereby given that the City of Lathrop City Council will hold a public hearing to consider the following proposal. Said public hearing will be held at **7:00 p.m., Monday, August 6, 2018**, City Hall, Council Chambers, 390 Towne Centre Dr., Lathrop, CA, at which time all interested parties may attend and be heard:

PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADDING CHAPTER 10.25 OF THE LATHROP MUNICIPAL CODE RELATING TO VEHICLE PARKING IN YARDS OF RESIDENTIAL AREAS

Council to Consider the following:

1. Hold a Public Hearing; and
2. First Reading and Introduction of an Ordinance to the City Council of the City of Lathrop adding Chapter 10.25 of the Lathrop Municipal Code Relating to Vehicle Parking in Yards of Residential Areas.

If you challenge any decision of the City Council 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 meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call (209) 941-7230. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

TERESA VARGAS-CITY CLERK

Publication Date: May28, 2018

MB#00-00 Sample



MANTECA BULLETIN

P.O. BOX 1958, • 531 E. YOSEMITE AVE., MANTECA, CA 95336-1958 • MAIN 209-249-3500 • FAX - 209-249-3559

CITY OF LATHROP/CITY CLERK

Classified Insertion Order

SAMPLE LEGAL AD (Attachment A)

Contact:	Sales Rep: MB - Liz Mora	Order Date: 5/21/2018
Address: CITY OF LATHROP/CITY CLERK Attn: Teresa Vargas 390 TOWNE CENTER DRIVE LATHROP, CA 95330	Phone: 209-941-7431	Order Number: 86086
	Email: tvargas@ci.lathrop.ca.us	Tear Sheets: 1
	Fax: 209-941-7229	Advertiser No: 150

Start Date	End Date	No. of Runs	No. of Publications	Description	Classification	Ad Size	Price
5/28/2018	5/28/2018	3	3	SAMPLE LEGAL AD (Attachment A)	Miscellaneous Legals	4.5938 Inches	\$66.00

Publications: MB - Manteca Bulletin, MB - Manteca Bulletin Online, MNC - Marketplace 209

ATTACHMENT A (SAMPLE LEGAL AD) City of Lathrop-Public Hearing Notice is hereby given that the City of Lathrop City Council will hold a public hearing to consider the following proposal. Said public hearing will be held at 7:00 p.m., Monday, August 6, 2018, City Hall, Council Chambers, 390 Towne Centre Dr., Lathrop, CA, at which time all interested parties may attend and be heard: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER ADDING CHAPTER 10.25 OF THE LATHROP MUNICIPAL CODE RELATING TO VEHICLE PARKING IN YARDS OF RESIDENTIAL AREAS Council to Consider the following: 1. Hold a Public Hearing; and 2. First Reading and Introduction of an Ordinance to the City Council of the City of Lathrop adding Chapter 10.25 of the Lathrop Municipal Code Relating to Vehicle Parking in Yards of Residential Areas. If you challenge any decision of the City Council 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 meeting. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call (209) 941-7230. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. TERESA VARGAS-CITY CLERK Publication Date: May28, 2018 MB#00-00 Sample

Run Count: 3	Publication Count: 3	SubTotal:	\$66.00
		Total Price:	\$66.00

Authorization To Run Advertisement

Printed Name

Signature

In The Superior Court

OF THE

County of San Joaquin

State of California

Filed MAY 12 1952, 19

R. E. GRAHAM CLERK
By *Edmund Woods* DEPUTY

STATE OF CALIFORNIA, }
COUNTY OF SAN JOAQUIN, } ss

George Murphy Jr. being first duly sworn, deposes and says: That at all times hereinafter mentioned he was a citizen of the United States, over the age of eighteen years, and a resident of said county, and was at and during all said times the publisher of THE MANTECA BULLETIN, a newspaper of general circulation printed and published weekly, to-wit: Thursday of each week, in the City of Manteca in said County of San Joaquin, State of California; that said THE MANTECA BULLETIN is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 4460 of the Political Code, and, as provided by said section, is published for the dissemination of local and telegraphic news and intelligence of general character, having a bona fide subscription list of paying subscribers, and is not devoted to the interests, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all said times said newspaper had been established, printed and published in the said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned; that said notice was set in type not smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given; that the Notice No. 52904

In the Matter of the Ascertainment and Establishment of the Standing of The Manteca Bulletin as a Newspaper of General Circulation

of which the annexed is a printed copy, was published and printed in said newspaper at least Ten weeks, commencing on the 21st day of February, 1952, and ending on the 8th day of May, 1952, both days inclusive and as often during said time as said newspaper was regularly issued, to-wit:

- Thursday, Feb. 21, 19 52: Thursday, Apr. 3, 19 52.
- Thursday, Feb. 28, 19 52: Thursday, Apr. 10, 19 52.
- Thursday, Mar. 6, 19 52: Thursday, Apr. 17, 19 52.
- Thursday, Mar. 13, 19 52: Thursday, Apr. 24, 19 52.
- Thursday, Mar. 20, 19 52: Thursday, May 1, 19 52.
- Thursday, Mar. 27, 19 52: Thursday, May 8, 19 52.

Subscribed and sworn before me this 9th day of May, 1952

John J. McFall
Notary Public in and for San Joaquin County, California.

My Commission expires on the 20th day of Sept., 1954

NOTICE TO DEPOSITORS OF THE MANTECA BULLETIN...
EDWARD WOODS, Deputy Clerk
Feb. 11-1952

AGREEMENT FOR PUBLICATION OF LEGAL NOTICES

THIS AGREEMENT, is between the City of Lathrop, a municipal corporation of the State of California (City), and the Manteca Bulletin a newspaper of general circulation, as defined in Section 6008 of the Government Code.

RECITALS

The City requires the services of a newspaper of general circulation for the purpose of publishing legal notices.

THEREFORE, the City and the Manteca Bulletin agree as follows:

1. Independent Contractor Status: The Manteca Bulletin is an independent contractor. Nothing in this agreement shall, in any way, be construed to mean that the Manteca Bulletin any of its agents or employees are agents, employees or representatives of the City.
2. Services to be Provided: The Manteca Bulletin shall provide services in connection with publishing legal notices for the City as specified in the attached proposal (Exhibit A). In addition, it is further agreed that the Manteca Bulletin will provide proof of each notice for approval by the City Clerk's Office or Planning Division prior to publication.

It shall be noted that this is a non-exclusive contract and the City retains the right to publish in other local newspapers as deemed necessary and advisable.

3. Termination: The City and the Manteca Bulletin agree that the City may terminate this Agreement at any time before the normal expiration of the term by giving thirty (30) days written notice.
4. Assignment: The Manteca Bulletin shall not assign this contract or any portion thereof without express written approval of the City.
5. Term: The term of this agreement shall commence July 1, 2018 or upon acceptance of this agreement by both parties, whichever is later, and shall terminate at the end of the fiscal year, June 30, 2019.
6. Payment: The Manteca Bulletin billing to the City shall contain the legal notice number, date published, number of lines, and cost per line as specified in attached Exhibit A. Billing statements shall be submitted to:

Teresa Vargas, City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Correspondence/notices regarding this agreement should be directed to:

Teresa Vargas
City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Chuck Higgs
Advertising Director
Manteca Bulletin
531 E. Yosemite Avenue
Manteca, CA 95336

Approved as to Form: City of Lathrop
City Attorney

Salvador Navarrete Date

Accepted by: City of Lathrop
City Manager

Stephen J. Salvatore Date

Attested by: City of Lathrop
City Clerk

Teresa Vargas Date

Contractor: Manteca Bulletin
Advertising Director

Chuck Higgs Date

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**CITY MANAGER'S REPORT
June 11, 2018 CITY COUNCIL REGULAR MEETING****ITEM: CITY ANNIVERSARY CELEBRATION TEMPORARY
STREET CLOSURE****RECOMMENDATION: Adopt Resolution Approving Temporary Street
Closures for the Lathrop Anniversary Celebration on
July 1, 2018**

SUMMARY:

On July 1, 2018, the City of Lathrop will host the annual Anniversary Celebration at the Lathrop Generations Center, the event will begin at 6:00 p.m. This year staff will be utilizing the parking lots at Lathrop High School for guest parking. To provide safe access for our event guests to enter and exit, staff is requesting Council authorization to close Spartan Way from the Generations Center west past Lathrop High School. Staff has coordinated the route and the temporary street closures with Public Works, Community Development, Lathrop Police Services and the Lathrop Manteca Fire District to ensure safety during this event.

BACKGROUND:

On July 1, 2018, the Parks and Recreation Department will be hosting the City's Annual Anniversary Celebration at the Lathrop Generations Center. The event will begin at 6:00 pm and will utilize the parking lots at Lathrop High School to park visitor's vehicles. Our visitors will utilize the sidewalks on the south side of Spartan Way to walk to the Generations Center for the evenings activities. If this proposed temporary street closure is authorized by Council, multi-passenger golf carts will be provided as shuttles from the parking area to the Generations Center for those who either cannot or choose not to walk. Shuttles will also be provided to return to the parking lot following the event.

At the end of the evening vehicles parked in the High School's main west parking lot will exit to the right (west) and exit via Land Park Drive to Golden Valley Parkway. Once at Golden Valley these vehicles will be directed to the right (south) towards River Islands Parkway. Vehicles parked in the High School's east parking lot will turn left (east) and exit onto the closed westbound lane of Spartan Way. These vehicles will be directed into the proper east bound lane as they pass the Generations Center. Authorizations from local property owners have been obtained in accordance with this plan. Attachment A has been provided to detail the event parking and traffic plan.

Staff has and will continue to coordinate the temporary street closures with Public Works, Community Development, Lathrop Police Services and the Fire Department. Prior to the event, the barricades will be set on the roadside to alert the community about areas of "No Parking" and "Street Closure". On the day of the event, additional barricades are set with advanced warning signs: "Road Closed Ahead" and "Detour Ahead". Approximately ½ hour prior to the beginning of the event, the actual "Road

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
ANNIVERSARY CELEBRATION TEMPORARY STREET CLOSURE**

PAGE 2

Closure" signs are set in place. STARS (Sheriff's Team Active Retired Seniors) and Volunteers with the Parks and Recreation staff help at all intersections for traffic flow. At the conclusion of the parade, barricades are collected.

The Community Development Department has found the Parade to be exempt from the provisions of CEQA under Title 14 California Code of Regulations, Chapter 3, Article 19, Section 15304(e) (Minor Alterations to Land).

REASON FOR RECOMMENDATION:

The adoption of this resolution will approve the temporary street closures to allow staff to facilitate the 2018 Anniversary Celebration event.

FISCAL IMPACT:

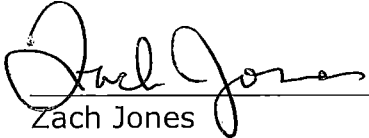
There are no additional costs associated with this request for a temporary road closure.

ATTACHMENTS:

- A. Resolution Approving Temporary Street Closure
- B. Parade Route Map

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
ANNIVERSARY CELEBRATION TEMPORARY STREET CLOSURE**

APPROVALS:



Zach Jones
Director of Parks and Recreation

5-31-2018


Date



Stephen Salvatore
Public Works Director

6-5-18

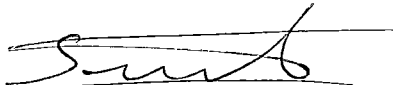
Date



Rebecca Schmidt
Community Development Director

6-4-2018


Date



Salvador Navarrete
City Attorney

6-4-18

Date



Stephen Salvatore
City Manager

6-5-18

Date

RESOLUTION NO. 18-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING TEMPORARY STREET CLOSURES FOR THE 2018 CITY
ANNIVERSARY CELEBRATION ON JULY 1, 2018**

WHEREAS, City Staff seek City Council approval for temporary street closures for the 2018 Anniversary Celebration; and

WHEREAS, the street recommended for temporary closure is Spartan Way from the Generations Center west past Lathrop High School; and

WHEREAS, the streets will be signed for temporary closure from approximately 5:00 pm – 11:00 pm on Sunday, July 1, 2018; and

WHEREAS, Parks and Recreation Staff will coordinate the temporary street closures with Public Works, Community Development, Lathrop Police Services and the Fire Department. Barricades will be set on the side of the road prior to the event to alert the community about areas designated as "No Parking" and "Street Closure". On the day of the event, additional barricades will be set with advanced warning signs: "Road Closed Ahead" and "Detour Ahead." Approximately ½ hour prior to the beginning of the event, the actual "Road Closure" signs will be set in place; and

WHEREAS, Staff have coordinated with Lathrop Police Services and the Lathrop Manteca Fire District to coordinate the parade route, and Lathrop Police Services will provide assistance to monitor main intersections for traffic flow during the temporary street closure; and

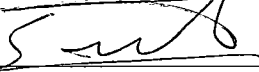
WHEREAS, this community Anniversary Celebration is found to be categorically exempt pursuant the California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities, which allows for the operation, maintenance and permitting of existing public highways and streets, sidewalks, and similar facilities;

NOW, THEREFORE, BE IT RESOLVED that pursuant to Vehicle Code Section 21101, subdivision (e), the City Council of the City of Lathrop does hereby approve the request for temporary closure of Spartan Way from the Generation Center west past Lathrop High School on July 1, 2018.

PASSED AND ADOPTED this 11th day of June 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED AS TO FORM:

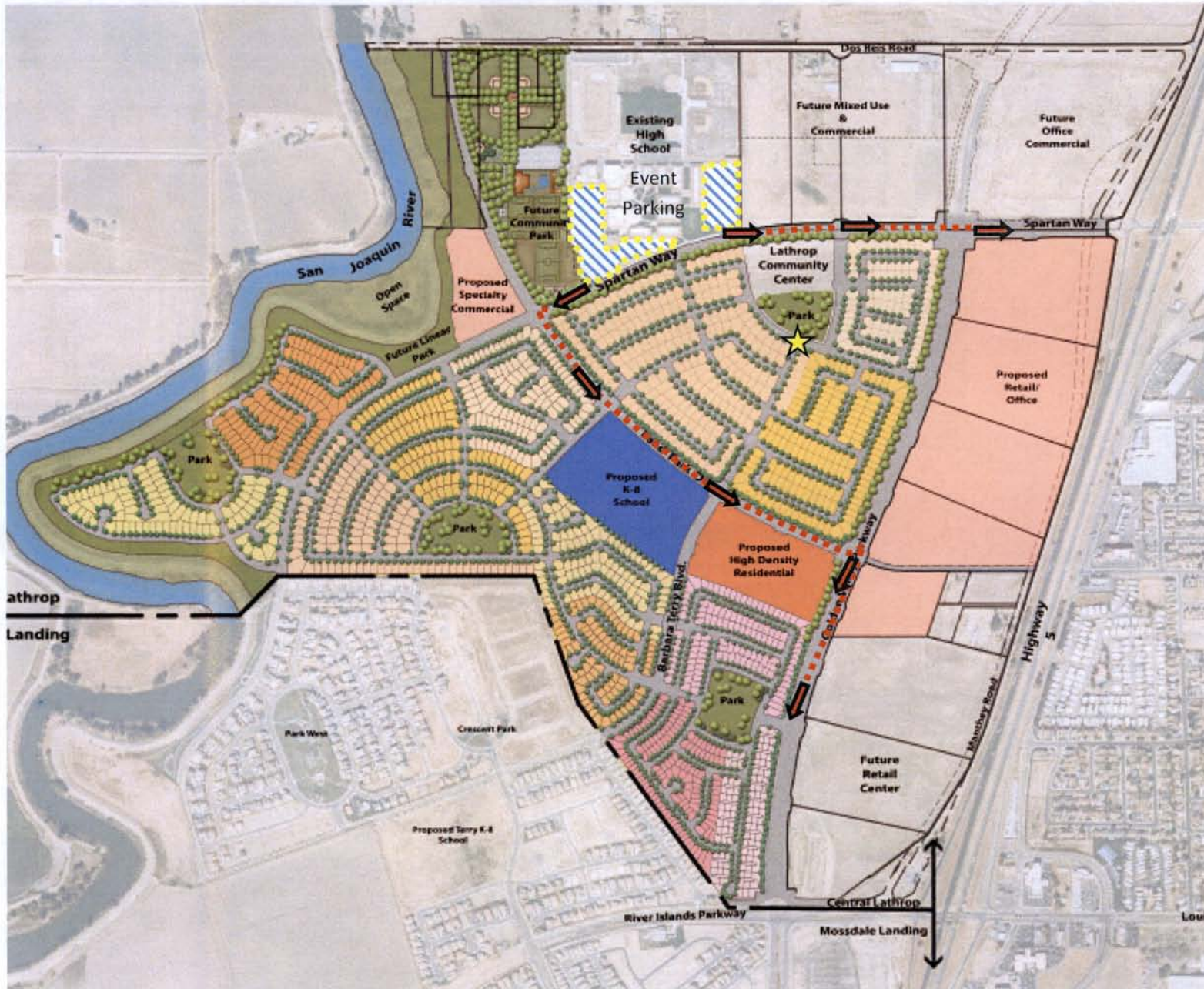


Salvador Navarrete, City Attorney

Sonny Dhaliwal, Mayor
ATTEST:

Teresa Vargas, City Clerk

City of Lathrop Department of Parks and Recreation
2018 July 1st Anniversary Celebration



Facility Usage Plan:

- Utilize Lathrop High School Lots for parking cars.
- Transport via Golf Cart to from High School Lot to the Generations Center
- Launch fireworks from street location at Barbara Terry Blvd and the south edge of park location. (Lot 24 Tract 3533 BK. PG. 100) future park site. ★

Vehicle Exit Plan:

- Following the fireworks Vehicles parked in the HS east lot would exit east onto Spartan Way towards I-5
- Vehicles in the HS west lot would turn west onto Spartan Way and exit using Land Park Drive and then turn south onto Golden Valley Parkway towards River Islands Parkway.
- Vehicles in the back parking lot of the high school will exit via Dos Reis Road.

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL MEETING**

ITEM: APPROVE A MASTER AGREEMENT AND TASK ORDERS 1 AND 2 WITH CRANE TRANSPORTATION GROUP

RECOMMENDATION: Adopt a Resolution Approving a Master Agreement with Crane Transportation Group and Task Orders 1 and 2 for Traffic Monitoring and Analysis Services

SUMMARY:

Staff requests Council approval of a Master Agreement with Crane Transportation Group. The proposed Master Agreement, would allow the assignment of future Task Orders when necessary. Staff is requesting Council approval of Task Order 1 to conduct City Wide Traffic Counts that support Task Order 2 for the 2018 Citywide Traffic Monitoring Program (TMP) and General Plan Circulation Element Update.

Agreement	Project	Amount
Master Agreement	Establishes Contractual Relationship with Crane Transportation for Various Specialized Traffic Monitoring and Analysis Services	n/a
Task Order No. 1	Citywide Traffic Count Operations	\$32,800
Task Order No. 2	Year 2018-Citywide Traffic Monitoring Program 2- and 4-year Horizon Study	\$67,320

BACKGROUND:

One of the requirements contained in the Development Agreements and Environmental Impact Report mitigation measures for various development projects primarily located in the western portion of the City specifies that each developer must participate in the TMP program. The TMP monitors roadway conditions, projects roadway congestion two and four years into the future, and schedules when planned roadway improvements should be constructed to keep congestion at acceptable levels. The TMP is important because it establishes performance standards and details how the operations of the roadway system are to be monitored, as well as how improvements are to be scheduled for construction to avoid the roadway system falling below acceptable standards of operation. Developers are required to fund the TMP on a continuing basis until all required traffic improvements have been completed. The last TMP was prepared in 2014, and due to the lack of development activity, the TMP has not been updated since that time.

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL MEETING
MASTER AGREEMENT WITH CRANE TRANSPORTATION GROUP AND
APPROVAL OF TASK ORDERS 1 AND 2**

ANALYSIS:

Staff seeks assistance from Crane Transportation for the following items:

Task Order No. 1 – Citywide Traffic Count Operations – Traffic counts and turning movements at the City's major intersections, counts on major roadway segments including freeway interchanges and roadway is required to establish a baseline for all automotive and truck activities. The traffic counts support the preparation of the Transportation Monitoring Program as well as the General Plan Circulation Element update and supporting General Plan Environmental Impact Report.

The funds required for Task Order 1 will be fully funded by developers. The proposed budget is an amount not to exceed \$32,800.

Task Order No. 2 – Year 2018 Citywide Traffic Monitoring Program Study – The Traffic Monitoring Program, analyzes and documents traffic impacts under existing conditions and projects future traffic conditions taking into consideration proposed/planned land use developments and planned circulation system improvements. With this information CTG will identify significant impacts and mitigations to bring these impacts down to acceptable levels.

The funds required for Task Order 2 will be fully funded by developers. The proposed budget is an amount not to exceed \$67,320.

REASON FOR RECOMMENDATION:

The City Engineer, Public Works, and Community Development Departments have utilized the services of Crane Transportation Group (CTG) for many years under separate contracts to provide traffic engineering services in support of various City projects and programs. For example, CTG prepared the City's 2014 Transportation Monitoring Program (TMP). The background and history that CTG has with the City of Lathrop makes them a valuable and trusted resource. Crane Transportation Group is well qualified to provide Traffic Monitoring and Analysis Services.

FISCAL IMPACT:

The funds required for Task Orders 1 and 2 will be fully funded by developers in the City and is included in the biennial budget.

ATTACHMENTS:

- A. Resolution Authorizing a Master Agreement with Crane Transportation Group
- B. Master Agreement with Crane Transportation Group
- C. Task Order No. 1 for Citywide Traffic Count Operations
- D. Task Order No. 2 Year 2018 Citywide Traffic Monitoring Program Study

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL MEETING
MASTER AGREEMENT WITH CRANE TRANSPORTATION GROUP AND
APPROVAL OF TASK ORDERS 1 AND 2**

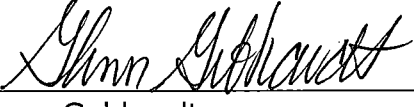
APPROVALS:



Mark Meissner
Assistant Community Development Director

6/5/18

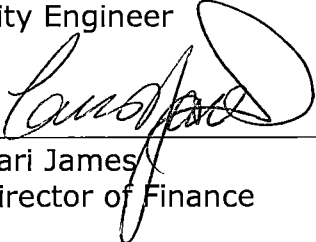
Date



Glenn Gebhardt
City Engineer

6/5/18

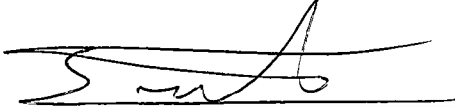
Date



Cari James
Director of Finance

6/6/18


Date



Salvador Navarrete
City Attorney

6-5-18

Date



Stephen J. Salvatore
City Manager

6.6.18

Date

RESOLUTION NO. 18-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING A MASTER SERVICES AGREEMENT WITH
CRANE TRANSPORTATION GROUP FOR TRANSPORTATION ENGINEERING
SERVICES, AND TASK ORDERS 1 AND 2 FOR CITYWIDE TRAFFIC COUNTS,
AND PREPARATION OF THE 2018 TRAFFIC MONITORING PROGRAM.**

WHEREAS, the City is in need of transportation engineering services in order to complete the update of the City's Transportation Management Program; and

WHEREAS, Crane Transportation Group (CTG) is well qualified to provide transportation engineering services; and

WHEREAS, the Master Services Agreement will streamline the process of obtaining professional services with Crane Transportation Group by allowing review and approval as warranted limited to individual Task Orders; and

WHEREAS, Task Order No. 1 and Task Order No. 2. will be paid by developers; and

WHEREAS, Task Orders 1 & 2 are contingent upon funding from developers and notice to proceed will not be issued until staff has secured funding.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby approve a Master Agreement with Crane Transportation Group for professional transportation engineering services and Task Order No. 1 not to exceed \$32,800 and Task Order No. 2 not to exceed \$67,320 to be issued only upon funding from developers.

The foregoing resolution was passed and adopted this 11th day of June, 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

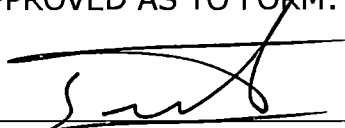
ABSTAIN:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

ATTACHMENT B

CITY OF LATHROP

MASTER AGREEMENT FOR PROFESSIONAL SERVICES WITH CRANE TRANSPORTATION GROUP FOR SPECIALIZED TRAFFIC MONITORING AND ANALYSIS SERVICES

THIS AGREEMENT, dated for convenience this 11th day of June, 2018, is by and between Crane Transportation Group ("CONSULTANT") and the CITY OF LATHROP, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, CONSULTANT is specially trained, experienced, and competent to provide specialized traffic monitoring and analysis 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 professional services for various specialized projects, as hereinafter defined, on the following terms and conditions;

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

AGREEMENT

(1) **Scope of Service**

CONSULTANT agrees to perform services in conformance with an approved Scope of Work provided by CONSULTANT. CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to CITY'S satisfaction.

(2) **Compensation**

CITY hereby agrees to pay CONSULTANT the amount indicated in each approved Task Order, for Professional Traffic Monitoring and Analysis Services related to Various Specialized Projects. City agrees to pay CONSULTANT within thirty (30) days of receipt of billings containing all information required per Paragraph 5 below. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in the approved Task Order Scope of Work unless CITY's authorized representative executes a written change order or authorization describing the extra work and payment terms prior to the commencement of the work.

(3) Effective Date and Term

The effective date of this Agreement is June 11, 2018, and it shall terminate no later than June 30, 2020 provided, that the City may renew this agreement under the same terms and conditions for additional twelve (12) month periods, commencing on July 1 of each year and terminating on June 30 of each subsequent year. Each such renewal shall be automatic unless CONSULTANT is given thirty (30) days' written notice of CITY's intention not to renew this agreement.

(4) Independent Contractor Status

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and not an employee of the CITY. As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work describe in each approved Task Order to the City's satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY.

(5) Billings

CONSULTANT'S bills shall include a list of all tasks, a total amount due, the amounts previously billed, and the net amount due on the invoice. Except as specifically authorized by CITY, CONSULTANT shall not bill CITY for duplicate services performed by more than one person. In no event shall CONSULTANT submit any billing for an amount in excess of the rates or the maximum amount of compensation provided in section (2) for either task or for the entire Agreement, unless modified by a properly executed change order.

(6) Advice and Status Reporting

CONSULTANT shall provide the CITY with timely reports, orally or in writing, of all significant developments arising during performance of its services hereunder, and shall furnish to CITY such information as is necessary to enable CITY to monitor the performance of this Agreement.

(7) Assignment of Personnel

CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. If CITY asks CONSULTANT to remove a person assigned to the work called for under this Agreement, CONSULTANT agrees to do so immediately, without requiring the City to process a reason or explanation for its request.

(8) Assignment and Subcontracting

It is recognized by the parties hereto that a substantial inducement to CITY for entering into this Agreement was, and is, the professional reputation and competence of CONSULTANT. Neither this Agreement nor any interest therein may be assigned by CONSULTANT without the prior written approval of CITY'S authorized representative. CONSULTANT shall not subcontract any portion of the performance contemplated and provided for herein, other than the subcontractors noted in the proposal, without prior written approval of the CITY'S authorized representative.

(9) Insurance

On or before beginning any of the services or work called for by any term of this Agreement, CONSULTANT, at its own cost and expense, shall carry, maintain for the duration of the Agreement, and provide proof thereof that is acceptable to the CITY the insurance specified in subsections (a) through (c) below with insurers and under forms of insurance satisfactory in all respects to the CITY. CONSULTANT shall not allow any subcontractor to commence work on any subcontract until all insurance required of the CONSULTANT has also been obtained for the subcontractor. Verification of this insurance shall be submitted and made part of this Agreement prior to execution.

- (a) Workers' Compensation. CONSULTANT shall, at CONSULTANT'S sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by CONSULTANT. Said Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than one million dollars. In the alternative, CONSULTANT may rely on a self-insurance program to meet these requirements provided that the program of self-insurance complies fully with the provisions of the California Labor Code. The insurer, if insurance is provided, or the CONSULTANT, if a program of self-insurance is provided, shall waive all rights of subrogation against the CITY for loss arising from work performed under this Agreement.
- (b) Commercial General and Automobile Liability Insurance. CONSULTANT, at CONSULTANT'S own cost and expense, shall maintain commercial general and automobile liability insurance for the period covered by this Agreement in an amount not less than one million dollars per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the

CITY OF LATHROP –MASTER AGREEMENT
CRANE TRANSPORTATION GROUP

general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

Coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) and Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 (any auto).

Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

- (i) CITY, its officers, employees, agents, and volunteers are to be covered as insured with respect to each of the following: liability arising out of activities performed by or on behalf of CONSULTANT, including the insider's general supervision of CONSULTANT; products and completed operations of CONSULTANT; premises owned, occupied or used by CONSULTANT. The coverage shall contain no special limitations on the scope of protection afforded to CITY, its officers, employees, agents, or volunteers.
 - (ii) The insurance shall cover on an occurrence or an accident basis, and not on a claim made basis.
 - (iii) An endorsement must state that coverage is primary insurance and that no other insurance affected by the CITY will be called upon to contribute to a loss under the coverage.
 - (iv) Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.
 - (v) Insurance is to be placed with California-admitted insurers with a Best's rating of no less than A: VII.
 - (vi) Notice of cancellation or non-renewal must be received by CITY at least thirty days prior to such change.
- (c) Professional Liability. CONSULTANT, at CONSULTANT'S own cost and expense, shall maintain for the period covered by this

CITY OF LATHROP –MASTER AGREEMENT
CRANE TRANSPORTATION GROUP

Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than One Million Dollars (\$1,000,000) per claim made and per policy aggregate covering the licensed professionals' errors and omissions, as follows:

- (i) Any deductible or self-insured retention shall not exceed \$150,000 per claim.
- (ii) Notice of cancellation, material change, or non-renewal must be received by the CITY at least thirty days prior to such change shall be included in the coverage or added as an endorsement to the policy.
- (iii) The policy must contain a cross liability or severability of interest clause.
- (iv) The following provisions shall apply if the professional liability coverages are written on a claims made form:
 - 1. The retroactive date of the policy must be shown and must be before the date of the Agreement.
 - 2. 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.
 - 3. If coverage is canceled or not renewed and it is not replaced with another claims made policy form with a retroactive date that precedes the date of this Agreement, CONSULTANT must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The CITY shall have the right to exercise at the CONSULTANT'S cost, any extended reporting provisions of the policy should the CONSULTANT cancel or not renew the coverage.
 - 4. A copy of the claim reporting requirements must be submitted to the CITY prior to the commencement of any work under this Agreement.
- (d) Deductibles and Self-Insured Retentions. CONSULTANT shall disclose the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement.

CITY OF LATHROP –MASTER AGREEMENT
CRANE TRANSPORTATION GROUP

During the period covered by this Agreement, upon express written authorization of the CITY's authorized representative, CONSULTANT may increase such deductibles or self-insured retentions with respect to CITY, its officers, employees, agents, and volunteers. The CITY's authorized representative may condition approval of an increase in deductible or self-insured retention levels upon a requirement that CONSULTANT procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

- (e) Notice of Reduction in Coverage. In the event that any coverage required under subsections (a), (b), or (c) of this section of the Agreement is reduced, limited, or materially affected in any other manner, CONSULTANT shall provide written notice to CITY at CONSULTANT'S earliest possible opportunity and in no case later than five days after CONSULTANT is notified of the change in coverage.
- (f) In addition to any other remedies CITY may have if CONSULTANT fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, CITY may, at its sole option:
 - (i) Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
 - (ii) Order CONSULTANT to stop work under this Agreement or withhold any payment which becomes due to CONSULTANT hereunder, or both stop work and withhold any payment, until CONSULTANT demonstrates compliance with the requirements hereof;
 - (iii) Terminate this Agreement.

Exercise of any of the above remedies, however, is an alternative to other remedies CITY may have and is not the exclusive remedy for CONSULTANT'S breach.

(10) Indemnification - CONSULTANT'S Responsibility

As to the CONSULTANT'S work hereunder, it is understood and agreed that (a) CONSULTANT has the professional skills necessary to perform the work, (b) CITY relies upon the professional skills of CONSULTANT to perform the work in a skillful and professional manner, and (c) CONSULTANT thus agrees to so perform.

CITY OF LATHROP –MASTER AGREEMENT
CRANE TRANSPORTATION GROUP

Acceptance by CITY of the work performed under this Agreement does not operate as a release of said CONSULTANT from such professional responsibility for the work performed. It is further understood and agreed that CONSULTANT is apprised of the scope of the work to be performed under this Agreement and CONSULTANT agrees that said work can and shall be performed in a fully competent manner in accordance with the standard of care applicable to CONSULTANT'S profession.

CONSULTANT shall indemnify, defend, and hold CITY, its officers, employees, agents, and volunteers harmless from and against any and all liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance, to the extent caused by the willful misconduct or negligent acts or omissions of CONSULTANT, its employees, subcontractors, or agents, or on account of the performance or character of this work, except for any such claim arising out of the negligence or willful misconduct of the CITY, its officers, employees, agents, or volunteers. It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

(11) Licenses

If a license of any kind, which term is intended to include evidence of registration, is required of CONSULTANT, its employees, agents, or subcontractors by federal or state law, CONSULTANT warrants that such license has been obtained, is valid and in good standing, and CONSULTANT shall keep it in effect at all times during the term of this Agreement, and that any applicable bond has been posted in accordance with all applicable laws and regulations.

(12) Business Licenses

CONSULTANT shall obtain and maintain a CITY of Lathrop Business License until all Agreement services are rendered and accepted by the CITY.

(13) Termination

Either CITY or CONSULTANT may cancel this Agreement upon 30 days written notification to the other party. In the event of termination, the CONSULTANT shall be entitled to compensation for services performed to the effective date of termination; provided, however, that the CITY may condition payment of such

CITY OF LATHROP –MASTER AGREEMENT
CRANE TRANSPORTATION GROUP

compensation upon CONSULTANT'S delivery to the CITY of any or all documents, photographs, computer software, video and audio tapes, and other materials provided to CONSULTANT or prepared by or for CONSULTANT or the CITY in connection with this Agreement.

(14) Funding

CONSULTANT agrees and understands that renewal of this agreement in subsequent years is contingent upon action by the City Council consistent with the appropriations limits of Article XIII (B) of the California Constitution and that the Council may determine not to fund this agreement in subsequent years.

(15) Notices

All contracts, 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. Personal service shall include, without limitation, service by delivery and service by facsimile transmission.

To City: City of Lathrop
City Clerk
390 Towne Centre
Lathrop, CA 95330

Copy to: City of Lathrop
Community Development
390 Towne Centre
Lathrop, CA 95330

P: (209) 941-7260
F: (209) 941-7268

To Consultant: Crane Transportation Group
Mark D. Crane, P.E.
2621 East Windrim Court
Elk Grove, CA 95758-7479
P: (916) 647-3406
F: (916) 647-3408

CITY OF LATHROP –MASTER AGREEMENT
CRANE TRANSPORTATION GROUP

(16) Miscellaneous

- (a) Consent. Whenever in this Agreement 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.
- (b) Controlling Law. The parties agree that this Agreement shall be governed and construed by and in accordance with the Laws of the State of California.
- (c) Definitions. The definitions and terms are as defined in these specifications.
- (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, which directly results from an Act of God or an act of a superior governmental authority.
- (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 constituting the Agreement documents described in Section 1 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 the Agreement and shall be deemed to be part of this Agreement.
- (g) Integration. This Agreement and any amendments hereto between the parties constitute the entire Agreement between the parties concerning the Project and Work, and there are no other prior oral or written agreements between the parties that are not incorporated in this Agreement.
- (h) 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.
- (i) Provision. Any agreement, covenant, condition, clause, qualification, restriction, reservation, term or other stipulation in the Agreement 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.

CITY OF LATHROP –MASTER AGREEMENT
CRANE TRANSPORTATION GROUP

- (j) 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.
- (k) Status of CONSULTANT. In the exercise of rights and obligations under this Agreement, CONSULTANT acts as an independent contractor and not as an agent or employee of CITY. CONSULTANT shall not be entitled to any rights and benefits accorded or accruing to the City Council members, officers or employees of CITY, and CONSULTANT expressly waives any and all claims to such right and benefits.
- (l) Successors and Assigns. The provisions of this Agreement shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.
- (m) Time of the Essence. Time is of the essence of this Agreement 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.
- (n) 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.
- (o) Recovery of Costs. The prevailing party in any action brought to enforce the terms of this Agreement or arising out of this Agreement may recover its reasonable costs, including reasonable attorney's fees, incurred or expended in connection with such action against the non-prevailing party.

(17) 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 bonds and insurances have been received. City shall not be obligated to pay CONSULTANT for any services prior to issuance of the Notice to Proceed.

CITY OF LATHROP –MASTER AGREEMENT
CRANE TRANSPORTATION GROUP

(18) 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.

Approved as to Form:

City of Lathrop
City Attorney

Salvador Navarrete

Date

Recommended for Approval:

City of Lathrop
Assistant Community Development Director

Mark Meissner

Date

Accepted By:
Reso No.

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

CONSULTANT:

Crane Transportation Group
Mark D. Crane, P.E.
2621 East Windrim Court
Elk Grove, CA 95758-7479
Fed ID # 19-5404405
Business License # 20144

Mark D. Crane

6 June 2018

Signed

Date

MARK D. CRANE
(Print Name and Title)

PRESIDENT

**CITY OF LATHROP
TASK ORDER NO. 1 PURSUANT TO
MASTER AGREEMENT WITH CRANE TRANSPORTATION
DATED JUNE 11, 2018 FOR TRAFFIC MONITORING AND ANALYSIS
SERVICES**

CITYWIDE TRAFFIC COUNT OPERATIONS

THIS TASK ORDER NO.1, dated for convenience this 11th day of June 2018, is by and made and entered into by and between Crane Transportation Group (“CONSULTANT”) and the CITY OF LATHROP, a California municipal corporation (“CITY”);

RECITALS:

WHEREAS, on June 11, 2018, CONSULTANT entered into a Master Agreement (“AGREEMENT”) with the CITY, by which the CONSULTANT has agreed to provide Specialized Traffic Analysis Services for the City of Lathrop. The City Council authorized the execution of the AGREEMENT and with CONSULTANT, pursuant to Resolution 18-_____.

WHEREAS, at the request of CITY, CONSULTANT submitted the scope of work and fee estimate to provide Citywide Traffic Count professional services as described in Task Order No.1 and fee estimate are attached hereto as Exhibit “A “ and incorporated herein by reference;

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

AGREEMENT

(1) Incorporation Of Master Agreement

This Task Order No.1 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 provide Citywide Traffic Count professional services for the Planning Department and has establish a scope of work and fee proposal provided in Exhibit “A”. CONSULTANT agrees to diligently perform these services in accordance with the utmost standards of its profession and to the CITY’S satisfaction.

(3) Time Of Performance

CONSULTANT shall commence performance and shall complete all required services no later than June 30, 2019.

(4) Independent Contractor Status

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and not an employee of the CITY.

As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in Exhibit "A" to City's satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY.

(5) Compensation

CITY hereby agrees to pay CONSULTANT a sum not to exceed \$32,800 and has establish a scope of work and a budget as set forth in Exhibit "A" and payments will be issued incrementally. 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 of the Master Agreement. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in Exhibit "A", unless a written change order or authorization describing the extra work and payment terms has been executed by CITY's authorized representative prior to the commencement of the work.

(6) 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 certificates of insurances have been received. City shall not be obligated to pay CONSULTANT for any services prior to issuance of the Notice to Proceed.

(7) Billings

CONSULTANT'S bills shall include a list of all tasks, a total amount due, the amounts previously billed, and the net amount due on the invoice. Except as specifically authorized by CITY, CONSULTANT shall not bill CITY for duplicate services performed by more than one person. In no event shall CONSULTANT submit any billing for an amount in excess of the rates or the maximum amount of compensation provided in section (2) for either task or for the entire Agreement, unless modified by a properly executed change order.

City of Lathrop – Task Order No. 1 for Citywide Traffic Count Operations

(8) 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.

Approved as to Form: City of Lathrop
City Attorney

Salvador Navarrete Date

Recommended for Approval: City of Lathrop
Community Development Director

Rebecca Willis Date

Accepted By: City of Lathrop
Reso No: 390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore Date
City Manager

CONSULTANT: Crane Transportation Group
2621 East Windrim Court
Elk Grove, CA 95758-7479
Fed ID # 19-5404405
Bus License # 20144

Mark D. Crane 6 June 2018
Signature Date

MARK D. CRANE PRESIDENT
(Print Name and title)

CRANE TRANSPORTATION GROUP

CITY OF LATHROP

CITYWIDE TRAFFIC OPERATIONS

TRAFFIC COUNT SCOPE OF SERVICES

March 2018

I. PROPOSED TRAFFIC COUNT LOCATIONS

A. INTERSECTION AUTO & TRUCK TURN MOVEMENT COUNTS (7:00-9:00 AM AND 3:00-6:00 PM – see Figure 1)

1. Roth Road/Manthey Road
2. Roth Road/I-5 SB Ramps
3. Roth Road/I-5 NB Ramps
4. Roth Road/Harlan Road
5. Roth Road/McKinley Avenue
6. Roth Road/Sharp Army Depot Entrance
7. Roth Road/Intermodal Facility Entrance
8. Lathrop Road/Golden Valley Parkway
9. Lathrop Road/Manthey Road
10. Lathrop Road/I-5 SB Ramps
11. Lathrop Road/I-5 NB Ramps
12. Lathrop Road/Old Harlan Road/Driveways
13. Lathrop Road/New Harlan Road
14. Lathrop Road/5th Street
15. Lathrop Road/McKinley Avenue
16. Harlan Road/Stonebridge Avenue
17. River Islands Parkway/McKee Blvd.
18. River Islands Parkway/Golden Valley Parkway
19. River Islands Parkway/Manthey Road
20. River Islands Parkway/I-5 SB Ramps
21. Louise Avenue/I-5 NB Ramps
22. Louise Avenue/Old Harlan Road/Driveways
23. Louise Avenue/Driveways
24. Louise Avenue/New Harlan Road
25. Louise Avenue/Cambridge Drive
26. Louise Avenue/5th Street-Howland Road
27. Louise Avenue/McKinley Avenue
28. Golden Valley Parkway/Towne Centre Drive
29. Manthey Road/Brookhurst Boulevard
30. Yosemite Avenue/SR 120 EB Ramps

31. Yosemite Avenue/SR 120 WB Ramps
32. Yosemite Avenue/D'Arcy Parkway
33. Yosemite Avenue/McKinley Avenue
34. Harlan Road/D'Arcy Parkway
35. Manthey Road/Stewart Road
36. Manthey Road/I-5 SB Ramps
37. Mossdale Road/I-5 NB Ramps
38. MacArthur Blvd./I-205 Westbound Ramps
39. MacArthur Blvd./I-205 Eastbound Ramps
40. Arbor Avenue/Paradise Road
41. Somerston Road/Marina
42. Somerston Road/Academy
43. Lakeside/Commercial
44. McKee Boulevard/Barbara Terry Parkway

B. ROADWAY DIRECTIONAL HOSE COUNTS (72 HOURS – TUESDAY/WEDNESDAY/THURSDAY – see Figure 2)

1. Area 1 – Mossdale (most northerly subdivision)
 - Count Barbara Terry Boulevard and McKee Boulevard just west and north of the Barbara Terry/McKee Boulevard intersection.
2. Area 2 – Mossdale (central subdivision just south of City Hall)
 - Count Autumn Rain Drive and Crescent Moon Drive just east of McKee Boulevard.
3. Area 3 – Mossdale (southerly subdivision, adjacent to Sadler Oak)
 - Count Emory Oak Place and Schumard Oak Road just north/east of Sadler Oak.
4. Area 4 – Stonebridge Subdivision (north end)
 - Count Waterman Avenue, Goldstone Street and Spar Street just north/east of Slate Street.
5. Area 5 – New River Islands Residential Development – to be selected in consultation with City and River Islands staff. Assume 2 count locations.
 - Residential AM and PM peak hour trip rates will be determined for each subdivision.
6. River Islands Parkway bridge across San Joaquin River.
7. Stewart Road west of Manthey Road (near railroad crossing).

C. FREEWAY COUNTS (5:00-9:00 AM & 2:00-7:00 PM – see Figure 3)

1. I-5 just north of the Roth Road interchange (3 lanes each direction).
2. I-5 between the Louise Avenue interchange and SR 120.
3. SR 120 just west of the Yosemite Avenue interchange (2 lanes each direction).
4. I-205 just west of its interchange with I-5 (3 lanes each direction).
5. The southbound I-5 to eastbound SR 120 connector ramp (1 lane).
6. The westbound SR 120 to northbound I-5 connector ramp (1 lane).
7. I-5 just south of I-205 interchange (2 lanes each direction).

II. DATA ANALYSIS & PRESENTATION

A. PEAK HOUR TURN MOVEMENT COUNTS

An AM and PM peak hour set of turn movement counts will be developed for all City intersections. It is very probable that the specific peak traffic hours during the morning and afternoon commute periods will vary by corridor and/or by individual intersections. This evaluation will result in one set of AM and PM peak hour turn movement counts that reflect peak traffic activity at most or all intersections that will be used as the basis for all existing operational analysis

B. SUBDIVISION TRIP GENERATION RATES

Weekday AM and PM peak period trip generation rates will be determined for each surveyed subdivision. The City of Lathrop will need to supply the number and type of residential units in each subdivision as well as vacancy rates.

C. HOURLY DIRECTIONAL COUNTS

Three days of 24-hour counts will be presented for River Islands Parkway at its crossing of the San Joaquin River and for Stewart Road just west of Manthey Road.

D. FREEWAY VOLUMES

Freeway volumes (auto & truck) will be evaluated to see if there is a consistent AM and PM peak hour on all three freeways and to see how the peak hours on the freeways match those at the Lathrop surface street intersections.

E. PRESENTATION

- Weekday AM and PM peak hour turn movement volumes will be presented on figures.
- Subdivision AM and PM peak hour trip generation rates will be presented in tabular form and on a figure.
- Freeway directional volumes will be presented on figures.

- Roadway directional hourly volumes (for three days) will be presented in tabular form.

III. COUNT COMPANY

All counts will be conducted by National Data & Surveying Services, the company that conducted the counts in 2013. All counts will be recorded, with a copy of the recordings provided to the City.

IV. COST OF SERVICES

1.	Counts (National Data & Surveying)	\$18,600.00
2.	Count program setup, breakdown of raw count data & set up of AM & PM peak hour coordinated system. Graphic presentation of TMP peak hour count results and coordination with Fehr & Peers General Plan count program.	\$14,200.00
		<hr/>
	TOTAL	\$32,800.00

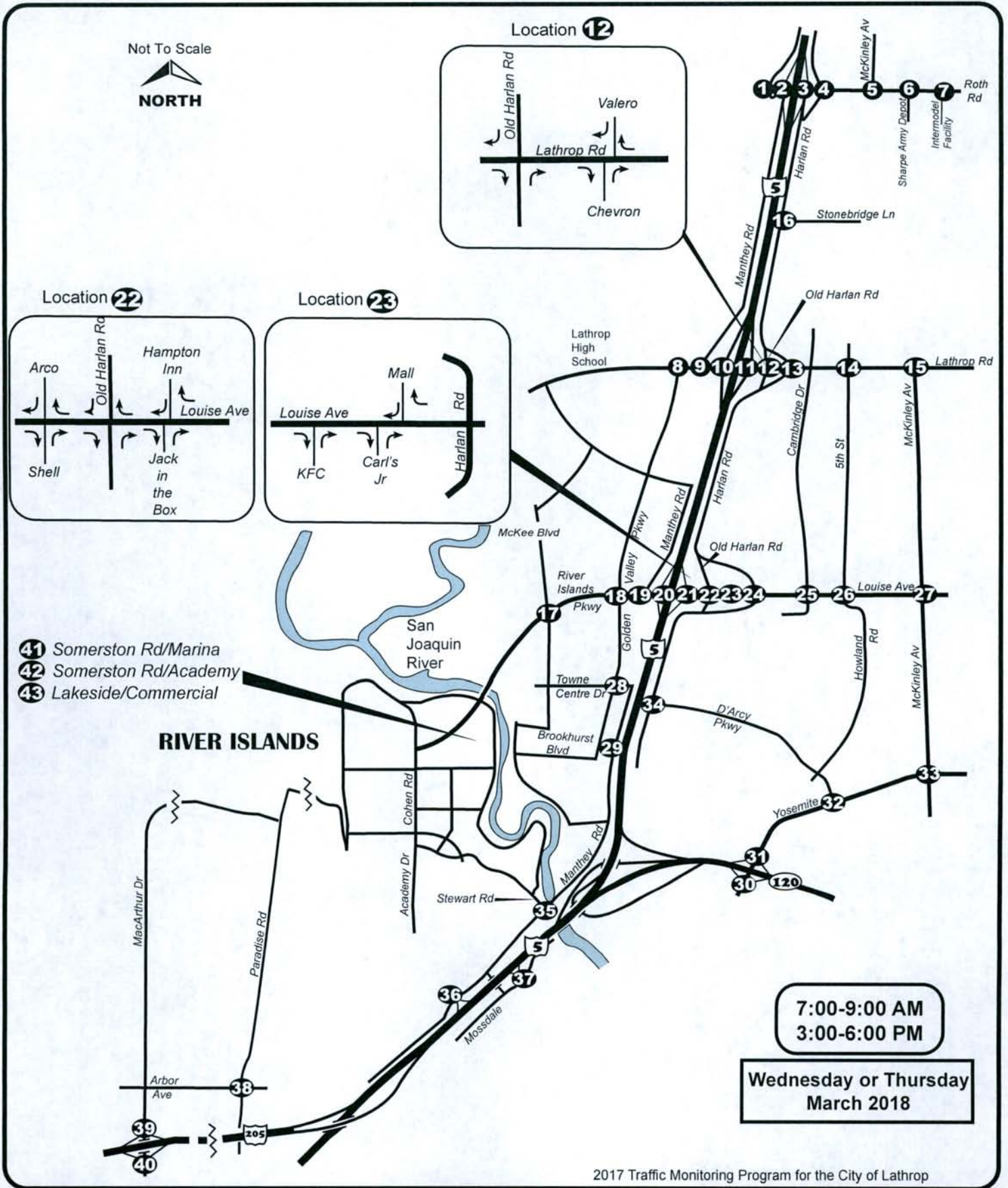
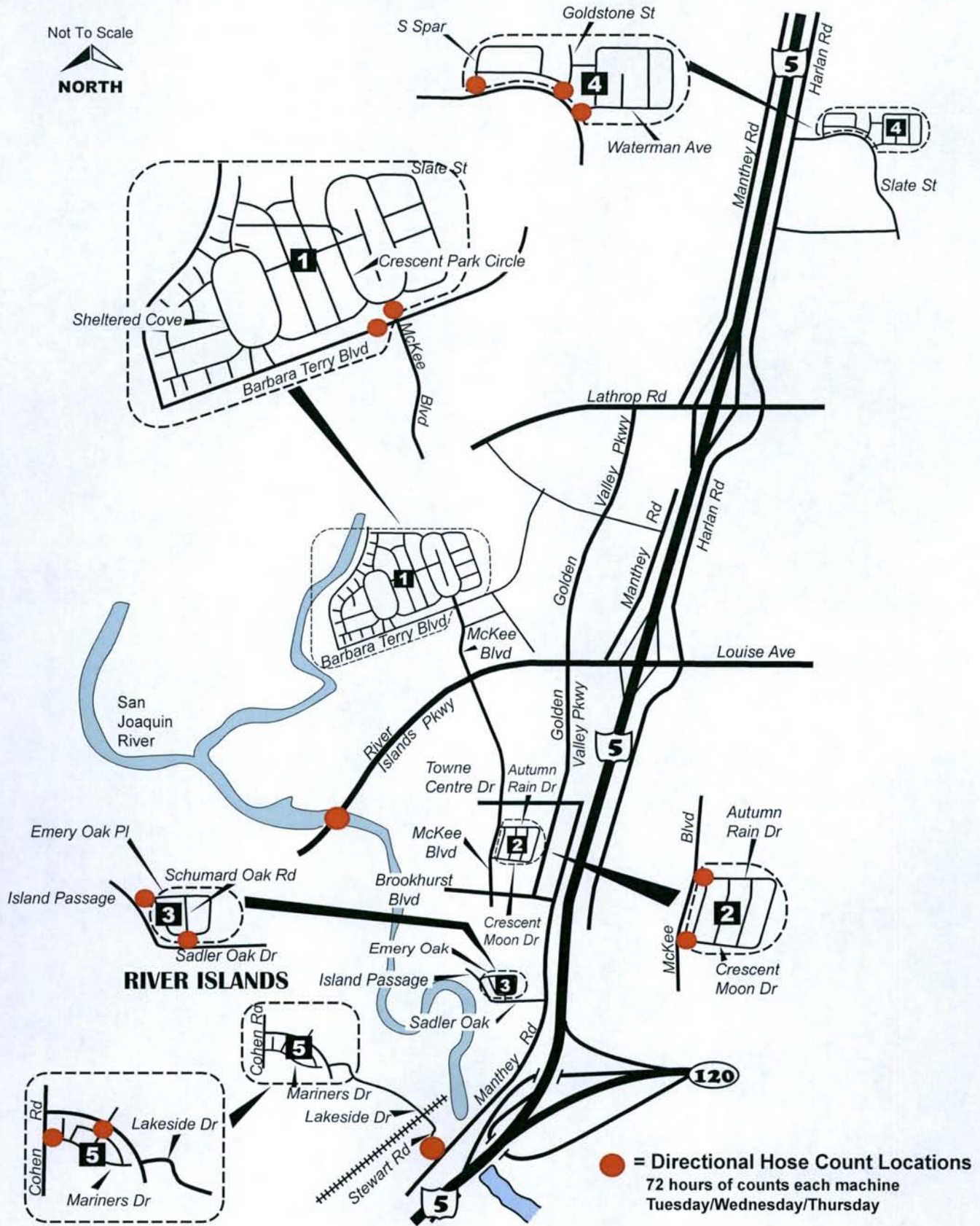


Figure 1
Lathrop AM & PM Peak Period
Turn Movement Count Locations

CRANE TRANSPORTATION GROUP

Not To Scale



2017 Traffic Monitoring Program for the City of Lathrop

Figure 2

Lathrop 72 Hour Hose Count Locations

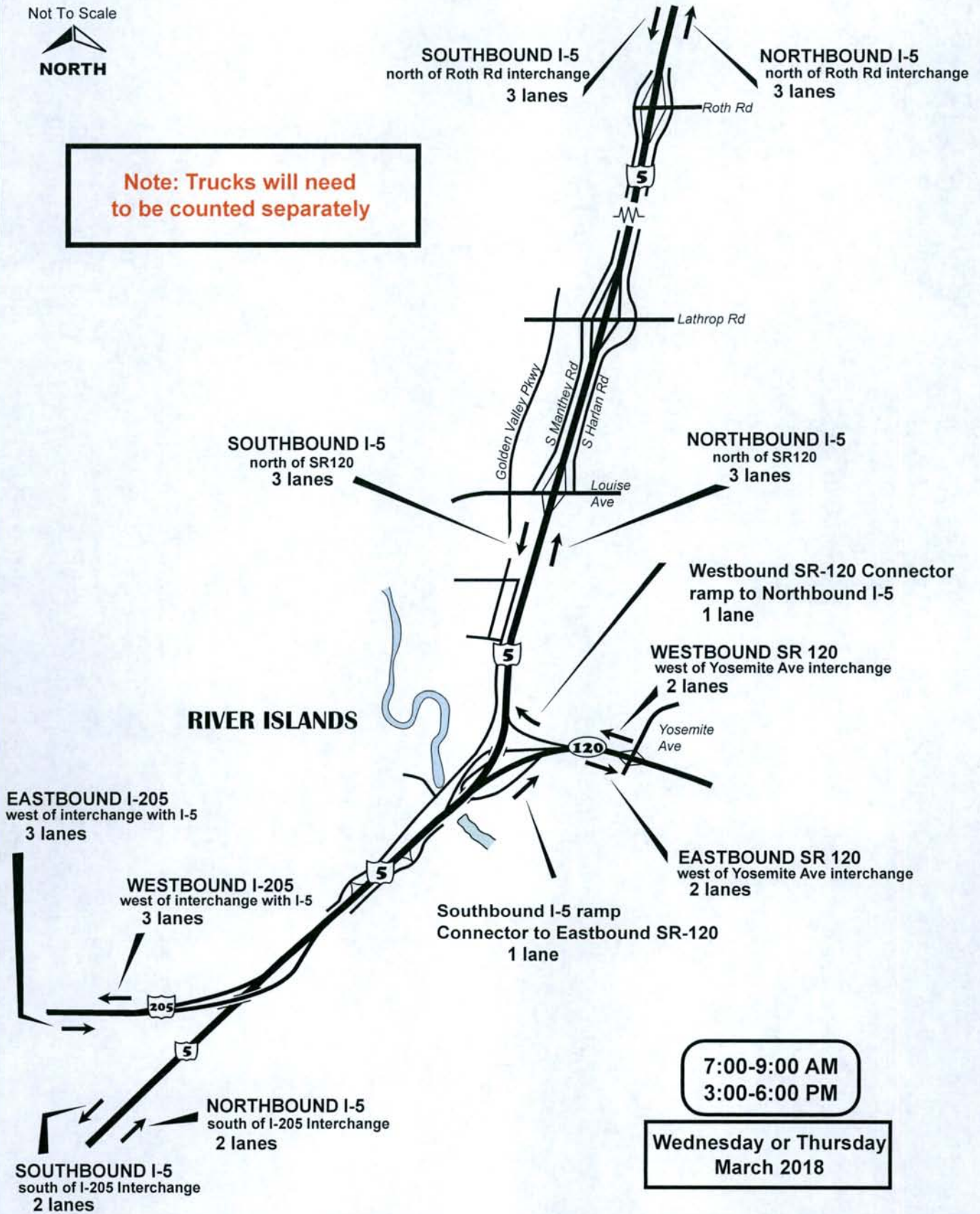


CRANE TRANSPORTATION GROUP

Not To Scale



Note: Trucks will need to be counted separately



2017 Traffic Monitoring Program for the City of Lathrop



CRANE TRANSPORTATION GROUP

Figure 3
Lathrop Freeway Count Locations

D

CITY OF LATHROP ATTACHMENT
TASK ORDER NO. 2 PURSUANT TO
MASTER AGREEMENT WITH CRANE TRANSPORTATION
DATED JUNE 11, 2018 FOR TRAFFIC MONITORING AND ANALYSIS
SERVICES

YEAR 2018 CITYWIDE TRAFFIC MONITORING PROGRAM (TMP)
2- AND 4-YEAR HORIZON STUDY

THIS TASK ORDER NO.2, dated for convenience this 11th day of June 2018, is by and made and entered into by and between Crane Transportation Group (“CONSULTANT”) and the CITY OF LATHROP, a California municipal corporation (“CITY”);

RECITALS:

WHEREAS, on June 11, 2018, CONSULTANT entered into a Master Agreement (“AGREEMENT”) with the CITY, by which the CONSULTANT has agreed to provide Specialized Traffic Analysis Services for the City of Lathrop. The City Council authorized the execution of the AGREEMENT and with CONSULTANT, pursuant to Resolution 18-_____.

WHEREAS, at the request of CITY, CONSULTANT submitted the scope of work and fee estimate to provide Year 2018 Citywide Traffic Monitoring Program Study Services as described in Task Order No.2 and fee estimate are attached hereto as Exhibit “A “ and incorporated herein by reference;

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

AGREEMENT

(1) Incorporation Of Master Agreement

This Task Order No.2 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 provide Citywide Traffic Monitoring Program (TMP) Study for the Planning Department and has establish a scope of work and fee proposal provided in Exhibit “A”. CONSULTANT agrees to diligently perform these services in accordance with the utmost standards of its profession and to the CITY’S satisfaction.

(3) Time Of Performance

CONSULTANT shall commence performance and shall complete all required services no later than June 30, 2019.

(4) Independent Contractor Status

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and not an employee of the CITY.

As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in Exhibit “A” to City’s satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY.

(5) Compensation

CITY hereby agrees to pay CONSULTANT a sum not to exceed \$67,320 and has establish a scope of work and a budget as set forth in Exhibit “A” and payments will be issued incrementally. 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 of the Master Agreement. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in Exhibit “A”, unless a written change order or authorization describing the extra work and payment terms has been executed by CITY’s authorized representative prior to the commencement of the work.

(6) 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 certificates of insurances have been received. City shall not be obligated to pay CONSULTANT for any services prior to issuance of the Notice to Proceed.

(7) Billings

CONSULTANT’S bills shall include a list of all tasks, a total amount due, the amounts previously billed, and the net amount due on the invoice. Except as specifically authorized by CITY, CONSULTANT shall not bill CITY for duplicate services performed by more than one person. In no event shall CONSULTANT submit any billing for an amount in excess of the rates or the maximum amount of compensation provided in section (2) for either task or for the entire Agreement, unless modified by a properly executed change order.

(8) 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.

Approved as to Form: City of Lathrop
City Attorney

Salvador Navarrete Date

Recommended for Approval: City of Lathrop
Community Development Director

Rebecca Willis Date

Accepted By: City of Lathrop
Reso No: 390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore Date
City Manager

CONSULTANT: Crane Transportation Group
2621 East Windrim Court
Elk Grove, CA 95758-7479
Fed ID # 19-5404405
Bus License # 20144

Mark D. Crane 6 June 2018
Signature Date

MARK CRANE PRESIDENT
(Print Name and title)

**LATHROP YEAR 2018
CITYWIDE TRAFFIC MONITORING PROGRAM (TMP)
2- & 4-YEAR HORIZON STUDY**

**SCOPE OF SERVICES
March 26, 2018**

I. PROJECT INITIATION

A meeting will be conducted with City of Lathrop staff to finalize monitoring locations for the Citywide traffic study. In addition, City staff will detail operational information required at each analysis location.

II. EXISTING CONDITIONS

A. Analysis Locations (see Figure 1). City staff has determined that the following intersections will be studied.

1. Roth Road/Manthey Road
2. Roth Road/I-5 SB Ramps
3. Roth Road/I-5 NB Ramps
4. Roth Road/Harlan Road
5. Roth Road/McKinley Avenue
6. Spartan Way/Golden Valley Parkway
7. Spartan Way/Manthey Road
8. Spartan Way/I-5 SB Ramps
9. Lathrop Road/I-5 NB Ramps
10. Lathrop Road/New Harlan Road
11. Lathrop Road/5th Street
12. Lathrop Road/McKinley Avenue
13. River Islands Parkway/McKee Blvd.
14. River Islands Parkway/Golden Valley Parkway
15. River Islands Parkway/I-5 SB Ramps
16. Louise Avenue/I-5 NB Ramps
17. Louise Avenue/New Harlan Road
18. Louise Avenue/5th Street-Howland Road
19. Louise Avenue/McKinley Avenue
20. Golden Valley Parkway/Towne Centre Drive
21. Manthey Road/Brookhurst Boulevard
22. Yosemite Avenue/SR 120 EB Ramps
23. Yosemite Avenue/SR 120 WB Ramps

24. Yosemite Avenue/D'Arcy Parkway
25. Yosemite Avenue/McKinley Avenue
26. Manthey Road/Stewart Road
27. Manthey Road/I-5 SB Ramps
28. Mossdale Road/I-5 NB Ramps
29. Somerston Road/Marina
30. Somerston Road/Academy
31. Lakeside/Commercial

- B. Traffic Counts.** Please see traffic count scope of services. This cost is not included in this scope.
- C. Operations Analysis.** The following existing conditions operations information will be determined at the analysis locations.
- Level of service using the Synchro software program – all locations
 - 95th percentile vehicle queuing using the Synchro software program – most intersections within or adjacent to freeway interchanges (locations 1, 2, 3, 4, 8, 9, 10, 15, 16, 17).

III. FUTURE CONDITIONS

- A. Analysis Horizon Years**
- 2020
 - 2022

B. Proposed/Planned Land Use Development

Lathrop City staff will provide detailed information regarding all development in the cities of Lathrop and Manteca as well as San Joaquin County that should be included in the traffic projections for the two future years. This will also include any expected changes in the number of students for the local schools. One land use scenario will be studied for each horizon year. City staff will obtain traffic studies from Manteca and San Joaquin County for projects in these two jurisdictions potentially contributing a significant amount of traffic to the Lathrop roadway system.

C. Planned Circulation System Improvements

Lathrop City staff will provide a list of any circulation system improvements to be considered in place for each horizon year. In particular, the City will need to decide if there will be a connection between River Islands and Paradise Road for one or both horizon years.

D. Future Project Trip Generation

Peak hour trip generation projections for all proposed land uses within Lathrop will be developed using trip rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition (2017). The exception will be new single family residential units within Lathrop, where trip rates may be developed from the subdivision traffic counts conducted for this study. Please note that the existing significant amount of construction worker traffic associated with the River Islands development will be assumed on the circulation system in 2020 and 2022.

Trip generation from all developments within Manteca and San Joaquin County will be obtained from studies conducted for these proposed developments. Lathrop City staff will be required to obtain copies of these studies. If no studies are available, trip generation projections will be developed using the most recent ITE trip generation rates.

E. Future Project Trip Distribution

Traffic from new development within Lathrop will be distributed to the local roadway network based upon distribution patterns from the existing counts.

Optional Item #1: Trip distribution patterns to/from Lathrop residential and employment areas will be determined using the City's traffic model or recent census data. The cost for obtaining this data is not included in the base scope.

Traffic from new development in Manteca or San Joaquin County without a traffic study will be distributed to the Lathrop street network based upon data from available studies in these jurisdictions.

F. Future Traffic Projections

- Year 2020 and 2022 AM and PM peak hour turn movement increments will be developed for each major development area in the City (Central Lathrop Specific Plan, Mossdale, River Islands, South Lathrop, remainder of City) as well as for City of Manteca and San Joaquin County development.
- Total volume increments will then be determined for each horizon year.

G. Future Operations Analysis

- Year 2020 AM and PM peak hour level of service will be determined at all analysis intersections, while 95th percentile queuing using Synchro software results will be determined at those select intersections listed in Scope item II-C. Peak hour signal warrant evaluation will also be conducted at all unsignalized intersections.

- Year 2022 AM and PM peak hour level of service will be determined at all analysis intersections, while 95th percentile queuing using Synchro software results will be determined at those select intersections listed in Scope item II-C. Peak hour signal warrant evaluation will also be conducted at all unsignalized intersections.

IV. SIGNIFICANT IMPACTS

- **Year 2020**
A determination will be made of all locations projected to experience unacceptable peak hour level of service or 95th percentile queuing. Unsignalized intersections with peak hour volumes above Warrant #3 criteria levels will also be listed. The percent contribution in net new traffic from all Specific Plan areas in the City will be determined at all locations with unacceptable operation.
- **Year 2022**
A determination will be made of all locations projected to experience unacceptable peak hour level of service or 95th percentile queuing. Unsignalized intersections with peak hour volumes above Warrant #3 criteria levels will also be listed. The percent contribution in net new traffic from all Specific Plan areas in the City will be determined at all locations with unacceptable operation.

V. MITIGATIONS

- **Year 2020**
Measures will be recommended to bring all unacceptable peak hour level of service or queuing back to acceptable operation. Measures will be discussed with City Public Works staff to assure that only mitigations are recommended that can realistically be constructed.
- **Year 2022**
Measures will be recommended to bring all unacceptable peak hour level of service or queuing back to acceptable operation. Measures will be discussed with City Public Works staff to assure that only mitigations are recommended that can realistically be constructed.

VI. MEETINGS

Three meetings will be conducted with City staff during the course of the project.

VII. REPORTS

- **Draft Report.** A draft report will be prepared and emailed to City staff for review.
- **Final Report.** A final report will be prepared after incorporation of all agreed-to changes with the City, and emailed to the City. Five hard copies of the final report will also be provided.
- **Technical Appendix.** Two disks will be provided to the City with all level of service/queuing worksheets. Alternatively, files can be emailed to the City.

VIII. PUBLIC HEARING ATTENDANCE

Attendance will be made by Mark Crane, P.E. at one public hearing. Please note I will be out of the country from September 16 to October 22, 2018. Another CTG principal could attend the meeting during this time period.

Optional Item #2: Roth Road Intersections at I-5 & Harlan Road operations analysis with alternative intersection control. AM and PM peak hour operating conditions (level of service, delay and 95th percentile queuing) will be determined at the Roth Road intersections with Harlan Road, I-5 Northbound Ramps and I-5 Southbound Ramps using Synchro software. Analysis will be conducted for one horizon year (Existing, 2020 or 2022) for three alternative signalization and stop sign control plans at the three intersections (as selected by City staff). A memo report will be prepared with the findings. One round of edits based upon comments from City staff is included in the scope as well as two hours principal time response to any comments by Caltrans.

Please note: All work products will be to a planning level of detail only, and not to a design level of detail.

**WHAT IS NOT INCLUDED IN THIS SCOPE
BUT COULD BE ADDED FOR ADDITIONAL COST
WITH WRITTEN AUTHORIZATION**

- Attendance at more than one public hearing.
- Evaluation of any additional locations not specified in the above scope.
- Traffic count costs – please see traffic count scope.
- Attendance at any additional meetings beyond those listed in the scope.
- Any trip generation/distribution analysis for major projects in Lathrop, Manteca or San Joaquin County that have not had a traffic impact report prepared.
- Optional Item #1 – using the City or County model for Lathrop project trip distribution projections.
- Optional Item #2 – Roth Road Intersections at I-5 & Harlan Road operations analysis with alternative intersection control.
- Responses to Caltrans, Manteca, San Joaquin County or public comments.
- I-5, SR 120 or SR 205 freeway mainline analysis or freeway ramp-mainline merge/diverge analysis.
- SIM traffic evaluation of vehicle queuing at freeway interchanges.
- Analysis of a different connection scenario between River Islands and Paradise Road than was evaluated in the base scope of services.

COST OF SERVICES & CONDITIONS OF PAYMENT

The above scope of services will be completed for a fee not to exceed \$67,320 (see **Table 1**). Any work beyond the above scope or attendance at any additional meetings will be billed on a time and materials basis (with prior approval) or will be subject to a contract addendum. Billing will be sent by CTG on a monthly basis with payment due to CTG within 30 days receipt of our billing. Any late payments to CTG will be subject to a .833% per month (10% annual) compound interest charge plus a late fee of \$35 per month (until the invoice is fully paid) and any administrative and legal charges required to collect the late payments. In addition, all work will stop if payments are in arrears. Cost estimates are good for a 30-day time period from the date on our proposal. If, for any reason, work on the project is stopped for longer than a three-month period, CTG reserves the right to increase its budget a minimum of 10 percent for associated administrative and refamiliarization costs with the restart of the project.

TIME OF SERVICES

A draft traffic study will be completed within 40 working days after receipt of signed authorization to proceed, conduct and receipt of all needed traffic counts and receipt of all needed information from Lathrop City staff. Time of completion estimates are good for a 14-day time period from the date on our proposal.

We thank you for the opportunity to submit this proposal and look forward to working with you on this project.

Sincerely,

Mark D. Crane, P.E.
Principal

Table 1

CRANE TRANSPORTATION GROUP

LATHROP YEAR 2018

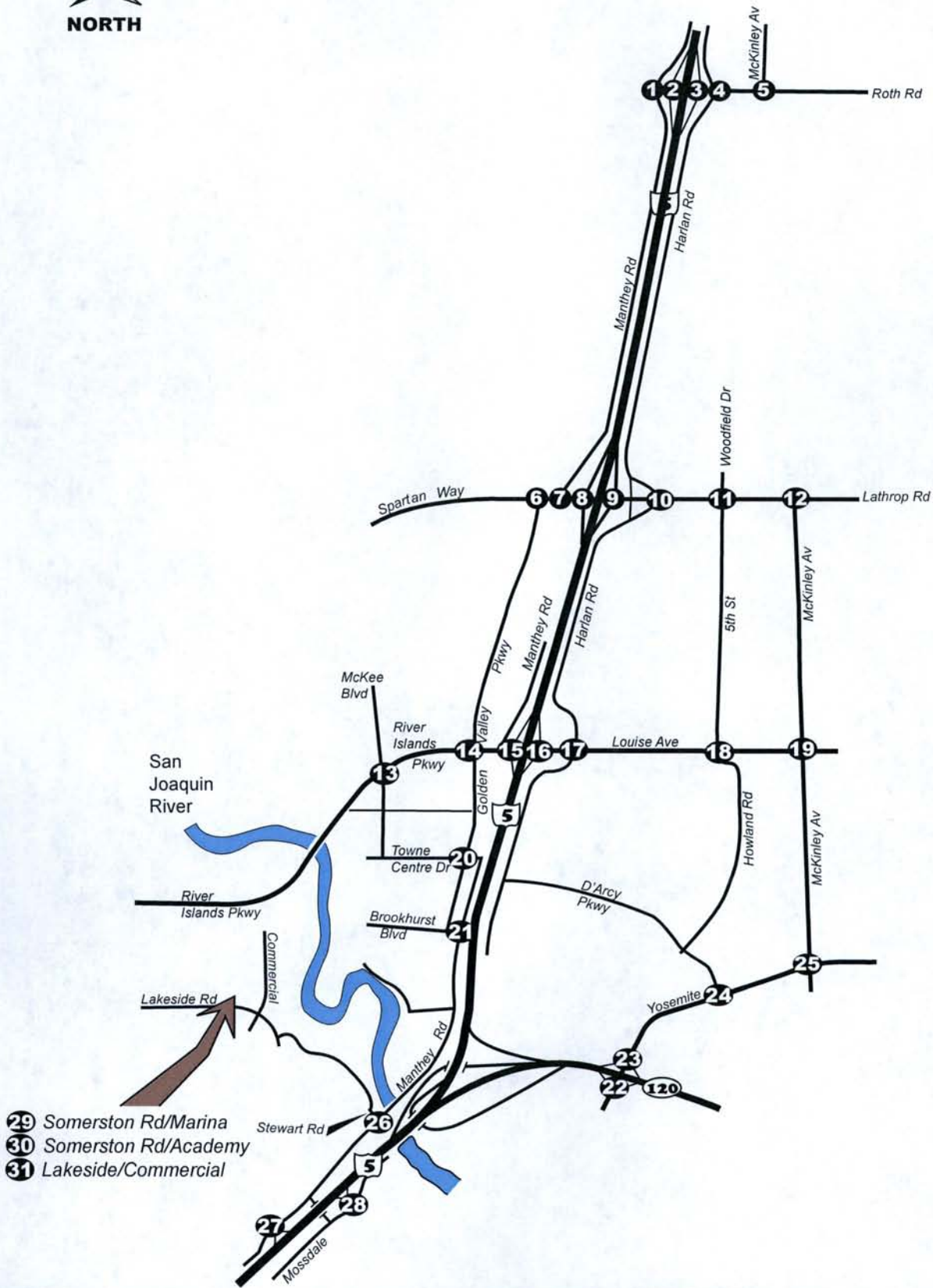
CITYWIDE TRAFFIC MONITORING PROGRAM (TMP)

2- & 4-YEAR HORIZON STUDY

COST ALLOCATION BY TASK

TASK	DESCRIPTION	COST
1	Startup meeting & field review of all locations to be evaluated during peak traffic periods	\$2,810
2	Existing AM/PM peak hour levels of service – 31 intersections	\$5,560
3	Existing 95th percentile queuing at interchanges	\$1,400
4	Existing signal warrant evaluation	\$540
5	Assist City in developing 2- & 4-year horizon land use data for Lathrop, Manteca & San Joaquin County	\$1,980
6	Trip generation/distribution projections – 2-year horizon land use increment	\$8,950
7	Trip generation/distribution projections – 4-year horizon land use increment	\$8,950
8	Year 2020 AM/PM intersection level of service (LOS)	\$4,880
9	Year 2020 AM/PM 95th percentile queuing at interchanges	\$1,780
10	Year 2020 AM/PM signal warrant evaluation	\$540
11	Year 2022 AM/PM intersection level of service (LOS)	\$5,040
12	Year 2022 AM/PM 95th percentile queuing at interchanges	\$2,160
13	Year 2022 AM/PM signal warrant evaluation	\$540
14	Year 2020 – Identify unacceptable intersection operation (LOS/queue/signal need)	\$1,010
15	Year 2022 – Identify unacceptable intersection operation (LOS/queue/signal need)	\$1,170
16	Determine year 2020 required improvements	\$2,570
17	Determine year 2022 required improvements	\$3,200
18	Prepare draft report (text/graphics/tables)	\$8,400
19	Prepare final report	\$2,100
20	Prepare technical appendix	\$860
21	Attend 2 additional meetings with City staff	\$1,910
22	Attend 1 public hearing.	\$950
	TOTAL COST	\$67,320
	Optional Item #1: Trip distribution patterns using City model	TBD
	Optional Item #2: Roth Road intersections alternative control operations analysis	\$13,000

Not To Scale



2018 Traffic Monitoring Program for the City of Lathrop



CRANE TRANSPORTATION GROUP

Figure 1
AM & PM Peak Hour
Traffic Analysis Locations

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: ADOPT ADEQUATE PROGRESS FINDINGS TOWARD PROVISION OF 200-YEAR URBAN LEVEL OF FLOOD PROTECTION FOR RECLAMATION DISTRICT 2062 (RIVER ISLANDS)

RECOMMENDATION: Adopt Resolution, Acting as the Land Use Authority, Adopting Adequate Progress Findings toward providing a 200-Year Urban Level of Flood Protection for River Islands Phase 1 (Stages 1, 2A and 2B) Area by the Year 2025

SUMMARY:

Senate Bill 5 (SBS), and related companion bills created a new requirement for certain land use decisions made by cities and counties in the California Central Valley. Starting on July 2, 2016, prior to approving discretionary land use decisions for non-residential projects, and prior to approving ministerial land use decisions (building permits) for new residential buildings, land use agencies are required to make a Finding of Adequate Progress toward provision of Urban Level Flood Protection (ULOP) 200-year flood protection.

On June 20, 2016, City Council approved an Adequate Progress Finding (APF) for the River Islands at Lathrop Phase 1 area based on certification by Reclamation District 2062 (RD 2062) that the levee system would provide ULOP upon completion of the procedural requirements in the ULOP criteria. This allowed the City of Lathrop to continue to issue, within Phase 1 areas that are fully flood protected, discretionary permits to commercial and industrial uses, and ministerial permits (building permits) for new residential homes through June 2017. In April 2017, the City Council approved an updated APF, documenting changes in the flood protection system for the River Islands development area that allowed approvals through June 2018.

Tonight, staff requests the City Council adopt a resolution which finds that RD 2062 continues to make adequate progress for the River Islands at Lathrop Phase 1 Area, which includes the Stage 1, Stage 2A and Stage 2B Areas (all of Phase 1 of River Islands) within RD 2062. This would allow the City of Lathrop to continue to issue, within the entire River Islands at Lathrop Phase 1 Area, discretionary permits to commercial and industrial uses, and ministerial permits (building permits) for new residential homes through June 2025 while RD 2062 continues to make progress towards providing an ULOP by the year 2025.

BACKGROUND:

The California Department of Water Resources (DWR) developed both technical and procedural criteria in response to requirements outlined in the Central Valley Flood

JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**ADOPTING ADEQUATE PROGRESS FINDINGS TOWARD PROVIDING A 200-YR ULOP IN PHASE 1 (STAGE 1, 2A & 2B) AREA LEVEES OF RD 2062 BY THE YEAR 2025**

Protection Act of 2008, enacted by SB5 in 2007 and amended by subsequent legislation (2007 California Flood Legislation). DWR developed the ULOP Criteria to assist affected cities and counties within the Sacramento-San Joaquin Valley, in making the findings related to an ULOP before approving certain land use entitlements in accordance with the 2007 California Flood Legislation.

The ULOP Criteria Requires A Scope of Work for Completion of the Flood Protection System. The Annual Report of Adequate Progress Towards Urban Level of Flood Protection (included as Exhibit "A" of Attachment A – Resolution) identifies the progress made in the past year since the last APF, and the present efforts underway and planned that will accomplish an ULOP for the Stage 1 area.

River Islands constructed the Stage 2A Levee in the summer of 2016, which was designed to protect against the 200-year event. The Stage 2A Levee essentially extended the Stage 1 Interior Levee to the west by creating a loop expanding the protected area. The Stage 2A levee has also been certified by FEMA as providing 100-year flood protection. In 2017, River Islands constructed the Stage 2B Levee, which further expands the protected area. FEMA is currently reviewing the application for approval of 100-year flood protection. The Stage 1, 2A, and 2B areas collectively make-up the "Phase 1 Area" (Attachment B).

2018 Documentation BY RD 2062:

The APF for the RD 2062 Phase 1 Area relies upon the previous APF for the River Islands at Lathrop Stage 1, Stage 2A and 2B Area adopted last year and the Annual Report attached to this report. These documents provide the substantial evidence in the record to support the requested finding of Adequate Progress. According to the letter dated May 29, 2018 (Attachment C), the RD 2062 Board of Trustees acting as the Local Flood Management Authority, approved the Annual Report and transmitted it to the City for the City Council's consideration at this meeting.

The Annual Report is being provided for the Council's action in accordance with the 2007 California Flood Control Legislation that requires the local flood management agency to report annually to the Central Valley Flood Protection Board (CVFPB) on the status of progress toward completion of the flood protection system. RD 2062 has provided this report to the CVFPB on behalf of both the District and the City in the past and will send the letter (Attachment D), to the CVFPB should the Council adopt the attached resolution and approve the Adequate Progress Finding.

REASON FOR RECOMMENDATION:

Both the RD 2062 District Engineer and the City Engineer believe there is substantial evidence in the record for the City Council to make a finding of adequate progress for the Phase 1 River Islands development area.

Adoption of the resolution will allow the City of Lathrop to continue to approve through June 2019 discretionary permits for all uses, including non-residential uses, and

JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**ADOPTING ADEQUATE PROGRESS FINDINGS TOWARD PROVIDING A 200-YR ULOP IN PHASE 1 (STAGE 1, 2A & 2B) AREA LEVEES OF RD 2062 BY THE YEAR 2025**

ministerial permits (building permits) for all new residential homes within the RD 2062 Stage 1 and 2B areas while RD 2062 completes the ULOP Flood protection. Although 200-year adequate progress is being approved, FEMA is still required to first certify 100-year flood protection. Therefore, as soon as FEMA approves the application for certification of 100-year flood protection for the Stage 2B levees, the City of Lathrop can also approve discretionary and ministerial permits in that area.

FISCAL IMPACT


To date, all technical reports and studies have been funded by RD 2062 and River Islands at the cost in excess of \$2 million. This includes City staff time to review these documents.

ATTACHMENTS:

- A. Adopt Resolution, Acting as the Land Use Authority Adopting Adequate Progress Findings toward providing a 200-Year Urban Level of Flood Protection Phase 1 (Stage 1, 2A and 2B) Area Levees of Reclamation District 2062 By the Year 2025
 - o Exhibit "A" – Report of Adequate Progress Towards Urban Level of Flood Protection, dated May 18, 2018)
- B. Vicinity Map of River Islands Phase 1 Area
- C. Letter from RD 2062, as the Local Flood Management Agency, dated May 29, 2018 presenting the Adequate Progress Documentation to the City of Lathrop
- D. Draft Letter from RD 2062 to the Central Valley Flood Protection Board providing required notification of the Adequate Progress Finding

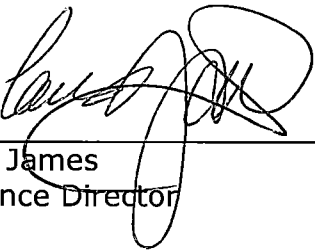
CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
**ADOPTING ADEQUATE PROGRESS FINDINGS TOWARD PROVIDING A 200-
YR ULOP IN PHASE 1 (STAGE 1, 2A & 2B) AREA LEVEES OF RD 2062 BY THE
YEAR 2025**

APPROVALS:



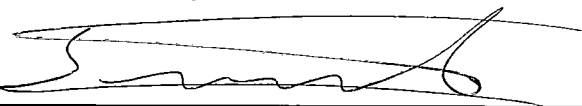
Glenn Gebhardt
City Engineer

5/30/18
Date



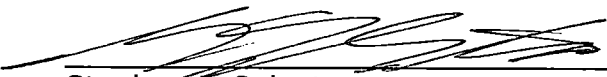
Cari James
Finance Director

6/4/18
Date



Salvador Navarrete
City Attorney

5-31-18
Date



Stephen J. Salvatore
City Manager

6.6.18
Date

RESOLUTION NO. 18-

**A RESOLUTION OF THE CITY OF LATHROP ACTING AS THE LAND USE
AUTHORITY ADOPTING ADEQUATE PROGRESS FINDINGS TOWARD
PROVIDING A 200-YEAR URBAN LEVEL OF FLOOD PROTECTION IN PHASE 1
(STAGE 1, 2A AND 2B) AREA LEVEES OF RECLAMATION DISTRICT 2062 BY
THE YEAR 2025**

WHEREAS, California Senate Bill 5 (SB5), passed in 2007 and later amended by various bills, requires the State to develop and adopt a comprehensive Central Valley Flood Protection Plan (CVFPP), which was approved by the Central Valley Flood Protection Board (CVFPB) in June 2012; and

WHEREAS, SB5 also required all cities and counties in the Central Valley to incorporate the CVFPP into their general plans by July 2, 2015 and into their zoning ordinances by July 2, 2016; and

WHEREAS, SB5 restricted development beyond July 2, 2016 unless the land use agency makes a finding related to an Urban Level of Flood Protection (ULOP), a 200-year level of flood protection; and

WHEREAS, Island Reclamation District 2062 ("RD 2062"), as the local maintenance agency for the levee system associated with the River Islands at Lathrop Phase 1 project, provided documentation to the City for its adequate progress findings made in conformation with SB5 for 2016 and 2017, which allowed development to occur within the River Islands at Lathrop Phase 1 Area; and

WHEREAS, the Adequate Progress Finding 2018 pursuant to Government Code Section 65962 may be made by the City as the local land use agency with the passage of this Resolution and allow the City to continue to approve discretionary and ministerial permits within the River Islands at Lathrop Phase 1 Area; and

WHEREAS, this Adequate Progress Finding is based on substantial evidence in the record, including the Annual Report of Progress provided by RD 2062 and its District Engineer, which is attached and incorporated herein as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop, acting as the Land Use Agency as defined by State law, hereby adopts this Adequate Progress Finding pursuant to California Government Code Section 65962 based on substantial evidence in the record, including Exhibit "A", that adequate progress towards providing a 200-year Urban Level of Flood Protection by the year 2025 for the River Islands at Lathrop Phase 1 (Stage 1, Stage 2A and Stage 2B) is being made.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 11th day of June 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

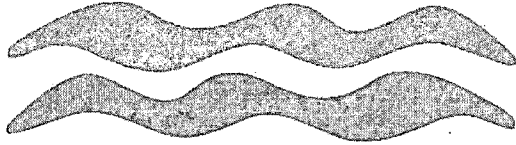
Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

RD 2062



**RIVER ISLANDS AT LATHROP
PHASE 1 AREA**

**REPORT OF ADEQUATE PROGRESS
TOWARDS URBAN LEVEL OF FLOOD
PROTECTION**

ANNUAL REPORT

MAY 18, 2018

PURPOSE

In April 2017, the City of Lathrop adopted a finding of adequate progress (APF) toward an Urban Level of Flood Protection (ULOP) for the River Islands at Lathrop, Phase 1 urban area protected by the RD 2062 levees. When a local land use agency makes an APF, as described in the *Urban Level of Flood Protection Criteria* (ULOP Criteria), issued by the Department of Water Resources in 2013, Government Code Section 65007 (a) (5) requires the Local Flood Management Agency annually report to the Central Valley Flood Protection Board (CVFPB) on the progress toward the completion of the flood protection system. This report serves as that Annual Report. As required by the ULOP Criteria, this report, as well as prior reports, is publicly available at www.ci.lathrop.ca.us.

ADEQUATE PROGRESS FINDING

The City of Lathrop's APF was based on several supporting documents including: RD2062's *River Islands at Lathrop Stage 2A and 2B Levees, Adequate Progress Towards an Urban Level of Flood Protection Engineer's Report*, dated January 2017; RD2062's *River Islands at Lathrop Stage 1 Levee System, Urban Level of Flood Protection Engineer's Report*, dated March 2016; and RD2062's *River Islands at Lathrop, Phase 1 Area, Report of Adequate Progress towards an Urban Level of Flood Protection (APF Report)*, dated February 2017. These documents collectively describe an attainable, reasonable approach toward providing an urban level of flood protection for the River Islands at Lathrop, Phase 1 Area by 2025. Specifically, these documents describe the levee system and the urban area it protects; provide substantial evidence, including data and references, demonstrating the levee system will provide an urban level of flood protection; and the scope, schedule, cost and identified sources of funding and their expected timing to provide an urban level of flood protection. The Engineer's Reports and APF Report are hereby incorporated by reference. Pursuant to DWR's ULOP Criteria, a finding based on adequate progress has an effective period of 10 years or until the finding is superseded, whichever is sooner, provided that the adequate progress requirements per California Government Code Section 65007(a) are met. Based upon this criterion, the finding made by the City of Lathrop based upon the APF is valid until December 31, 2025,¹ so long as the requirements of Government Code §65007(a) are met by RD2062 as the local flood management agency.

PROGRESS

The APF Report identified two construction projects as being necessary to provide an urban level of flood protection: the River Islands Stage 2B Levee Project (Stage 2B Levee Project) and the scour prevention projects. In addition, the APF Report identified non-structural actions required for certification of the levee system. The status of these actions is described below.

Since the time of the APF for the River Islands Phase 1 Area in 2017, a portion of the Stage 1 Interior Levee was removed. This planned removal joins the Stage 1 and Stage 2A protected areas. Similarly, a portion of the Stage 2A levee is also planned for removal in the future when the Stage 2B levee is certified by FEMA as evidenced by the issuance of a Letter of Map Revision (LOMR). These removals do not affect the APF, and are described in detail in the APF Report and Engineer's Report for the Phase 1 Area.

¹ Pursuant to Government Code Sections 65865.5, 65962, and 66474.5, for area protected by SPFC levees, an urban level of flood protection shall be achieved by 2025, therefore, after 2025, a local agency can no longer rely on findings of adequate progress after 2025 for an area protected by SPFC levees.

RIVER ISLANDS STAGE 2B LEVEE PROJECT

The Stage 2B Levee Project consisted of the construction of a new levee, approximately 16,000 feet in length that will provide protection from the 200-year flood event. The levee is a northwest extension of the Stage 2A Levee.

Schedule

The schedule identified in the APF Report remains the same. The Stage 2B Levee was constructed in summer 2017, ahead of schedule.

ACTION	ESTIMATED START	ESTIMATED COMPLETION
Stage 2B Levee Project - Design	<i>Complete</i>	<i>Complete</i>
Stage 2B Levee Project - Construction	<i>Complete</i>	<i>Complete</i>

Costs and Expenditures

The Stage 2B Levee Project was funded by the project developer, River Islands Development, LLC (RID).

Delays and Changes

There were no significant delays in meeting the scheduled 2018 completion of the Stage 2B Levee Project, nor were there any significant changes to the project's approach. Construction of the flood control features was completed in 2017.

SCOUR PREVENTION PROJECTS

The scour prevention projects consists of evaluating the potential for erosion and scour failure of the Stage 1 Interior Levee, Stage 2A Levee and Stage 2B Levee caused by failure of the Old River Levee. Similarly, but separate, is a concern for erosion and scour failure of Cross Levee, due to its proximity to the UPRR embankment. Pending the results of the evaluation, a structural solution may be required. The scope identified in the APF Report remains the same.

Schedule

The schedule identified in the APF Report remains the same. Evaluations of the potential for erosion and scour failure will begin in 2018. Construction is still anticipated to be complete in October 2020.

ACTION	ESTIMATED START	ESTIMATED COMPLETION
Scour Prevention Project - Old River – Design and Permitting	2018	2020
Scour Prevention Project - Old River - Construction	2020	2020
Scour Prevention Project - UPRR – Design and Permitting	2018	2020
Scour Prevention Project – UPRR - Construction	2020	2020

Costs and Expenditures

A solution for resolving the scour concerns has not yet been identified; therefore a cost estimate has not yet been developed. The scour prevention projects will be funded by RID.

Delays and Changes

There have been no significant delays in meeting the scheduled 2020 completion of the scour prevention projects, nor are there any significant changes to the project's approach.

RD 2062 O&M MODERNIZATION AND RIGHT-OF-WAY

The ULDC provides requirements to support a modern levee program. This includes ensuring robust operations and maintenance (O&M) practices and procedures and appropriate right-of-way are in place for urban levees. The scope identified in the APF Report remains the same. River Islands has granted easements to RD 2062 for the entire embankment, 20 feet landward of the landside toes, and 15 feet waterward of the waterside toes for the Stage 2A and Stage 2B levees.

Schedule

The schedule identified in the APF Report remains the same. A new O&M Manual for the Phase 1 levee system will be completed in 2018. Easements to RD 2062 for the Stage 2A and 2B levees have been recorded, ahead of schedule.

ACTION	ESTIMATED START	ESTIMATED COMPLETION
RD 2062 O&M Modernization	<i>Ongoing</i>	2018
RD 2062 Transfer of Real Estate Rights for Stage 2A Levee and Stage 2B Levee	<i>Complete</i>	<i>Complete</i>

Costs and Expenditures

Progress on the RD 2062 O&M Modernization effort and is not being tracked by costs and expenditures, but instead through production of deliverables such as technical memoranda, updated O&M Manual chapters, plans, etc. A high level cost estimates for performing the work is \$25,000. RD 2062 will accomplish these tasks using funds obtained through its annual assessment and/or through funds provided by RID.





Delays and Changes

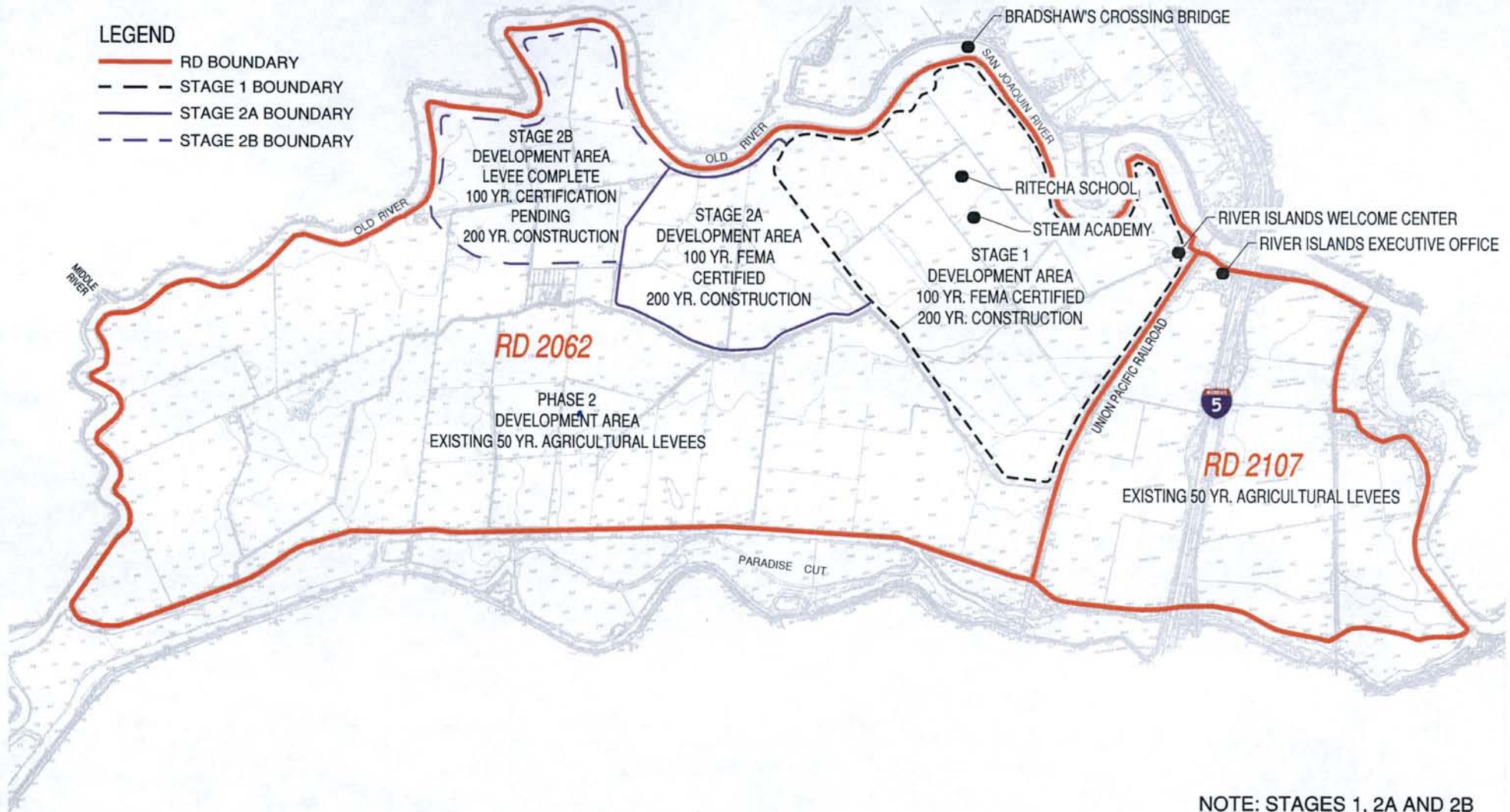
There have been no significant delays in developing a new O&M Manual and program for the Phase 1 levee system, nor were there any significant changes to the project's approach.

CONCLUSION

RD2062 continues to make progress towards providing an urban level of flood protection to the River Islands Phase 1 Area by 2025. RD 2062 will continue to make progress and report on this progress annually. The next annual report will be submitted in June 2019.

LEGEND

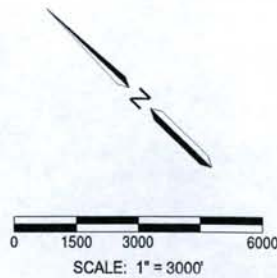
-  RD BOUNDARY
-  STAGE 1 BOUNDARY
-  STAGE 2A BOUNDARY
-  STAGE 2B BOUNDARY



**RIVER ISLANDS
STEWART TRACT
FLOOD PROTECTION AREAS**

CITY OF LATHROP

CALIFORNIA



**NOTE: STAGES 1, 2A AND 2B
LEVEE SYSTEMS COMPRISE
PHASE 1 FLOOD PROTECTION
AREA FOR RIVER ISLANDS**



ATTACHMENT "B"

ISLAND RECLAMATION DISTRICT No. 2062

STEWART TRACT – SAN JOAQUIN COUNTY

73 W. Stewart Road

LATHROP, CALIFORNIA 95330

TEL: (209) 879-7900

May 29, 2018

Mr. Glenn Gebhardt, City Engineer
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Re: Adequate Progress Finding for Phase 1 – River Islands at Lathrop

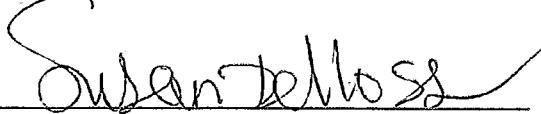
Dear Glenn,

At its May 29, 2018 special meeting, the Island Reclamation District 2062 Board of Trustees (RD 2062) unanimously adopted Resolution 18-2, approving "*The River Islands at Lathrop Phase 1 Area Report of Adequate Progress Towards Urban Level of Flood Protection Annual Report*" ("2018 Annual Report") and directed the President to provide the Annual Report to the City for adoption of an Adequate Progress Finding ("APF").

The enclosed Annual Report incorporates by reference the previous River Islands at Lathrop, Stage 1 Levee System, Report of Adequate Progress Towards an Urban Level of Flood Protection which supported the City's June 2016 Adequate Progress Finding for the Stage 1 Area and the 2017 version of this report produced for the City's April 2017 Adequate Progress Finding. River Islands continues to expand the urban levee system within RD 2062, with the Stage 2B area being constructed last year and currently being considered for FEMA certification currently. The Stage 1, Stage 2A and Stage 2B levees collectively encompass the Phase 1 Area.

Because the entire Phase 1 Area does not currently have a certified urban level of flood protection, and to support the continued development of the River Islands project, RD 2062's District Engineer has prepared the Annual Report in order to support an APF for the Phase 1 Area by the City. The Annual Report is enclosed with this letter for your review and the City Council's adoption at their next available meeting.

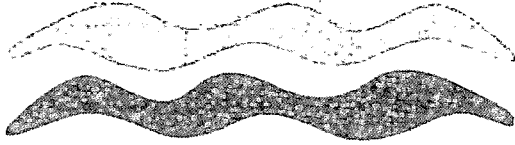
Sincerely,



SUSAN DELL'OSSO
President, RD 2062

Encl.: 2018 Annual Report

RD 2062



RIVER ISLANDS AT LATHROP PHASE 1 AREA

REPORT OF ADEQUATE PROGRESS TOWARDS URBAN LEVEL OF FLOOD PROTECTION

ANNUAL REPORT

MAY 18, 2018

PURPOSE

In April 2017, the City of Lathrop adopted a finding of adequate progress (APF) toward an Urban Level of Flood Protection (ULOP) for the River Islands at Lathrop, Phase 1 urban area protected by the RD 2062 levees. When a local land use agency makes an APF, as described in the *Urban Level of Flood Protection Criteria* (ULOP Criteria), issued by the Department of Water Resources in 2013, Government Code Section 65007 (a) (5) requires the Local Flood Management Agency annually report to the Central Valley Flood Protection Board (CVFPB) on the progress toward the completion of the flood protection system. This report serves as that Annual Report. As required by the ULOP Criteria, this report, as well as prior reports, is publicly available at www.ci.lathrop.ca.us.

ADEQUATE PROGRESS FINDING

The City of Lathrop's APF was based on several supporting documents including: RD2062's *River Islands at Lathrop Stage 2A and 2B Levees, Adequate Progress Towards an Urban Level of Flood Protection Engineer's Report*, dated January 2017; RD2062's *River Islands at Lathrop Stage 1 Levee System, Urban Level of Flood Protection Engineer's Report*, dated March 2016; and RD2062's *River Islands at Lathrop, Phase 1 Area, Report of Adequate Progress towards an Urban Level of Flood Protection* (APF Report), dated February 2017. These documents collectively describe an attainable, reasonable approach toward providing an urban level of flood protection for the River Islands at Lathrop, Phase 1 Area by 2025. Specifically, these documents describe the levee system and the urban area it protects; provide substantial evidence, including data and references, demonstrating the levee system will provide an urban level of flood protection; and the scope, schedule, cost and identified sources of funding and their expected timing to provide an urban level of flood protection. The Engineer's Reports and APF Report are hereby incorporated by reference. Pursuant to DWR's ULOP Criteria, a finding based on adequate progress has an effective period of 10 years or until the finding is superseded, whichever is sooner, provided that the adequate progress requirements per California Government Code Section 65007(a) are met. Based upon this criterion, the finding made by the City of Lathrop based upon the APF is valid until December 31, 2025,¹ so long as the requirements of Government Code §65007(a) are met by RD2062 as the local flood management agency.

PROGRESS

The APF Report identified two construction projects as being necessary to provide an urban level of flood protection: the River Islands Stage 2B Levee Project (Stage 2B Levee Project) and the scour prevention projects. In addition, the APF Report identified non-structural actions required for certification of the levee system. The status of these actions is described below.

Since the time of the APF for the River Islands Phase 1 Area in 2017, a portion of the Stage 1 Interior Levee was removed. This planned removal joins the Stage 1 and Stage 2A protected areas. Similarly, a portion of the Stage 2A levee is also planned for removal in the future when the Stage 2B levee is certified by FEMA as evidenced by the issuance of a Letter of Map Revision (LOMR). These removals do not affect the APF, and are described in detail in the APF Report and Engineer's Report for the Phase 1 Area.

¹ Pursuant to Government Code Sections 65865.5, 65962, and 66474.5, for area protected by SPFC levees, an urban level of flood protection shall be achieved by 2025, therefore, after 2025, a local agency can no longer rely on findings of adequate progress after 2025 for an area protected by SPFC levees.

RIVER ISLANDS STAGE 2B LEVEE PROJECT

The Stage 2B Levee Project consisted of the construction of a new levee, approximately 16,000 feet in length that will provide protection from the 200-year flood event. The levee is a northwest extension of the Stage 2A Levee.

Schedule

The schedule identified in the APF Report remains the same. The Stage 2B Levee was constructed in summer 2017, ahead of schedule.

ACTION	ESTIMATED START	ESTIMATED COMPLETION
Stage 2B Levee Project - Design	<i>Complete</i>	<i>Complete</i>
Stage 2B Levee Project - Construction	<i>Complete</i>	<i>Complete</i>

Costs and Expenditures

The Stage 2B Levee Project was funded by the project developer, River Islands Development, LLC (RID).

Delays and Changes

There were no significant delays in meeting the scheduled 2018 completion of the Stage 2B Levee Project, nor were there any significant changes to the project's approach. Construction of the flood control features was completed in 2017.

SCOUR PREVENTION PROJECTS

The scour prevention projects consists of evaluating the potential for erosion and scour failure of the Stage 1 Interior Levee, Stage 2A Levee and Stage 2B Levee caused by failure of the Old River Levee. Similarly, but separate, is a concern for erosion and scour failure of Cross Levee, due to its proximity to the UPRR embankment. Pending the results of the evaluation, a structural solution may be required. The scope identified in the APF Report remains the same.

Schedule

The schedule identified in the APF Report remains the same. Evaluations of the potential for erosion and scour failure will begin in 2018. Construction is still anticipated to be complete in October 2020.

ACTION	ESTIMATED START	ESTIMATED COMPLETION
Scour Prevention Project - Old River – Design and Permitting	2018	2020
Scour Prevention Project - Old River - Construction	2020	2020
Scour Prevention Project - UPRR – Design and Permitting	2018	2020
Scour Prevention Project – UPRR - Construction	2020	2020

Costs and Expenditures

A solution for resolving the scour concerns has not yet been identified; therefore a cost estimate has not yet been developed. The scour prevention projects will be funded by RID.

Delays and Changes

There have been no significant delays in meeting the scheduled 2020 completion of the scour prevention projects, nor are there any significant changes to the project's approach.

RD 2062 O&M MODERNIZATION AND RIGHT-OF-WAY

The ULDC provides requirements to support a modern levee program. This includes ensuring robust operations and maintenance (O&M) practices and procedures and appropriate right-of-way are in place for urban levees. The scope identified in the APF Report remains the same. River Islands has granted easements to RD 2062 for the entire embankment, 20 feet landward of the landside toes, and 15 feet waterward of the waterside toes for the Stage 2A and Stage 2B levees.

Schedule

The schedule identified in the APF Report remains the same. A new O&M Manual for the Phase 1 levee system will be completed in 2018. Easements to RD 2062 for the Stage 2A and 2B levees have been recorded, ahead of schedule.

ACTION	ESTIMATED START	ESTIMATED COMPLETION
RD 2062 O&M Modernization	<i>Ongoing</i>	2018
RD 2062 Transfer of Real Estate Rights for Stage 2A Levee and Stage 2B Levee	<i>Complete</i>	<i>Complete</i>

Costs and Expenditures

Progress on the RD 2062 O&M Modernization effort and is not being tracked by costs and expenditures, but instead through production of deliverables such as technical memoranda, updated O&M Manual chapters, plans, etc. A high level cost estimates for performing the work is \$25,000. RD 2062 will accomplish these tasks using funds obtained through its annual assessment and/or through funds provided by RID.

Delays and Changes

There have been no significant delays in developing a new O&M Manual and program for the Phase 1 levee system, nor were there any significant changes to the project's approach.

CONCLUSION

RD2062 continues to make progress towards providing an urban level of flood protection to the River Islands Phase 1 Area by 2025. RD 2062 will continue to make progress and report on this progress annually. The next annual report will be submitted in June 2019.

ISLAND RECLAMATION DISTRICT No. 2062

STEWART TRACT – SAN JOAQUIN COUNTY

73 W. Stewart Road

LATHROP, CALIFORNIA 95330

TEL: (209) 879-7900

June 12, 2018

Ms. Leslie Gallagher, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

Re: Annual Report of Progress - River Islands at Lathrop Phase 1 Area, Lathrop, CA

On June 11, 2018, the City of Lathrop City Council adopted a resolution making an Adequate Progress Finding for the River Islands at Lathrop Phase 1 Area. In accordance with the requirements of Government Code §65007 (a) and the Urban Level of Flood Protection Criteria issued by the Department of Water Resources in 2013, Island Reclamation District No. 2062, as the local flood management agency, respectfully submits the enclosed annual report of progress towards providing an urban level of flood protection for the River Islands at Lathrop Phase 1 urban area.

This report is available to the public at the following website: www.ci.lathrop.ca.us.

Questions on the matter may be referred to Ms. Claire Marie Turner at turner@mbkengineers.com or 916-456-4400.

Sincerely,

SUSAN DELL'OSSO
President, RD 2062

Encl.: 2018 Annual Report

cc: Glenn Gebhardt, City Engineer
Ric Reinhardt, MBK Engineers
Claire Marie Turner, MBK Engineers

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **TRANSPORTATION DEVELOPMENT ACT CLAIM FOR
FISCAL YEAR 2017/18**

RECOMMENDATION: **Adopt Resolution Authorizing the Filing of a
Transportation Development Act (TDA) Claim for
Local Transportation Funds (LTF) for Fiscal Year
2017/18**

SUMMARY:

Annually, the City of Lathrop submits the Local Transportation Development Act (TDA) claim to request Local Transportation Funds (LTF) from the San Joaquin County Council of Governments (SJCOG) for the current year's budgeted street and road projects. The City is generally sent its apportionment within six weeks of submitting the claim.

Based on the available LTF resources of \$2,904,483 and programmed expenditures of \$2,630,284, staff recommends City Council authorize the filing of the FY 2017/18 TDA claim in the amount of \$768,565 (expenditures net of prior year carryovers).

BACKGROUND:

TDA provides a major source of funding for public transportation projects known as the Local Transportation Fund (LTF).

Revenues for the LTF are derived from a 1/4 cent portion of the 8.75 percent retail sales tax collected in the county. Annually, SJCOG determines each City's share of the anticipated LTF based on its population.

LTF funds may be used for a broad range of transportation improvements including local roads, public transit and bicycle and pedestrian facilities. Over the past several years, the City has used these funds for various projects including the Lathrop Road Widening, street sidewalk improvements, and slurry and base repairs to roads in various areas.

For FY 2017/18 the total LTF funds available for the City of Lathrop are \$2,904,483 (includes prior year carryover of \$1,836,787). The City's Proposed LTF expenditures total \$2,630,284 leaving an unclaimed balance of \$274,199. The unclaimed balance of \$274,199 can be programmed into streets and roads projects in FY 2018/19. Net of Prior Year Carryovers and TDA Administrative Costs, the City's FY 2017/18 LTF Claim is \$768,565.

**CITY MANAGER'S REPORT
 JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
 TRANSPORTATION DEVELOPMENT ACT CLAIM FY 2017/18**

Table 1 reflects the available resources from LTF and the City's portion of LTF funding for FY 2017/18.

Table 1 – FY 2017/18 LTF Funding Summary

LTF - RESOURCES		AMOUNT
TDA Administration (3% SJCOG Transit Planning)		\$24,932
Area Apportionment		\$816,199
Pedestrian/Bicycle		\$18,565
Prior Years' Unclaimed Apportionment		\$208,000
Unexpended Carryover		\$1,836,787
TOTAL LTF - RESOURCES		\$2,904,483
LTF - EXPENDITURES		AMOUNT
TDA Administration (3% SJCOG Transit Planning) ¹		(\$24,932)
Pedestrian/Bicycle ²		(\$56,261)
Roads and Streets ³		(\$2,549,091)
Other Article ⁴		\$0
TOTAL LTF - EXPENDITURES		(\$2,630,284)
LTF Surplus/(Deficit) ⁵		\$274,199
LTF CLAIM		AMOUNT
Total LTF Expenditures		\$2,630,284
Less: Unexpended Carry Over and TDA Admin		(\$1,861,719)
TOTAL LTF CLAIM		\$768,565

Notes:

¹The funds requested for TDA Administration is the City's share of the transportation planning apportionment retained by San Joaquin Council of Governments for their administration services.

² The funds requested for Pedestrian and Bicycle will be used for Sidewalk Repair Program and Thomsen Road/Lathrop Elementary School Improvements.

³ The funds requested for Roads and Streets will be used for, the annual street maintenance program, the replacement of concrete sidewalks identified in the sidewalk survey.

⁴ There are no projects budgeted at this time requesting additional funding. Previously the City has budgeted for maintenance of the bus shelters.

⁵ Unclaimed balance of \$274,199 pending council's direction.

REASON FOR RECOMMENDATION:

The City is required to submit an annual claim to SJCOG Board to receive Local Transportation Funds.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

Promoting Economic Growth through the completion of Capital Improvement Projects and a Feeling of Safety by maintaining the fiscal solvency of the City.

FISCAL IMPACT:

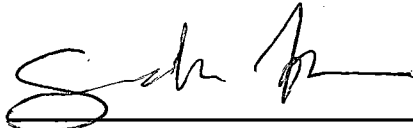
None, except for staff time to prepare claim.

ATTACHMENTS:

- A. Resolution Authorizing the Filing of a Transportation Development Act (TDA) Claim for Local Transportation Funds (LTF) for Fiscal Year 2017/18
- B. Transportation Development Act Claim Fiscal Year 2017/18

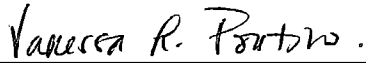
**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
TRANSPORTATION DEVELOPMENT ACT CLAIM FY 2017/18**

APPROVALS:




Sandra Frias
Budget Manager

5/30/18
Date



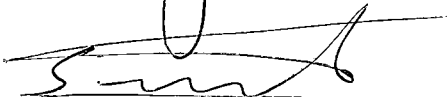
Vanessa Portillo
Deputy Finance Director

5-29-2018
Date



Cari James
Finance Director

6/4/18
Date



Salvador Navarrete
City Attorney

6-4-18
Date



Stephen J Salvatore
City Manager

6-5-18
Date

RESOLUTION NO. 18 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
AUTHORIZING THE FILING OF A TRANSPORTATION DEVELOPMENT ACT
(TDA) CLAIM FOR LOCAL TRANSPORTATION FUNDS (LTF) FOR FISCAL
YEAR 2017/18**

WHEREAS, under provisions of the Transportation Development Act (TDA), the City is required to make an annual claim for funds apportioned to the City under the Local Transportation Fund (LTF) through the San Joaquin County Council of Governments for transit purposes; and

WHEREAS, the City may file a claim form relative to the 2017/18 Fiscal Years LTF Apportionment; and

WHEREAS, the City may claim funds for the specified amounts and purposes listed below:

\$750,000.00	Roads & Streets: Article 8 (PUC 99400(a))
\$1,836,787.00	Unexpended Carryover-Roads & Streets: Article 8 (PUC 99400(a))
\$18,565.00	Pedestrian & Bicycle: Article 3 (PUC 99234)
\$-0-	Unexpended Carryover- Pedestrian & Bicycle: Article 3 (PUC 99234)
\$24,932.00	TDA Planning & Administration
\$-0-	LTF Other Article 8 (99400(b,c,d,e))
\$-0-	Unexpended Carryover- LTF Other Article 8 (99400(b,c,d,e))
\$2,630,284.00	Total TDA Funds being claimed

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby authorize the filing of said TDA claim for Local Transportation Funds and directs staff to present the claim to the San Joaquin County Council of Governments in the amount of \$2,630,284.

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

FISCAL YEAR 2017-2018

SAN JOAQUIN COG

TRANSPORTATION DEVELOPMENT ACT

CLAIM FORM AND GUIDELINES

FOR

LOCAL TRANSPORTATION FUND (LTF)

AND

STATE TRANSIT ASSISTANCE FUND (STA)

Agency Name:

For Internal Use:

Planner Review: _____

Finance Review: _____

Steve Dial Review: _____

**LOCAL TRANSPORTATION FUND
CLAIM FOR FISCAL YEAR 2017/18**

TO: San Joaquin Council of Governments
555 E Weber Avenue
Stockton, CA 95202

FROM: Applicant: City of Lathrop
Address: 390 Towne Centre Drive
City Lathrop Zip: 95330
Contact Person: Sandra Frias Phone: 209-941-7328
E-mail Address: sfrias@ci.lathrop.ca.us Fax: 209-941-7339

The City of Lathrop hereby requests, in accordance with Chapter 1400 Statutes 1971 and applicable rules and regulations, that its annual transportation claim be approved in the amount of \$2,630,284 for fiscal year 2017/18, to be drawn from the Local Transportation Fund.

When approved, please transmit this claim to the County Auditor for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms of the approved annual financial plan.

The claimant certifies that this Local Transportation Fund claim and the financial information contained therein is reasonable and accurate to the best of my knowledge and the aforementioned information indicates the eligibility of this claimant for funds for the fiscal year of the application pursuant to CAC Section 6634 and 6734

Submitted by: _____
Title: City Manager
Date: _____

San Joaquin Council of Governments

Date of approval: _____

BY: _____
Andrew T. Chesley
Executive Director

BY: _____
Steve Dial
Deputy Executive Director/CFO

Date: _____

TRANSPORTATION DEVELOPMENT ACT APPORTIONMENTS

I	Local Transportation Fund Available Apportionment	
	A. Area Apportionment 2017-2018	\$ <u>816,199</u>
	B. Pedestrian/Bicycle Apportionment	\$ <u>18,565</u>
	C. Previous Years' Unclaimed Apportionment	\$ <u>208,000</u>
	D. Unexpended Carryover	\$ <u>1,836,787</u>
	E. 3% for COG Transit Planning	\$ <u>24,932</u>
	F. Total Available for 2017-2018 Claim(s)	\$ <u>2,904,483</u>
	H. TOTAL AVAILABLE FOR THIS CLAIM (Also enter on page 9, 1st column)	\$ <u>2,904,483</u>
	I. Actual net funds available (H-D-E=I)	\$ <u>1,042,764</u>
II	State Transit Assistance Fund Available Apportionment	
	A. Area Apportionment 2017-18	\$ <u>N/A</u>
	B. Previous Years' Unclaimed Apportionment	\$ _____
	C. Unexpended Carryover	\$ _____
	D. 2% for COG Transit Planning	\$ _____
	E. Total Available for 2017-18 Calim(s)	\$ _____
	G. TOTAL AVAILABLE FOR THIS CLAIM (Also enter on page 9, 2nd column)	\$ _____
	H. Actual net funds available (G-C-D=H)	\$ _____

CLAIM PURPOSES

I. PUBLIC TRANSPORTATION

	I. LTF	II STA
Article 4 (99260) - Operator ¹	\$ _____	_____
CCR Section 6730(a) Public Transit	\$ _____	_____
Article 8 (99400(c)) Contractor Operating	\$ _____	_____
Article 8 (99400(e)) Contractor Capital	\$ _____	_____
Article 8 (99400(b)) Passenger Rail Service Operations and Capital	\$ _____	_____
TDA Administration	\$ 24,932	_____

II PEDESTRIAN AND BICYCLE

Article 3 (99234)	\$ 56,261	_____
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III ROADS AND STREETS

Article 8 (99400(a))	\$ 2,549,091	_____
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IV OTHER

Article 8 (99400(b,c,d,e))	\$ _____	_____
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TOTAL THIS CLAIM

\$ 2,630,284	_____
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TOTAL AVAILABLE FOR THIS CLAIM

(from pg. 8, (I.) H. and (II.) G)

\$ 2,904,483	_____
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UNCLAIMED APPORTIONMENT

(TOTAL AVAILABLE less TOTAL THIS CLAIM)

\$ 274,199	_____
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IMPORTANT: To avoid accidental overpayment, please **identify** and **itemize** in the space below any unexpended carryover included in the amounts being claimed above. Identify the amount of carryover and the purpose for which it is being reclaimed. Attach pages as necessary.

LTF in Transit Fund to be reclaimed for	<u>Transit Purpose</u>	_____
LTF in Transit Fund to be reclaimed for	<u>Capital Purpose</u>	_____
LTF in Streets and Roads Fund to be reclaimed for	<u>Streets & Roads</u>	\$1,799,091
LTF in Ped/Bike Fund reclaimed for	<u>Peds/Bicycle</u>	\$37,696
STA in Transit Fund reclaimed for	_____	_____

TOTAL UNEXPENDED CARRYOVER

\$1,836,787

PART I - PUBLIC TRANSPORTATION

Article 4 Operator
Article 8 Contractor

FINANCIAL INFORMATION

Please Circle Either
2017/2018
2017/2018

V.

**LOCAL TRANSPORTATION FUND
ANNUAL PROJECT AND FINANCIAL PLAN
PEDESTRIAN AND BICYCLE PROJECTS**

(Use additional forms as necessary)

PART II

Briefly describe all proposed projects and indicate proposed project expenditures for right of way acquisition and the construction of road and street projects.			
Project Title & Brief Description	Project Limits	Total Project Cost	LTF Funds Utilized
Regional Pedestrian Bikeway PS02-04	Various Locations	\$ 97,580	\$ 30,997
Lathrop Road Widening/Rehab PS02-24	Lathrop Road	\$ 5,009,732	\$ 25,263
Sidewalk Repair Program PS15-04	Various Locations	\$ 242,062	\$ -
TOTAL		\$ 5,349,374	\$ 56,261

- | | | |
|--|----|--------|
| 1. LTF carryover from <u>previous fiscal years</u> applied toward FY 2017/18 Pedestrian & Bicycle Projects | \$ | 37,696 |
| 2. FY 2017/18 apportionment applied towards FY 2017/18 Non-motorized | \$ | 18,565 |
| 3. Total of 1, 2 above (must match total LTF in Table 4 above) | \$ | 56,261 |

VI.

**LOCAL TRANSPORTATION FUND
ANNUAL PROJECT AND FINANCIAL PLAN**

ROADS AND STREETS PROJECTS

(Use additional forms as necessary)

PART III

Briefly describe all proposed projects and indicate proposed project expenditures for right of way acquisition and the construction of road and street projects.			
Project Title & Brief Description	Project Limits	Total Project Cost	LTF Funds Utilized
Sidewalk Repair Program PS15-04	Various Locations	\$ 242,062	\$ 73,284
Lathrop Road Widening/Rehab PS02-24	Lathrop Road	\$ 5,009,732	\$ 1,325,000
Harlan Road Pavement Rehabilitation PS17-12	Various Locations	\$ 2,800,000	\$ 1,125,807
Traffic Calming Measures	Various Locations	\$ 50,000	\$ 25,000
Interest			\$ 107,427
TOTAL		\$ 8,101,794	\$ 2,549,091

- | | |
|---|--------------|
| 1. LTF carryover from previous fiscal years applied toward FY 2017/18 Roads and Streets | \$ 1,799,091 |
| 2. FY 2017/18 apportionment applied toward FY 2017/18 Roads and Streets | \$ 750,000 |
| 3. Total of 1, 2 above (must match total LTF in Table 4 above) | \$ 2,549,091 |

PART IV

VII. OTHER PURPOSES

It is possible that a claimant may wish to expend TDA funds for purposes allowed within the Act, but not covered by the three previous parts. TDA funds may be claimed under Article 8 consistent with Section 99400 of the TDA. To complete this section, on attached pages, identify:

- I. Project Title
- II Applicable subdivision of section 994400
- III Project Description
- IV Estimated total Costs
- V TDA Contribution to that total

A separate page of pages should be submitted for each specific project or purpose

It is strongly recommended that the claimant consult with SJCOG staff before completing this section

Other Article 8 (99400)

PART V

STATEMENT OF ASSURANCES CONFORMANCE REQUIREMENTS FOR CLAIMANTS

Please initial all applicable paragraphs pursuant to which the attached claim is being submitted. Initial in space provided or put N/A if it is not applicable to your organization.

Initial or N/A

1) 180 Day Certified Fiscal Audit (required for all claims)

Claimant assures that it has submitted a satisfactory independent fiscal audit, with required certification, to SJCOG and to the State Controller not more than 180 days after the end of the prior fiscal year.

(Refer to PUC Section 99245, CCR Section 6664)

2) 90 Day Annual State Controller Report (required for all transit claims)

Claimant assures that it has submitted this report to the State Controller in conformance with the uniform system of accounts and records not more than 120 days after the end of the prior fiscal year.

(Refer to PUC Section 99243, CCR Section 6665)

3) Elderly/Disabled (required for all transit claims)

Assurance that the transit operator in question is in compliance with PUC Section 99155 pertaining to reduced transit fares for elderly and disabled persons and Section 99155.5 pertaining to dial-a ride and paratransit services.

4) Farebox Recovery Ratio Requirements (required for all transit claims)

Claimant filing a claim for LTF or STA funds certifies that it will maintain for the project that ratio of fare revenues and local support to operating cost required under PUC Sections 99268.3, 99268.4, 99268.5(a), 99268.5(b), 99268.12, 99270.1, and 99270.2, as appropriate.

(Refer to PUC Section 99268, CCR Section 6633.2)

5) CHP Terminal Inspection (required for all transit claims)

Claimant certifies that it has been certified by the Department of the California Highway Patrol within the last 13 months to be compliant with Section 1808.1 of the Vehicle Code. This section requires operators to participate in a pull notice system for obtaining current driver records from the Department of Motor Vehicles.

(Refer to PUC Section 99251)

6) Implementation of Productivity Improvements (required for all transit claim

Claimant certifies that the operator has made a reasonable effort to implement the productivity improvements recommended pursuant to PUC Section 99244.

7) Triennial Performance Audit

Claimant assures that it has complied with the requirements of a triennial performance audit.

(Refer to PUC Section 99248, CCR Section 6664.5)

8) Fiscal Audit

Claimant certifies that it has submitted a satisfactory, independent fiscal audit, with Required certification statement, to the RTPA and the State Controller, pursuant to PUC 99245 and 21 Cal. Code of Regulations 6664 for the prior fiscal year. Claimant assures that this audit requirement will be completed for the current fiscal year.

g

g

N/A

N/A

N/A

N/A

N/A

g

9) Operating Budget

Claimant certifies that its operating budget is not more than 15% greater than its previous year budget unless supported by documentation that substantiates such change.
(Refer to PUC Section 99266)

N/A

10) Extension of Service

Claimant who receives an allocation of LTF funds for extension of service pursuant to PUC Section 99268.8 certifies that it will file a report of these services pursuant to CCR section 6633.8(b) within 90 days after close of the fiscal year in which the allocation was granted.

N/A

11) Conformance with the Regional Transportation Plan

(required for STA claims, transit ped/bike and streets and roads claims)

Claimant certifies that all of the purposes for claim expenditures are in conformance with the Regional Transportation Plan.

(Refer to CCR 6754(a))

J

12) Full Use of Federal Funds (required for STA claims only)

Claimant certifies that it is making full use of Federal Funds available under the Federal Transit Act.

(Refer to CCR 6754(a))

J

13) Efficiency Standards

(required for transit operator claimants claiming STA for operating purposes)

Operator certifies that it meets one of the following two efficiency standards (PUC Section 99314.6):

N/A

a) Efficiency Standard 1: An operator's total operating cost per vehicle revenue hour for the most recent fiscal year must not exceed the prior year's operating cost per revenue vehicle hours, by a percentage greater than the percentage change in the Consumer Price Index (CPI) for the same period.

b) Efficiency Standard 2: An operator's total operating cost per vehicle revenue hour for the most recent fiscal year must not exceed the average total operating cost per vehicle revenue hour for the three prior years, increased by the average percentage change in the CPI for the same period.

(Refer to PUC Section 99314.6)

14) Consistency with Bicycle Plan (required for bicycle claims only)

Claimant certifies that all of the purposes for claim expenditures are in conformance with the City/Town or County bicycle plan.

15) Part-Time Employees (Applies only to claims for STA)

Claimant certifies that it is not precluded by any contract entered into on or after June 28, 1979, from employing part-time drivers or contracting with common carriers of persons Operating under a franchise or license. Claimant further certifies that no person who was a Full-time employee on June 28, 1979, shall have his/her employment terminated or his/her Regular hours of employment, excluding overtime, reduced as a result of it employing part-time drivers or contracting with such common carriers.

J
N/A

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**CITY MANAGER'S REPORT
JUNE 11, 2018, CITY COUNCIL REGULAR MEETING**

ITEM: APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 74 LOTS IN TRACT 3835 VILLAGE "N" WITHIN EAST VILLAGE OF RIVER ISLANDS

RECOMMENDATION: Adopt Resolution Approving Final Map for Tract 3835 Village "N" within East Village, Totaling 74 Single Family Lots and a Subdivision Improvement Agreement with River Islands Development, LLC, and City of Lathrop Annexation No. 7 CFD 2013

SUMMARY:

On June 1, 2015, the City approved an amendment to Vesting Tentative Map Tract 3694 (VTM 3694), Phase 1 of River Islands at Lathrop, which included a Neighborhood Design Plan, Architectural Guidelines, Design Standards (AG/DS) and Parks Master Plan for the East Village neighborhood located west of the Community South River Bend (CSRB) neighborhood, by Resolution No. 15-3912 and an Amendment to the West Lathrop Specific Plan and River Islands Urban Design Concept by Ordinance No. 15-344.

This proposed Final Map Tract 3835 for Woodside Homes will be the first and only tract map within the Village "N" area. This is the first neighborhood for Woodside Homes in River Islands. Woodside is proposing seventy-four (74) 55' x 90' single-family lots. A Vicinity Map is included as Attachment B.

Staff recommends that the City Council approve the proposed Final Map Tract 3835, Village "N" and a Subdivision Improvement Agreement (Attachment C) with River Islands Development, LLC ("River Islands"), and City of Lathrop Annexation No. 7 CFD 2013.

BACKGROUND:

On March 27, 2007, the City Council approved VTM 3694 and amended VTM 3694 on June 1, 2015, with updated conditions of approval. Tract 3835 as proposed by River Islands Development, LLC ("River Islands"), as the subdivider, complies with the most current conditions of approval.

On September 20, 2017, by Resolution No. 17-01, the Planning Commission approved an amendment to the East Village Architectural Design Guidelines and Development Standards (DG/DS) to accommodate the Woodside Homes product within Village "N" (Tract 3835).

CITY MANAGER’S REPORT **Page 2**
JUNE 11, 2018, CITY COUNCIL REGULAR MEETING
FINAL MAP FOR TRACT 3835 VILLAGE “A” TOTALING 74 SINGLE-FAMILY
LOTS AND A SIA WITH RIVER ISLANDS DEVELOPMENT, LLC

In order for the City to ensure that development continues to pay for its own way, a Community Facilities District (CFD) was to be formed to cover the shortfalls. In August 2014, the City Council approved Community Facility District No 2013-1 (River Islands Public Services and Facilities). Therefore, River Islands Development, LLC, is requesting the approval of CFD Annexation No. 7.

As required by the City’s subdivision ordinance, all final maps must include a Subdivision Improvement Agreement (SIA) to guarantee certain off-site and on-site improvements. As a result, the SIA for Tract 3835 requires that security (bonds, cash or equivalent) are posted to guarantee unfinished infrastructure within Village “N.” In the case of Village N, all improvements but street striping was completed, and a letter of guarantee was provided by River Islands Public Financing Authority (RIPFA) as security for the striping; the letter is provided as Attachment E.

The SIA also refers to the Agreement for Dedication, Inspection, and Guarantee of Streets and Public Improvements (“Off-site Agreement”) that was first approved by the City on September 30, 2013, to the extent that the Off-site Agreement is still valid for certain improvements. Tract 3835 will not trigger any additional off-site improvements and the Off-site Agreement will apply to Tract 3835 as it has to all previous final maps in River Islands with no additional security for off-site improvements.

As stated, all in-tract improvements have been completed, other than thermoplastic striping. Somerston Parkway which borders the eastern boundary of Tract 3835 is being constructed currently independently of Tract 3835. Acceptance of all public improvements will be processed by staff at a later date when the unfinished improvements are complete. At that time, River Islands will be required to post one (1) year maintenance bonds as a warranty for the completed infrastructure.

Finally, before the Final Map Tract 3835 is recorded, River Islands must also satisfy the Escrow Instructions (Attachment D) that guarantee all required fees are paid.

REASON FOR RECOMMENDATION:

The applicant has completed the street and utility improvements within the entirety of Village “N” with the exception of the thermoplastic striping. RID shall provide a 10% maintenance bond to guarantee the full improvements (completed and uncompleted) for one year once the striping is completed. Prior to acceptance of these improvements, River Islands has provided the tract map, the tract improvement plans, all required documents and all fees for Tract 3835.

This includes the following documents and fees:

Documents	Status
1. Final Map ready for signature	Completed

JUNE 11, 2018, CITY COUNCIL REGULAR MEETING

FINAL MAP FOR TRACT 3835 VILLAGE "A" TOTALING 74 SINGLE-FAMILY LOTS AND A SIA WITH RIVER ISLANDS DEVELOPMENT, LLC

2.	Subdivision Improvement Agreement	Completed
3.	Performance Security – Uncompleted Landscaping and Miscellaneous Improvements- Letter of Guarantee by Substitution of Security "Set-Aside Letter", dated April 23, 2018.	Completed
4.	Labor and Materials Security – Uncompleted Landscaping and Miscellaneous Improvements- Letter of Guarantee by Substitution of Security "Set-Aside Letter" dated April 23, 2018	Completed
5.	Street Improvement, Landscape Plans	Completed
6.	Street Light, Joint Trench Plans	Completed
7.	Geotechnical Report	Completed
8.	Agreement for Backbone Improvements and Parks (Agreement for Dedication, Inspection and Guarantee of Streets and Public Improvements)	Completed
9.	Approval of 3 rd Amendment to Development Agreement that guarantees creation of CFD for City Maintenance and Shortfalls, and Guarantee of Developer CFDs for Developer/other public agency maintenance	Completed
10.	Allocation of Water and Sewer capacity	Completed
11.	Recommendation for approval from Stewart Tract Design Review Committee	Completed
12.	Submitted Certificate of Insurance, Tax Letter	Completed
13.	Submitted Preliminary Guarantee of Title	Completed
14.	Escrow Instructions	Completed
15.	Annexation No. 7 of City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities)	Pending Approval with this item
Fees		Status
1.	Final Map, Improvement Plans - Plan check and inspection fees	Paid
2.	Sierra Club Settlement fee	To be paid in escrow

The above-noted documents and fees are required by the VTM 3694 conditions of approval prior to approval of the Final Map by City Council. The guarantee is in the form of the Subdivision Improvement Agreement with security and improvement plans.

Extensive off-site improvements to serve this Tract 3835 have already been completed; including construction of levees, participation in construction of a

CITY MANAGER'S REPORT **Page 4**
JUNE 11, 2018, CITY COUNCIL REGULAR MEETING
FINAL MAP FOR TRACT 3835 VILLAGE "A" TOTALING 74 SINGLE-FAMILY
LOTS AND A SIA WITH RIVER ISLANDS DEVELOPMENT, LLC

Wastewater Treatment Plant (Consolidated Treatment Facility) and related storage ponds and sprayfields, purchase of SSJID surface water and construction of utility infrastructure to serve the proposed Tract. Additional off-site improvements that are required to serve this Final Map are detailed in the Off-site Agreement approved by the City Council in 2014.

Before the Final Maps are recorded, River Islands must also satisfy the Escrow Instructions (Attachment D) that guarantee all required payments to the Sierra Club are made under the terms of the 3rd Amendment to the Development Agreement.

BUDGET IMPACT:


There is no budget impact to the City. All City costs are covered by development fees, and any shortfalls in City maintenance and operating costs are covered by the CFD's for maintenance. River Islands is also providing funds necessary to defray any staff time required to process their request.

ATTACHMENTS:

- A. Resolution Approving Final Map for Tract 3835 Village "N" within East Village District, Totaling 74 Single-Family Lots and a Subdivision Improvement Agreement with River Islands Development, LLC, and Annexation No. 7 of City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities)
- B. Vicinity Map for Tract 3835 Village "N"
- C. Subdivision Improvement Agreement between the City of Lathrop and River Islands Development, LLC, a California limited liability company, for Tract 3835, Village "N"
- D. Escrow Instructions for Final Map Tract 3835 Village "N"

CITY MANAGER'S REPORT
JUNE 11, 2018, CITY COUNCIL REGULAR MEETING
FINAL MAP FOR TRACT 3835 VILLAGE "A" TOTALING 74 SINGLE-FAMILY
LOTS AND A SIA WITH RIVER ISLANDS DEVELOPMENT, LLC


APPROVALS



Glenn Gebhardt
City Engineer

6/5/18


Date



Cari James
Finance Director

6/6/18


Date



Salvador Navarrete
City Attorney

6-6-18

Date



Stephen J. Salvatore
City Manager

6.6.18

Date

RESOLUTION NO. 18-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING A FINAL MAP FOR TRACT 3835 IN VILLAGE "N"
TOTALING 74 SINGLE-FAMILY LOTS AND A SUBDIVISION IMPROVEMENT
AGREEMENT WITH RIVER ISLANDS DEVELOPMENT, LLC AND CITY OF
LATHROP ANNEXATION NO. 7 CFD 2013**

WHEREAS, on March 27, 2007, the City Council approved Vesting Tentative Map (VTM) No. 3694 with Conditions of Approval for a residential and commercial development that is consistent with the West Lathrop Specific Plan (WLSP) and the River Islands Urban Design Concept (UDC); and

WHEREAS, on June 1, 2015, the City Council approved amendments to the VTM, WLSP and UDC, with amended conditions of approval; and

WHEREAS, Tract 3835, the proposed subdivision, is part of the East Village District of River Islands as described in the UDC, consisting of 74 lots covered by VTM No. 3694, located on the west side of the San Joaquin River, north of Union Pacific Railroad; and

WHEREAS, in its review of Tract 3835 as Village "N", the Stewart Tract Design Review Committee recommended approval of Tract 3835 on June 1, 2018; and

WHEREAS, River Islands Development, LLC, has completed or has guaranteed completion of all public improvements on Tract Map 3835, as identified on the approved improvement plans, and has completed or guaranteed completion of all required documents and payment of all fees; and

WHEREAS, a Subdivision Improvement Agreement between the City and River Islands Development, LLC, and provision of security by River Islands Development, LLC, for unfinished and deferred improvements are required prior to final map approval per the Lathrop Municipal Code Section 16.16.190; and

WHEREAS, a Subdivision Improvement Agreement has been signed by River Islands Development, LLC, and presented to the City for approval and signature; and

WHEREAS, upon acceptance of all improvements as complete, a one-year maintenance and repair bond will be required to secure the River Islands Development, LLC, obligation to maintain all improvements and repair or correct any defective work; and

WHEREAS, several conditions of approval of VTM 3694 are satisfied by the 3rd Amendment to the Development Agreement between the City and Califia, LLC, which the City Council approved on October 7, 2013; and

WHEREAS, off-site improvements were guaranteed with the Dedication, Inspection and Guarantee of Streets and Public Improvements (Off-site Agreement), approved by City Council on September 30, 2013; and

WHEREAS, City staff has confirmed that all Conditions of Approval of VTM 3694 required for approval of Final Map 3835 have been met, including those Conditions of Approval satisfied under the Subdivision Improvement Agreement and Off-Site Agreement; and

WHEREAS, the City Engineer has confirmed that the Final Map for Tract 3835 is substantially the same as it appeared on VTM No. 3694, is technically correct and complies with the requirements of the Subdivision Map Act and Lathrop Municipal Code, Chapter 16.16; and

WHEREAS, River Islands Development, LLC, will satisfy the escrow requirements to fund the Settlement Fee prior to recordation of the Final Map for Tract 3835; and

WHEREAS, Capital Facilities Fees are not required until such time as the builder applies for building permits.

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

1. That the Final Map for Tract 3835 Village "N" is hereby approved as submitted as part of the public record with the San Joaquin County Assessor/Recorder/County Clerk Office.
2. That the City Manager, or their designee, is authorized to execute a Subdivision Improvement Agreement with River Islands Development, LLC, and the City of Lathrop Annexation No. 7 CFD 2013, in substantially the form as attached to the June 11, 2018 staff report, the file executed copy will be filed with the City Clerk.


PASSED AND ADOPTED by the City Council of the City of Lathrop this 11th day of June, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

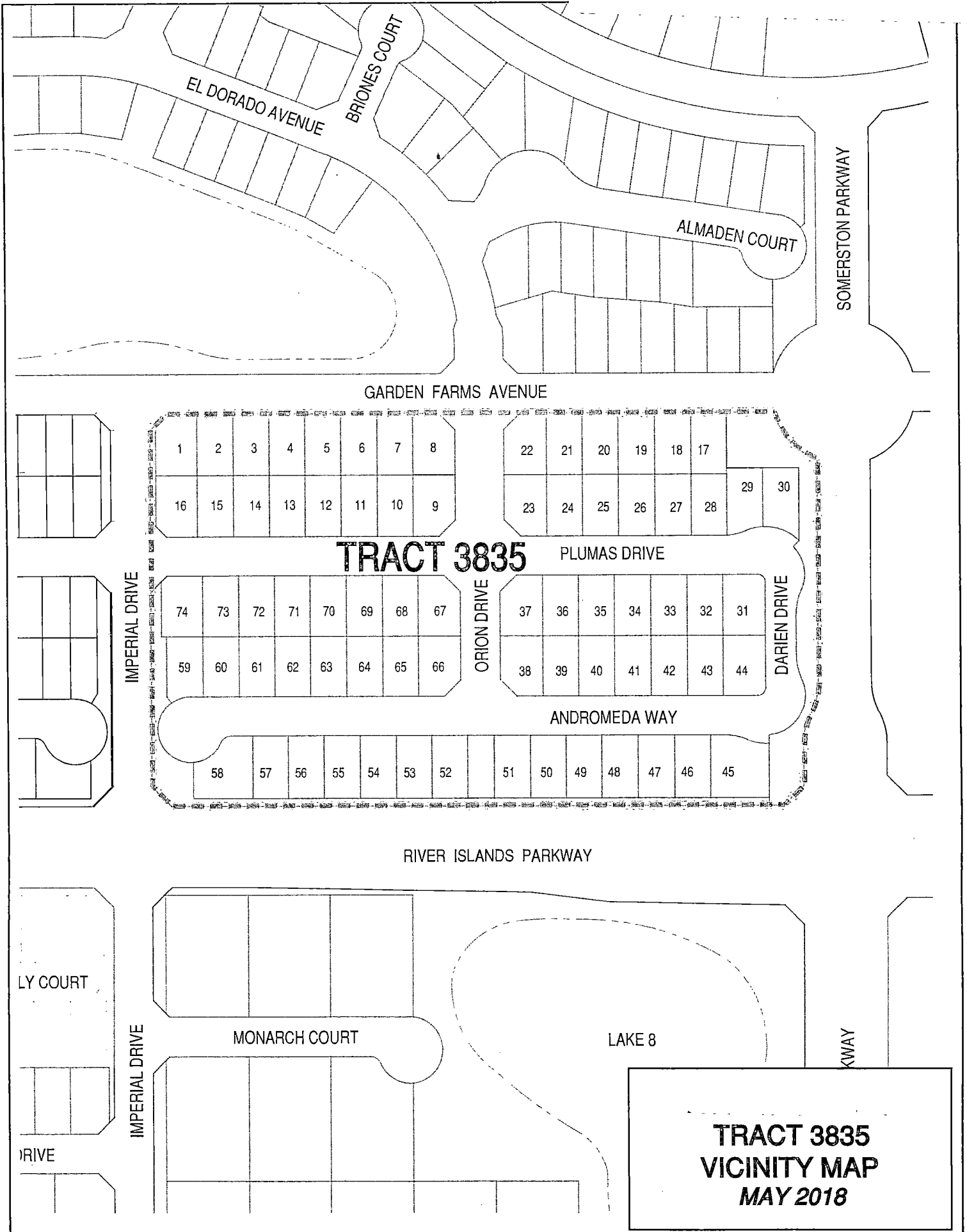
Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney



SUBDIVISION IMPROVEMENT AGREEMENT

BETWEEN THE CITY OF LATHROP AND

RIVER ISLANDS DEVELOPMENT, LLC,

A CALIFORNIA LIMITED LIABILITY COMPANY, FOR

74 RESIDENTIAL LOTS IN TRACT 3835 VILLAGE "N"

RECITALS

A. This Agreement is made and entered into this **11th day of June, 2018**, by and between the CITY OF LATHROP, a municipal corporation of the State of California ("CITY"), and River Islands Development, LLC, a California limited liability company ("SUBDIVIDER").

B. 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 dedications and improve Tract 3835. However, SUBDIVIDER has completed a significant portion of public infrastructure improvements associated with Tract 3835 (also known as Village "N") of the East Village District of River Islands. The unfinished portion of improvements total \$4,673 and a letter of guarantee (also known as a "set-aside letter") was provided by River Islands Public Financing Authority ("RIPFA") to the City and will be required to be held by CITY as outlined in this Tract 3835 Subdivision Improvement Agreement unless otherwise substituted with other security as outlined in this Agreement.

C. At its September 30, 2013, meeting, the City Council approved an Irrevocable Offer of Dedication of Easement for Roadway Purposes and approved an Agreement for Dedication, Inspection and Guarantee of Public Streets and Improvements for certain backbone roads and improvements including Lakeside Drive that provides public right of way access to Tract 3835 and adjacent tracts.

D. SUBDIVIDER has completed the entirety of joint trench improvements for Tracts 3835 in accordance with the separate set of joint trench improvement plans and street light plans prepared by O'Dell Engineering, Inc. The street, sidewalk, underground utility, storm drainage, street light and joint trench improvements (hereinafter "Improvements") were constructed as part of the required infrastructure for Tract 3835. Only thermoplastic striping remains as the unfinished improvements for Tract 3835. As a result, the set aside letter was provided as security for 180% of the amount of the thermoplastic striping as shown in Exhibit E ($\$4,673 \times 180\% = \$8,411$ – security amount).

E. The term "Improvements" as used in this Agreement means all improvements necessary for Tract 3835 (Village "N"). As a result, the total value of public improvements for Village N is \$3,442,000 as shown in Exhibit F to this Agreement. The required Maintenance Bond for Tract

3835 shall be equal to 10% of the cost of Improvements as shown in Exhibit F; **(\$3,442,000 X 10% = \$344,200 – maintenance bond amount)**. The maintenance bond shall be posted to guarantee maintenance of all improvements for a full year following acceptance by CITY.

NOW THEREFORE in consideration of CITY'S pending approval and acceptance of the Improvements upon their satisfactory completion and in consideration of SUBDIVIDER'S construction of Improvements in strict accordance with the terms of this Agreement, all applicable laws, statutes, ordinances, rules and regulations currently in force and effect in CITY, the terms and conditions of which are incorporated herein by this reference, the parties hereto mutually covenant and agree as follows:

1. SUBDIVIDER shall complete construction of, or cause construction to be completed at its sole cost and expense, the Improvements for all of the lots within the East Village neighborhood, to the limits identified on Exhibit A including the public landscaping, streetlight and joint trench improvements. All improvements shall be constructed to the satisfaction and approval of the City Engineer, in a good and workmanlike manner in accordance with the above-referenced improvement plans and specifications, the improvement standards and specifications of CITY'S Department of Public Works, the applicable Ordinances of the City of Lathrop and the California Subdivision Map Act.
2. SUBDIVIDER shall complete the Improvements, including all deferred and unfinished improvements, prior to occupancy of the first home occupied in Tract 3835. Such occupancy shall be documented by CITY in the form of a Certificate of Occupancy or Final Building Permit.
3. CITY or its agents shall, at any time during the progress of the Improvements, have free access thereto and shall be allowed to examine the same and all material to be used therein. If the Improvements or any part thereof are not completed in strict compliance with the standards set forth in Paragraph 1 above, CITY may refuse to accept and may reject the defective Improvements and/or materials therein.
4. SUBDIVIDER shall secure the services of skilled personnel necessary to construct the Improvements. CITY is not skilled in these matters and relies upon the skill of SUBDIVIDER to ensure that the construction of the Improvements is in the most skillful and durable manner.
5. CITY'S acceptance of the Improvements does not operate as a release of SUBDIVIDER from any guarantee hereunder.
6. 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 maintain the Improvements in good condition and in accordance with CITY specifications for one (1) year after CITY'S acceptance of the Improvements. Prior to acceptance of the Improvements, SUBDIVIDER shall deposit with the City Engineer a Maintenance Bond in the amount of \$344,200, equal to 10% of the estimated cost of the Improvements for the entire area as summarized in Recital F, to insure SUBDIVIDER'S repair and maintenance of the Improvements in accordance with the terms of this Agreement. The Maintenance Bond shall be released at the end of the one

(1) year guarantee period, provided there are no claims against it are then outstanding.

7. Because some of the backbone improvements referenced in Recital "D" were required to provide access and required utilities to Tract 3835 and are associated with adjacent tracts as otherwise described in this Agreement, as well as backbone roads associated with the Agreement for Dedication, Inspection and Guarantee of Public Streets and Improvements referenced in Recital "D", the security required by the Agreement for Dedication, Inspection and Guarantee of Public Streets and Improvements shall remain in place until the backbone improvements associated with that agreement are complete and accepted by CITY or as is further described by the conditions below:

a. Rehabilitation of the pavement on Stewart/Cohen and Paradise Roads within the limits of Stewart Tract, as detailed on the attached Exhibit D are required, and rehabilitation is guaranteed by a performance bond. Full improvement and acceptance of these streets shall be completed prior to release of security previously posted by SUBDIVIDER.

8. If SUBDIVIDER, in whole or in part, abandons the Improvements, unnecessarily or unreasonably delays construction of the Improvements, fails to complete construction of the Improvements within the time specified in this Agreement or fails to repair, replace or reconstruct any defects, as set forth in Paragraph 6 above, CITY may but is not required to proceed to complete and/or repair, replace or reconstruct the Improvements, either by itself or by contract for such service, and CITY may cause to be forfeited such portion of any security deposited therein as is necessary to cover the costs of completion, repair, replacement or reconstruction incurred by CITY. Once action is taken by CITY to complete, repair, replace and/or reconstruct the Improvements, SUBDIVIDER shall be responsible for all costs incurred by CITY even if SUBDIVIDER subsequently completes the work.

CITY shall have recourse against SUBDIVIDER for any and all amounts necessary to complete the obligations of SUBDIVIDER in the event the security (including but not limited to any Letter of Guarantee, Certificate of Deposit, cash, bond for performance, labor and materials, repair and maintenance, letter of credit or cash deposit) therefore is insufficient to pay such amounts. All administrative costs, including reasonable attorney's fees pursuant to Government Code Section 66499.4, incurred by CITY in addition to the costs of the improvements shall be a proper charge against the security and SUBDIVIDER.

In the event it becomes necessary for CITY to bring an action to compel performance of this Agreement or to recover costs of completing such improvements, SUBDIVIDER shall pay reasonable attorney's fees, costs of suit and all other expenses of litigation incurred by CITY in connection therewith.

9. Because the Improvements are not 100% complete, SUBDIVIDER is required to only post security to guarantee the deferred and unfinished improvements associated with Tract 3835 as included and described in Exhibit E of this Agreement. The amount of security, as evidenced by the Letter of Guarantee by RIPFA included as Exhibit E and as indicated in Recital F shall be \$8,411. Further, SUBDIVIDER shall also comply with CITY'S insurance requirements set forth on Exhibit C attached hereto and incorporated herein with a new certificate of insurance required.

10. Any alterations made to the plans and specifications, which are a part of this Agreement, or any provision of this Agreement shall not operate to release any surety or sureties from liability on any bond or bonds attached hereto and made a part hereof. The above-referenced sureties hereby consent to such alterations and waive the provisions of California Civil Code Section 2819.

11. 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.

12. 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 by or from any cause in, on or about the subdivision of all or any part of the land covered by this Agreement.

13. SUBDIVIDER hereby agrees to and shall hold CITY, its elective and appointive boards, commissions, officers, agents and employees (collectively "Indemnitees") harmless from any liability for damage or claims which may arise from SUBDIVIDER and/or SUBDIVIDER'S contractors, subcontractors, agents or employees' operations under this Agreement, whether such operations be by SUBDIVIDER or by any SUBDIVIDER contractors, subcontractors 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 or any type that may be brought or instituted against CITY and indemnities on any claim or demand, of any nature whatsoever, and pay or satisfy any judgment that may be rendered against CITY and the Indemnitees in any such action, suit or legal proceedings resulting from or alleged to have resulted from SUBDIVIDER'S 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. The promises and Agreement to indemnify and hold harmless set forth in this section is 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 regardless of whether or not CITY has prepared, supplied or approved of plans and/or specifications for the subdivision.

14. Neither SUBDIVIDER nor any of SUBDIVIDER'S agents, contractors or subcontractors are or shall be considered to be agents of CITY in connection with the performance of SUBDIVIDER'S obligations under this Agreement.

15. Prior to acceptance of the Improvements by the City Council, SUBDIVIDER shall be solely responsible for maintaining the quality of the Improvements and maintaining safety at the project site. SUBDIVIDER'S obligation to provide the Improvements shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied, all outstanding fees and charges have been paid and the City Council has accepted the Improvements as complete. CITY and SUBDIVIDER have formed Community Facilities Districts ("CFD") to finance maintenance and improvements. CITY expects to preserve the ability to use future special taxes of the CFD for payment of the cost of acquisition of the Improvements which may require that acceptance of improvements by CITY be subject to the provisions of an acquisition agreement to be entered into by CITY and SUBDIVIDER providing that CITY expects to be paid or reimbursed acquisition costs through future CFD special taxes. SUBDIVIDER shall cooperate to facilitate such method of acquisition.

16. SUBDIVIDER shall pay service fees for the utility services from the time the Improvements are accepted by CITY to the end of the fiscal year or up to a one (1) year period, whichever is needed to ensure an opportunity for the Improvements to be included in the next fiscal year annual assessment.

17. SUBDIVIDER shall be responsible to sweep streets within the subdivision every two weeks as directed by the City Engineer on all streets where lots are occupied and all streets providing access to occupied lots until the Improvements are accepted by CITY.

18. SUBDIVIDER shall not assign this Agreement without the prior written consent of CITY. If such consent is given, 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 and shall be jointly and severally liable hereunder.

19. SUBDIVIDER shall, at SUBDIVIDER'S expense, obtain and maintain all necessary permits and licenses for construction of the Improvements. Prior to the commencement of Improvement construction, SUBDIVIDER shall obtain a City of Lathrop Business License. SUBDIVIDER shall comply with all local, state and federal laws whether or not said laws are expressly stated in this Agreement.

20. This Agreement and any amendments hereto comprise the entire understanding and agreement between the parties regarding the improvements to be constructed and dedications for Tract 3835.

21. The following miscellaneous provisions are applicable to this Agreement:

a. Controlling Law. The parties agree that this Agreement shall be governed and construed by and in accordance with the laws of the State of California.

b. Definitions. The definitions and terms are as defined in this Agreement.

c. 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 which directly results from an Act of God

or an act of a superior governmental authority.

d. **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.

e. **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.

f. **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.

g. **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.

h. **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.

i. **Time of the Essence.** Time is of the essence of this Agreement 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 day. 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.

j. **Venue.** In the event either party brings 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.

ATTACHMENTS:

- EXHIBIT A: FINAL MAP - TRACT 3835
- EXHIBIT B: TRACT 3835 VICINITY MAP
- EXHIBIT C: CITY INSURANCE REQUIREMENTS
- EXHIBIT D: COHEN/PARADISE/STEWART REHABILITATION MAP
- EXHIBIT E: LETTER OF GUARANTEE FROM RIPFA
- EXHIBIT F: VILLAGE N – TRACT 3835 ENGINEER’S ESTIMATE

**IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this
___ day of June, 2018, at Lathrop, California.**

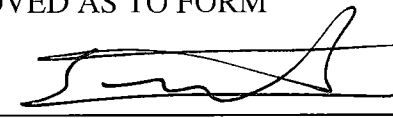
ATTEST: TERESA VARGAS
City Clerk of and for the City
of Lathrop, State of California

CITY OF LATHROP, a
municipal corporation of the
State of California

BY: _____
Teresa Vargas Date
City Clerk

BY: _____
Stephen J. Salvatore Date
City Manager

APPROVED AS TO FORM

BY:  _____ 6-6-18
Salvador Navarrete Date
City Attorney

River Islands Development, LLC,
a California limited liability company

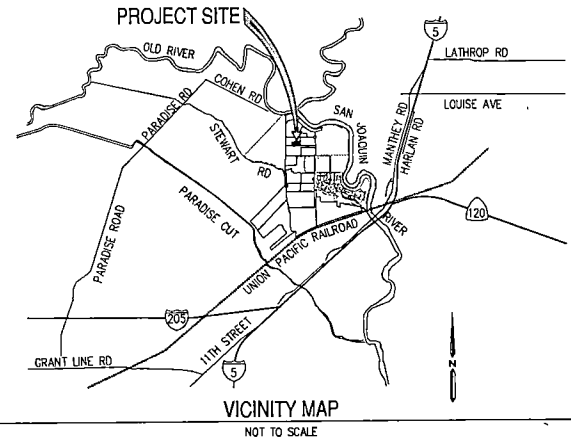
BY: _____
Susan Dell'Osso, Date
President
"SUBDIVIDER"

EXHIBIT A

FINAL MAP - TRACT 3835

TRACT 3835 RIVER ISLANDS - PHASE 1B VILLAGE N

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 3 OF TRACT 3836 (42 M&P 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



OWNER'S STATEMENT

THE UNDERSIGNED, DOES HEREBY STATE THAT THEY ARE THE OWNERS OF ALL THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINE OF THE HERON EMBODIED FINAL MAP ENTITLED, "TRACT 3835, RIVER ISLANDS, PHASE 1B, VILLAGE N", CITY OF LATHROP, CALIFORNIA, CONSISTING OF TEN (10) SHEETS, AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS FINAL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE UNDERSIGNED DOES HEREBY DEDICATE AN EASEMENT TO THE CITY OF LATHROP FOR PUBLIC RIGHT-OF-WAY PURPOSES, THOSE PORTIONS OF SAID LANDS DESIGNATED ON SAID MAP AS PLUMAS DRIVE, ANDROMEDA WAY, ANDROMEDA COURT, DARIEN DRIVE, ORION DRIVE, AND SOMERSTON PARKWAY WIDENING, AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP A NON-EXCLUSIVE EASEMENT TOGETHER WITH THE RIGHT TO CONSTRUCT, RECONSTRUCT, REPAIR AND MAINTAIN, POLES, WIRES, CABLES, PIPES, AND CONDUITS AND THEIR APPURTENANCES UPON, OVER AND UNDER THE STRIPS OF LAND AS SHOWN ON THIS FINAL MAP DESIGNATED AS "P.U.E." (PUBLIC UTILITY EASEMENT).

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP A NON-EXCLUSIVE EASEMENT FOR THE PURPOSES OF REPAIR AND MAINTENANCE OF THE SOUND WALL FOR THE AREAS DESIGNATED AS "WALL EASEMENT" AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, IN FEE, PARCELS A, B, C, E AND F, FOR OPEN SPACE PURPOSES, INCLUDING PUBLIC UTILITIES, FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE CITY OF LATHROP, IN FEE, PARCEL D FOR PARK PURPOSES, INCLUDING PUBLIC UTILITIES AND SANITARY SEWER FACILITIES, FOR THE BENEFIT OF THE PUBLIC, AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY RELINQUISH TO THE CITY OF LATHROP ALL ABUTTERS RIGHT OF ACCESS TO LOTS 1, 8, 9, 16, 17, 22, 23, 29, 30, 31, 37, 38, 44, 59, 66, 67, AND 74, ALONG THE LOT LINE AS INDICATED BY THE SYMBOL AS SHOWN ON THIS FINAL MAP.

OWNER: RIVER ISLANDS DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY.

BY: _____ DATE _____
NAME: SUSAN DELL'OSSO
ITS: PRESIDENT

DATED THIS _____ DAY OF _____, 2018.

OLD REPUBLIC TITLE COMPANY, AS TRUSTEE, UNDER THE DEED OF TRUST RECORDED DECEMBER 22, 2016, AS DOCUMENT NUMBER 2018-160886, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.

BY: _____
NAME: _____
ITS: _____

ACKNOWLEDGEMENT CERTIFICATE (OWNER'S)

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 _____, 2018, BEFORE ME, _____ WHO
A NOTARY PUBLIC, PERSONALLY APPEARED, _____ 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/HEY
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:

SIGNATURE: _____
NAME (PRINT): _____
PRINCIPAL COUNTY OF BUSINESS: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

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 THE HERIN EMBODIED MAP ENTITLED "TRACT 3835, RIVER ISLANDS, PHASE 1B, VILLAGE N", CITY OF LATHROP, CALIFORNIA, CONSISTING OF TEN (10) SHEETS, THIS STATEMENT WAS PRESENTED TO SAID CITY COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2018, AND THAT SAID CITY COUNCIL DID THEREUPON BY RESOLUTION NO. _____ DULY PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP, AND AUTHORIZED ITS RECORDATION, AND ACCEPTED ON BEHALF OF THE CITY OF LATHROP, FOR PUBLIC USE, THE DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, WALL EASEMENTS, PARCELS A THROUGH F, AND THE RELINQUISHMENT OF ACCESS RIGHTS TO LOTS 1, 8, 9, 16, 17, 22, 23, 29, 30, 31, 37, 38, 44, 59, 66, 67, AND 74, ALONG THE LOT LINES AS INDICATED BY THE SYMBOL , AND REJECTED THE OFFER OF DEDICATION OF ALL ROADWAYS AS SHOWN ON SAID MAP UNTIL THEIR IMPROVEMENTS HAVE BEEN COMPLETED IN ACCORDANCE WITH CHAPTER 16, TITLE 16.16 OF THE CITY OF LATHROP MUNICIPAL CODE.

I FURTHER STATE THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF LATHROP AND FILED IN MY OFFICE.

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

ACKNOWLEDGEMENT CERTIFICATE (TRUSTEE)

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 _____, 2018, BEFORE ME, _____ WHO
A NOTARY PUBLIC, PERSONALLY APPEARED, _____ 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/HEY
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:

SIGNATURE: _____
NAME (PRINT): _____
PRINCIPAL COUNTY OF BUSINESS: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

EXEMPT FROM FEE PER GOVERNMENT CODE 27388.1; DOCUMENT RECORDED IN CONNECTION WITH A CONCURRENT TRANSFER SUBJECT TO THE IMPOSITION OF DOCUMENTARY TRANSFER TAX.

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT

THIS MAP CONFORMS TO VESTING TENTATIVE MAP NO. 3694 APPROVED BY THE PLANNING COMMISSION.

DATED THIS _____ DAY OF _____, 2018.

MARK WEISSNER, COMMUNITY DEVELOPMENT ASSISTANT DIRECTOR
CITY OF LATHROP

CITY ENGINEER'S STATEMENT

I, GLENN GEBHARDT, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 3835, RIVER ISLANDS, PHASE 1B, VILLAGE N", CITY OF LATHROP, CALIFORNIA, AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE VESTING TENTATIVE MAP NO. 3694, AND ANY APPROVED ALTERATIONS THEREOF. I FURTHER STATE THAT THIS FINAL MAP COMPLIES WITH ALL APPLICABLE ORDINANCES OF THE CITY OF LATHROP, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE VESTING TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2018.

GLENN GEBHARDT, R.C.E. 34681
CITY ENGINEER OF THE CITY OF LATHROP, CALIFORNIA



RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2018, AT _____ M.
IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____, AT THE REQUEST OF
OLD REPUBLIC TITLE COMPANY.

FEE: \$ _____

STEVE J. BESTOLARIDES,
ASSESSOR-RECORDER-COUNTY CLERK
SAN JOAQUIN COUNTY, CALIFORNIA

BY: _____ ASSISTANT/DEPUTY RECORDER

**TRACT 3835
RIVER ISLANDS - PHASE 1B
VILLAGE N**

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 3 OF TRACT 3836 (42 MAP 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



NOTES

- RIGHT TO FARM STATEMENT:
PER CITY OF LATHROP MUNICIPAL CODE OF ORDINANCES, TITLE 15, CHAPTER 15.48.04, THE CITY OF LATHROP PERMITS OPERATION OF PROPERLY 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. 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 LIMITATIONS, CULTIVATION, PLOWING, SPRAYING, IRRIGATION, PRUNING, HARVESTING, BURNING OF AGRICULTURAL WASTE PRODUCTS, PROTECTION OF CROPS AND ANIMALS FROM DEPREDATION, AND OTHER ACTIVITIES WHICH MAY GENERATE DUST, SMOKE, NOISE, ODOR, RODENTS AND PESTS. BE 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 ASPECT OF LIVING IN AN AGRICULTURALLY ACTIVE REGION.
- A SOILS REPORT ENTITLED "GEOTECHNICAL EXPLORATION, RIVER ISLANDS PHASE 1, LATHROP, CALIFORNIA", REFERENCED AS PROJECT NO. 5044.5.001.01 AND DATED JULY 29, 2005, HAS BEEN PREPARED FOR THIS PROJECT BY ENGeo, INCORPORATED, JOSEF J. TOOTLE, G.E. NO. 2677, AND IS ON FILE WITH THE CITY OF LATHROP.
- TRACT 3835, RIVER ISLANDS, PHASE 1B, VILLAGE N, CONTAINS: 74 RESIDENTIAL LOTS, AND 6 LETTERED PARCELS, CONTAINING 13.81 ACRES, MORE OR LESS, INCLUDING ROADWAYS THAT ARE BEING DEDICATED BY THIS FINAL MAP, ALL AS SHOWN ON SAID MAP HEREIN. (PLEASE REFER TO THE AREA SUMMARY TABLE BELOW):

TRACT 3835 AREA SUMMARY	
LOTS 1 THROUGH 74	9.06 AC±
STREET DEDICATIONS	3.69 AC±
PARCELS A THROUGH F	1.06 AC±
TOTAL	13.81 AC±

- BASED ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT ORDER NUMBER 1614019838-KB (VERSION 1), DATED APRIL 20, 2018, PROVIDED BY OLD REPUBLIC TITLE COMPANY.

CITY SURVEYOR'S STATEMENT

I, LAWRENCE GOSSETT, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 3835, RIVER ISLANDS, PHASE 1B, VILLAGE N", CITY OF LATHROP, CALIFORNIA, AND THAT THE SUBDIVISION SHOWN HEREON COMPLIES WITH 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 _____, 201__.

LAWRENCE GOSSETT, P.E. 31695



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 3 AND 4 ONLY

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N45°00'00"E	35.36'
L2	N45°00'00"W	42.43'
L3	N45°00'00"E	35.36'
L4	N45°00'00"W	35.36'
L5	N45°00'00"E	35.36'
L6	N45°00'00"W	35.36'
L7	N45°00'00"E	35.36'
L8	NORTH	338.00'
L9	NORTH	445.00'
L10	NORTH	248.00'
L11	EAST	508.00'
L12	NORTH	248.00'
L13	EAST	508.00'
L14	EAST	534.00'
L15	EAST	555.30'
L16	EAST	56.00'
L17	N01°54'33"W	30.02'
L18	N01°54'33"W	30.02'
L19	NORTH	55.00'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	110.00'	52°17'22"	100.39'

SIGNATURE OMISSIONS

PURSUANT TO SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

- RECLAIMED ISLANDS LAND COMPANY, RESERVATION FOR OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET, PER DOCUMENT NUMBER 2001-046177, S.J.C.R.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF RIVER ISLANDS DEVELOPMENT, LLC, ON JANUARY 1, 2018. I HEREBY STATE ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2021, AND THAT THE MONUMENTS ARE OR THAT THEY WILL BE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

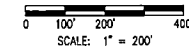
DATED THIS _____ DAY OF _____, 201__.

DYLAN CRAWFORD, P.L.S. NO 7788



TRACT 3835 RIVER ISLANDS - PHASE 1B VILLAGE N

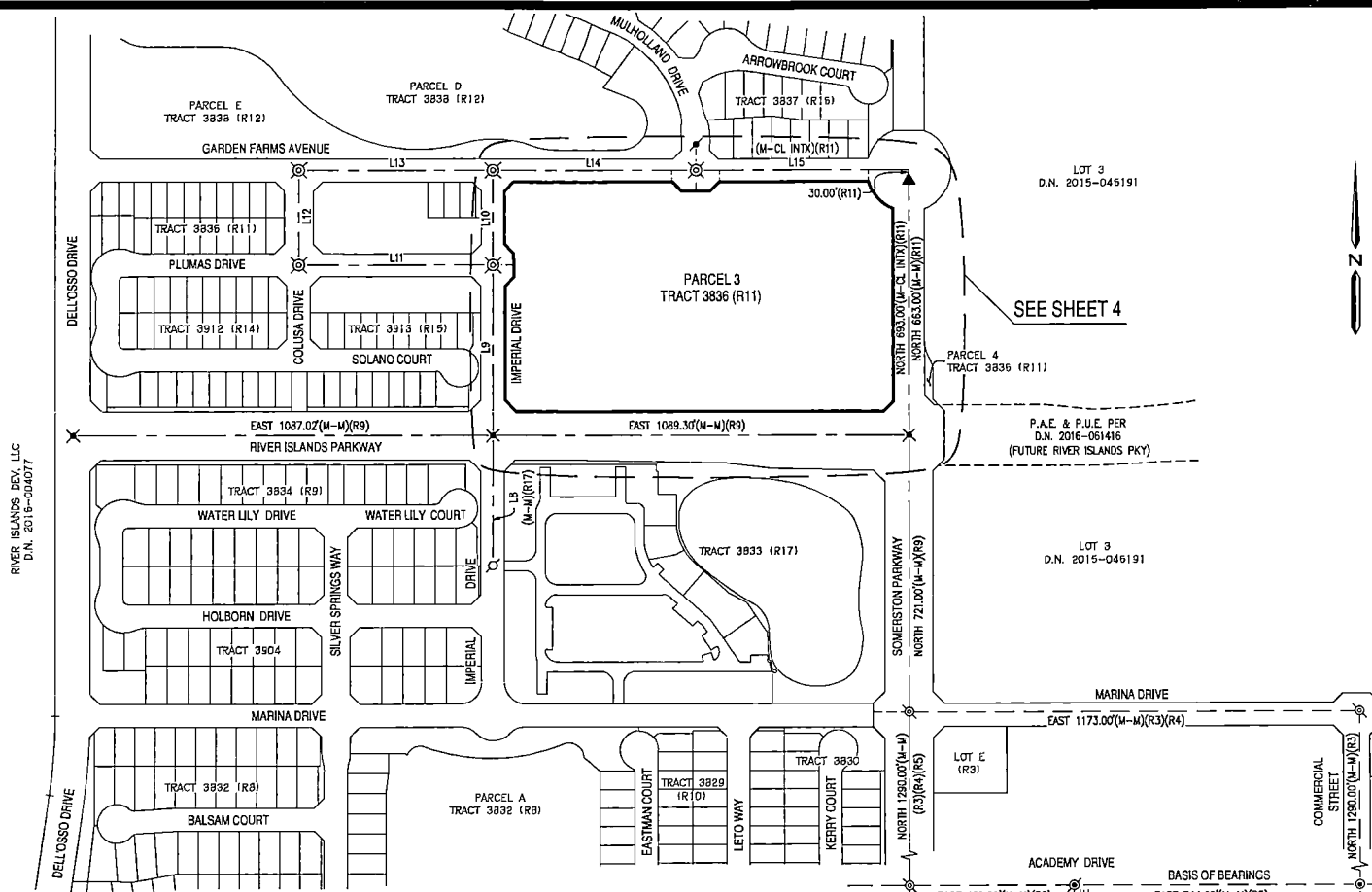
A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 3 OF TRACT 3836 (42 M&P 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



BOUNDARY SHEET

LEGEND

- FOUND MONUMENT STAMPED "PLS 7788" PER (R3)
- FOUND MONUMENT STAMPED "PLS 7788" PER (R5)
- MONUMENT TO BE SET PER (R11)
- MONUMENT TO BE SET PER (R9)
- MONUMENT TO BE SET PER (R16)
- 3/4" IRON PIPE W/ PLASTIC PLUG "PLS 7788" TO BE SET PER (R11), UNLESS OTHERWISE NOTED
- MONUMENT TO BE SET PER (R3)
- MONUMENT TO BE SET PER (R17)
- MONUMENT TO BE SET PER (R11)
- BOUNDARY
- LOT LINE OR RIGHT-OF-WAY LINE
- EASEMENT LINE
- MONUMENT LINE
- CENTERLINE
- 200.00' (R1) MEASURED AND RECORD DATA PER REFERENCE (R1)
- (R1) DENOTES REFERENCE (R1)- SEE REFERENCE LIST ON THIS SHEET
- (N-M) MONUMENT TO MONUMENT
- (N-CL INTX) MONUMENT TO CENTERLINE INTERSECTION
- (R) RADIAL BEARING
- (T) TOTAL
- (B) BOUNDARY
- CL CENTERLINE
- D.N. DOCUMENT NUMBER
- P.A.E. PUBLIC ACCESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT



SEE SHEET 4

RIVER ISLANDS BOX, LLC
D.N. 2016-064077

REFERENCES

- (R1) RECORD OF SURVEY FILED AUGUST 4, 2004, IN BOOK 35 OF SURVEYS, PAGE 142, AS CORRECTED BY CERTIFICATE OF CORRECTION RECORDED JULY 15, 2005 AS DOCUMENT NUMBER 2005-171264, S.J.C.R. (35 SURVEYS 142)
- (R2) GRANT DEED RECORDED APRIL 24, 2015, AS D.N. 2015-046193, S.J.C.R.
- (R3) TRACT 3704, FILED DECEMBER 20, 2013, IN BOOK 42 OF MAPS AND PLATS, PAGE 4, S.J.C.R. (42 M&P 4)
- (R4) TRACT 3796, FILED FEBRUARY 27, 2015, IN BOOK 42 OF MAPS AND PLATS, PAGE 30, S.J.C.R. (42 M&P 30)
- (R5) TRACT 3791, FILED MAY 8, 2015, IN BOOK 42 OF MAPS AND PLATS, PAGE 36, S.J.C.R. (42 M&P 36)
- (R6) GRANT DEED RECORDED MARCH 30, 2001, AS D.N. 2001-046177, S.J.C.R.
- (R7) TRACT 3876, FILED MARCH 31, 2016, IN BOOK 42 OF MAPS AND PLATS, PAGE 56, S.J.C.R. (42 M&P 56)
- (R8) TRACT 3832, FILED AUGUST 24, 2016, IN BOOK 42 OF MAPS AND PLATS, PAGE 66, S.J.C.R. (42 M&P 66)
- (R9) TRACT 3834, FILED DECEMBER 21, 2016, IN BOOK 42 OF MAPS AND PLATS, PAGE 72, S.J.C.R. (42 M&P 72)
- (R10) TRACT 3829, FILED DECEMBER 21, 2016, IN BOOK 42 OF MAPS AND PLATS, PAGE 71, S.J.C.R. (42 M&P 71)
- (R11) TRACT 3836, FILED MARCH 15, 2017, IN BOOK 43 OF MAPS AND PLATS, PAGE 84, S.J.C.R. (43 M&P 84)
- (R12) TRACT 3838, FILED NOVEMBER 30, 2017, IN BOOK 43 OF MAPS AND PLATS, PAGE 89, S.J.C.R. (43 M&P 89)
- (R13) TRACT 3895, FILED JUNE 20, 2017, IN BOOK 42 OF MAPS AND PLATS, PAGE 89, S.J.C.R. (42 M&P 89)
- (R14) TRACT 3912, FILED FEBRUARY 7, 2018, IN BOOK 43 OF MAPS AND PLATS, PAGE 19, S.J.C.R. (43 M&P 19)
- (R15) TRACT 3913, FILED _____, 2018, IN BOOK _____ OF MAPS AND PLATS, PAGE _____, S.J.C.R. (____ M&P ____)
- (R16) TRACT 3837, FILED _____, 2018, IN BOOK _____ OF MAPS AND PLATS, PAGE _____, S.J.C.R. (____ M&P ____)
- (R17) TRACT 3833, FILED APRIL 16, 2018, IN BOOK 43 OF MAPS AND PLATS, PAGE 28, S.J.C.R. (43 M&P 28)

BASIS OF BEARINGS

THE BEARING OF "EAST" BETWEEN FOUND MONUMENTS ALONG THE MONUMENT LINE OF ACADEMY DRIVE AS SHOWN ON TRACT 3791, FILED MAY 8, 2015, IN BOOK 42 OF MAPS AND PLATS, AT PAGE 36, OFFICIAL RECORDS OF THE COUNTY OF SAN JOAQUIN, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP (ZONE 3, NAD83). ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES.

NOTES

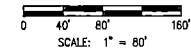
1. SEE SHEET 2 FOR ADDITIONAL NOTES, AND FOR THE LINE TABLE AND CURVE TABLE OF COURSES SHOWN ON SHEETS 3 AND 4 ONLY.

TRACT 3835

RIVER ISLANDS - PHASE 1B

VILLAGE N

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 3 OF TRACT 3836 (42 MAP 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



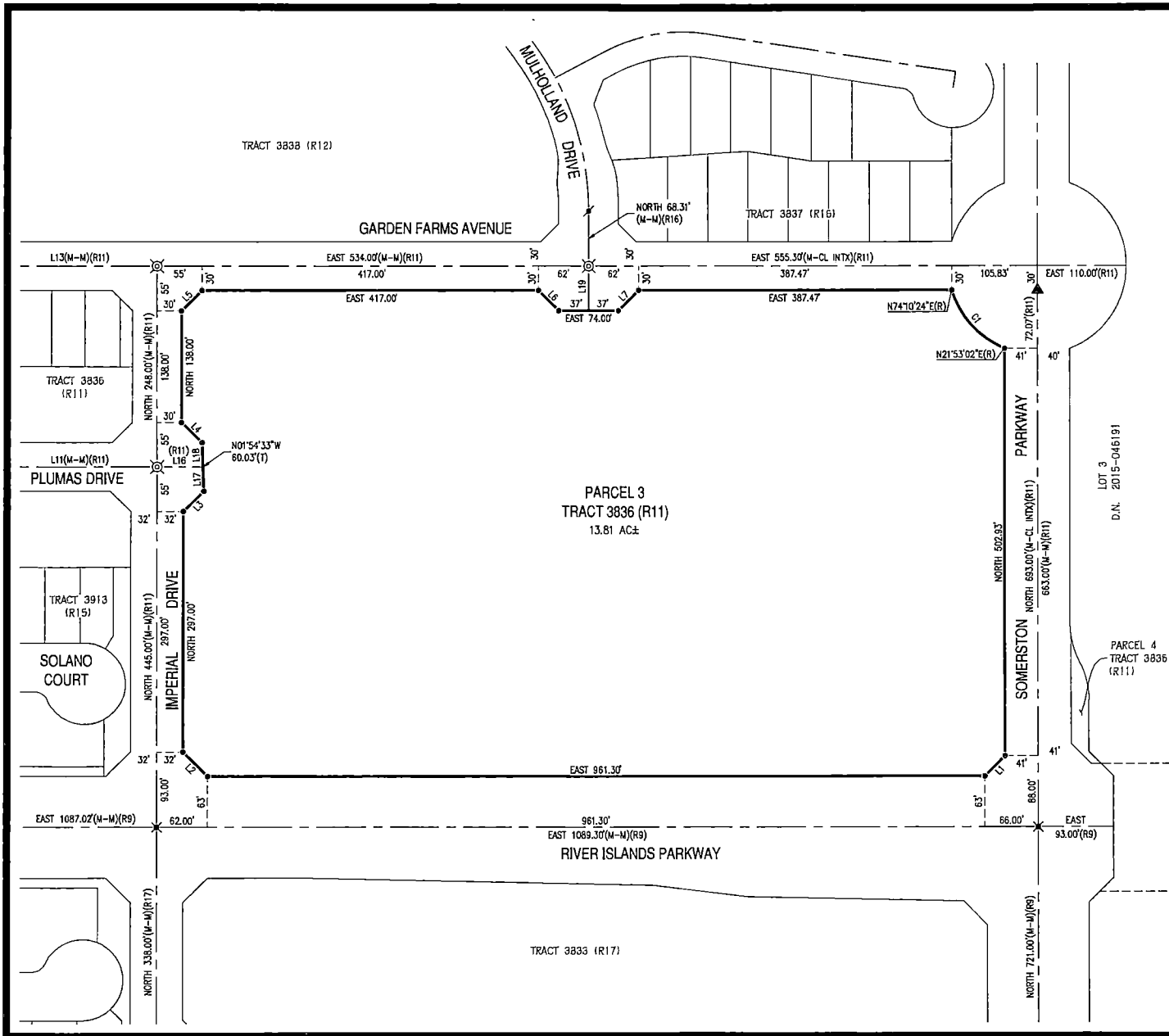
BOUNDARY SHEET

LEGEND

- ⊗ MONUMENT TO BE SET PER (R11)
- ⊗ MONUMENT TO BE SET PER (R9)
- ⊗ MONUMENT TO BE SET PER (R16)
- ▲ MONUMENT TO BE SET PER (R11)
- 3/4" IRON PIPE W/ PLASTIC PLUG "PLS 7788" TO BE SET PER (R11), UNLESS OTHERWISE NOTED
- 200.00' (R1) MEASURED AND RECORD DATA PER REFERENCE (R1)
- (R1) DENOTES REFERENCE (R1)- SEE REFERENCE LIST ON SHEET 3
- (M-M) MONUMENT TO MONUMENT
- (M-CL INTX) MONUMENT TO CENTERLINE INTERSECTION
- (T) TOTAL
- (B) BOUNDARY
- D.N. DOCUMENT NUMBER
- P.U.E. PUBLIC UTILITY EASEMENT
- AC ACRES
- BOUNDARY LINE
- - - - LOT LINE OR RIGHT-OF-WAY LINE
- - - - EASEMENT LINE
- - - - CENTERLINE

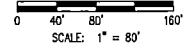
NOTES

1. SEE SHEET 2 FOR ADDITIONAL NOTES, AND FOR THE LINE AND CURVE TABLES OF COURSES SHOWN ON SHEETS 3 AND 4 ONLY.
2. SEE SHEET 3 FOR BASIS OF BEARINGS AND REFERENCES.



TRACT 3835 RIVER ISLANDS - PHASE 1B VILLAGE N

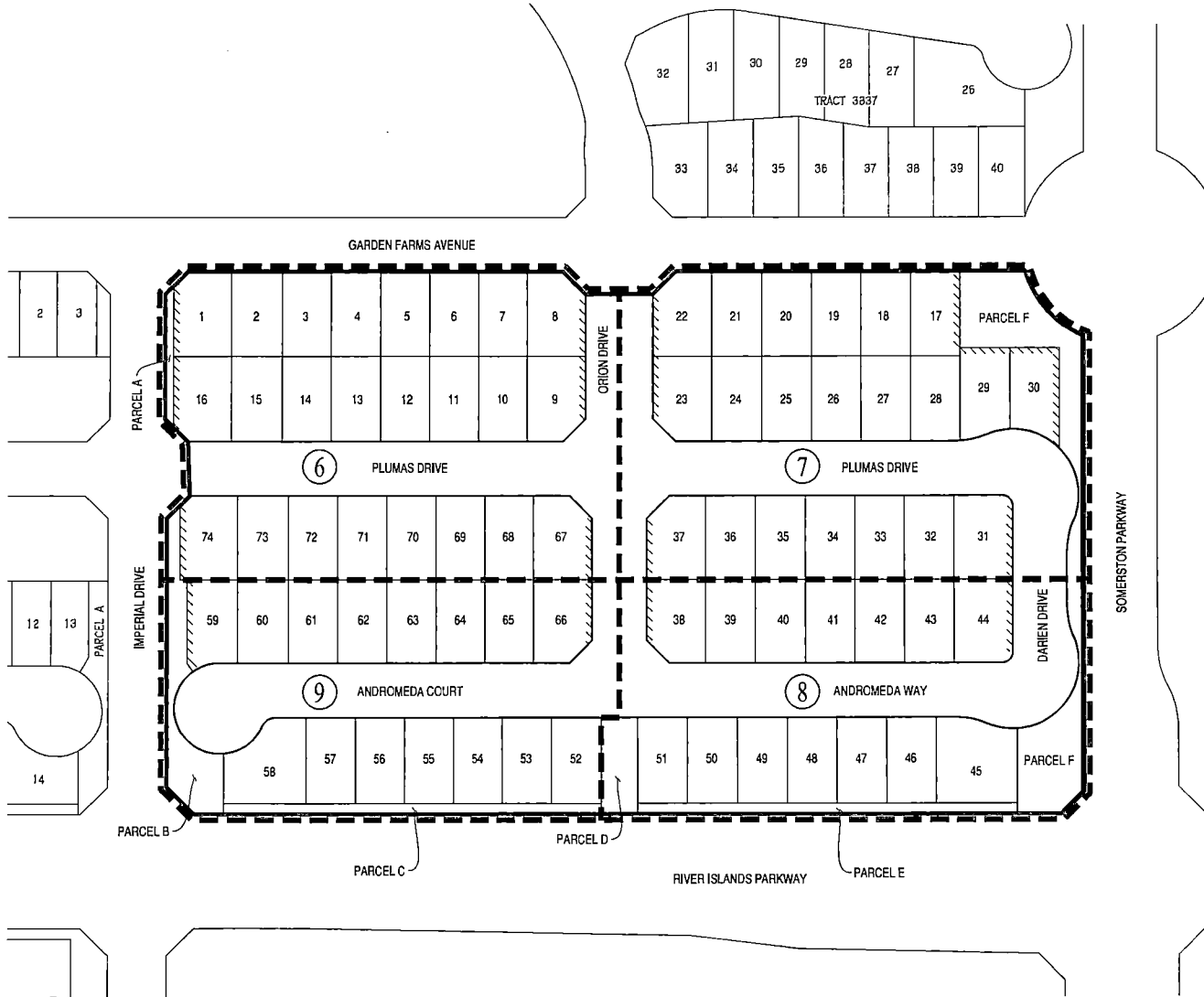
A PORTION OF RANCHO EL PESCADERO, BEING
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CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



SHEET INDEX

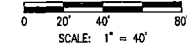
LEGEND

- LOT LINE
- RIGHT-OF-WAY LINE
- BOUNDARY
- SHEET LIMIT LINE
- LOT NUMBER
- SHEET NUMBER
- RESTRICTED ACCESS



TRACT 3835 RIVER ISLANDS - PHASE 1B VILLAGE N

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 3 OF TRACT 3835 (42 MAP 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018

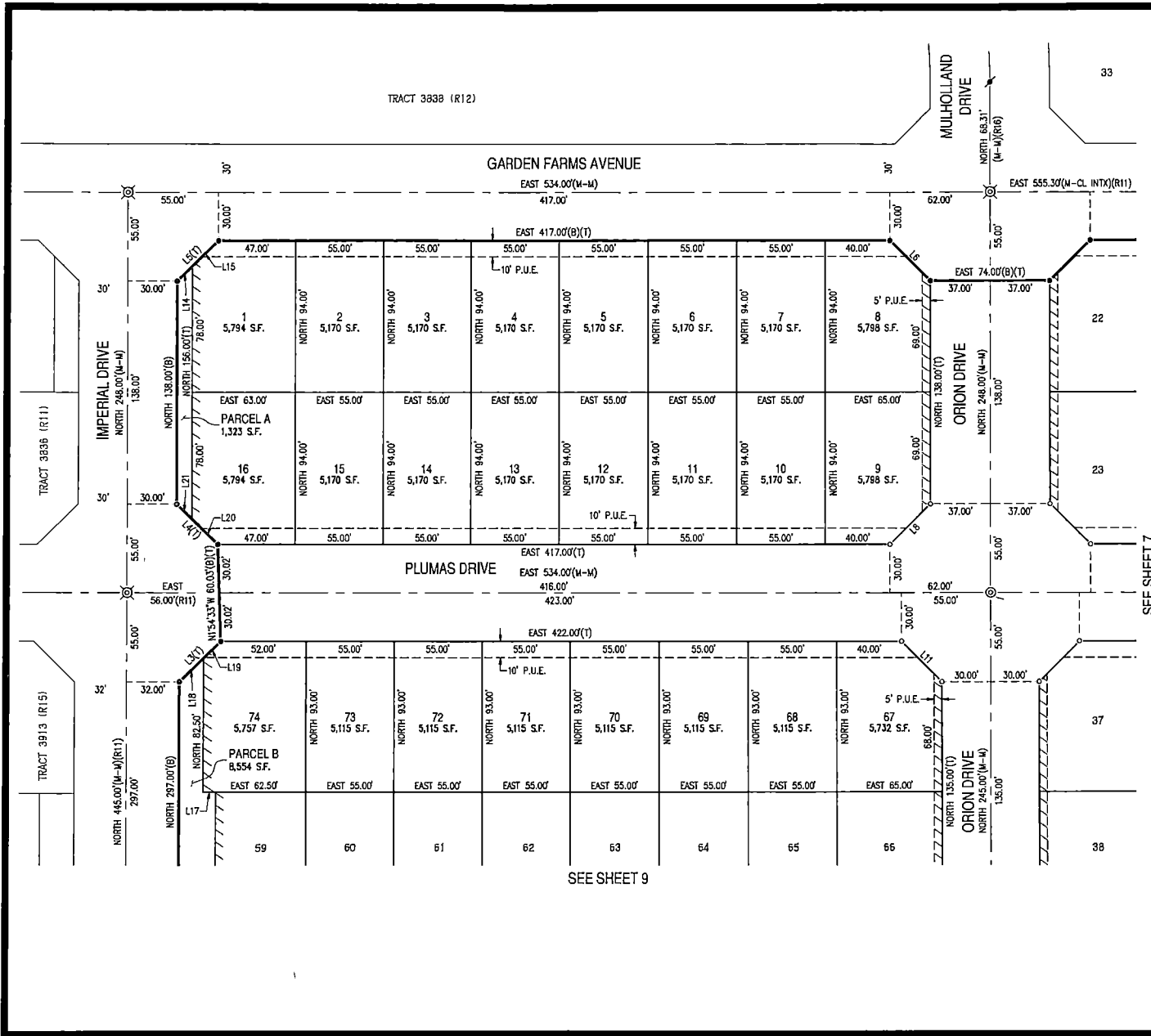


LEGEND

- ⊙ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
- SET 3/4" IRON PIPE W/ PLASTIC PLUG "PLS 7788"
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- ⊗ MONUMENT TO BE SET PER (R16)
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- SET 3.00' WITNESS CORNER (W.C.), UNLESS OTHERWISE NOTED, MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED. 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788"
- ▲ MONUMENT TO BE SET PER (R11)
- 200.00' (R1) MEASURED AND RECORD DATA PER REFERENCE (R1)
- (R1) DENOTES REFERENCE (R1)- SEE REFERENCE LIST ON SHEET 3
- (M-M) MONUMENT TO MONUMENT
- (N-CL INTX) MONUMENTS TO CENTERLINE INTERSECTION
- (T) TOTAL
- (B) BOUNDARY
- P.U.E. PUBLIC UTILITY EASEMENT
- LOT LINE
- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- - - EASEMENT LINE
- - - CENTERLINE
- //// RESTRICTED ACCESS

NOTES

1. 1.17" BRASS DISK STAMPED "PLS 7788" TO BE SET ON CONCRETE SIDEWALK 1.00' INTO THE RIGHT-OF-WAY, ALONG PROLONGATION OF SIDE LOT LINES, OR AS NOTED.
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4. SEE SHEET 3 FOR BASIS OF BEARINGS AND REFERENCES.
5. SEE SHEET 10 FOR LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 6 THROUGH 10 ONLY.



SEE SHEET 7

SEE SHEET 9

TRACT 3835 RIVER ISLANDS - PHASE 1B VILLAGE N

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 3 OF TRACT 3836 (42 MAP 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



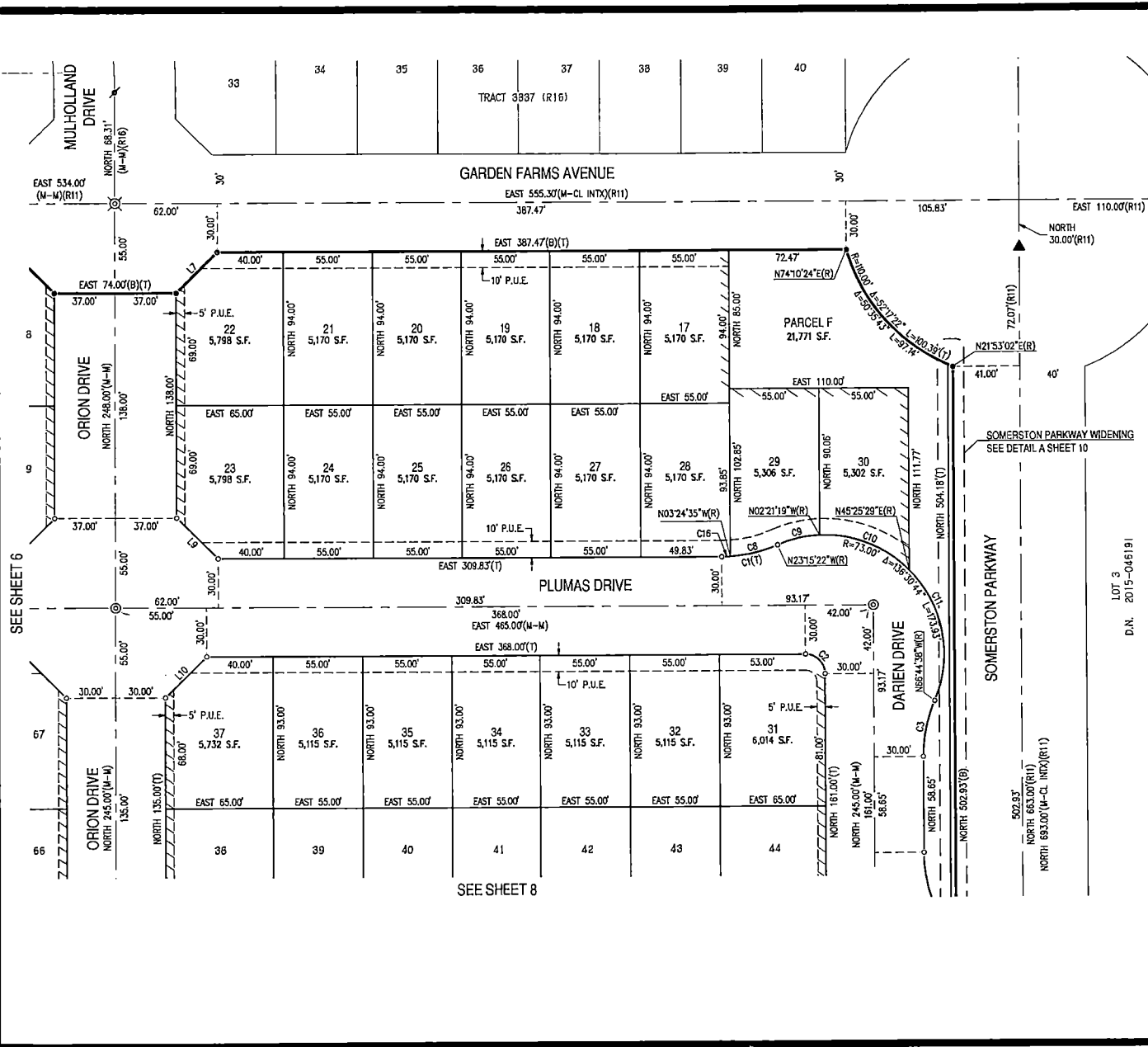
0 20' 40' 80'
SCALE: 1" = 40'

LEGEND

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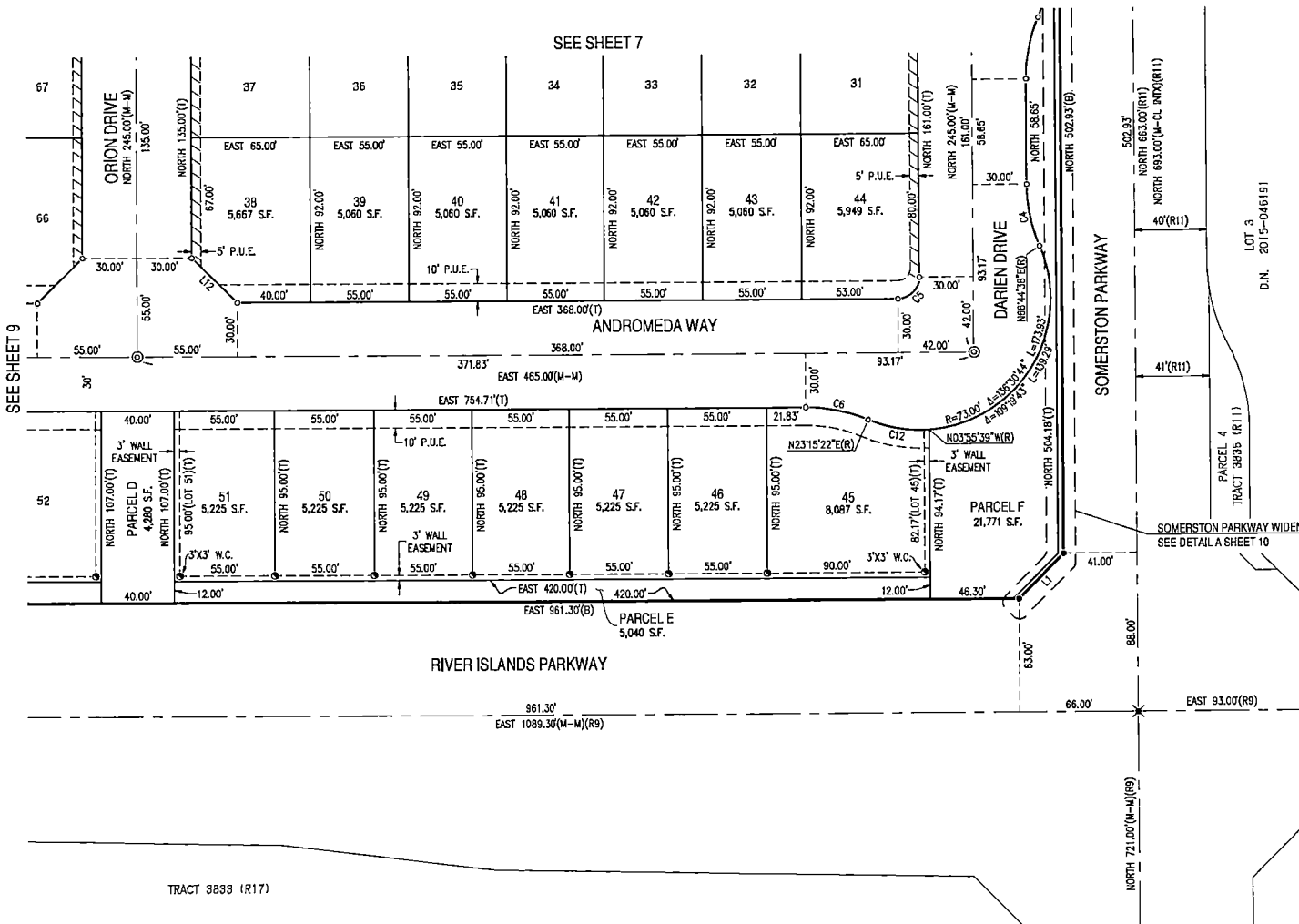
LOT 3
D.N. 2015-046191

TRACT 3835 RIVER ISLANDS - PHASE 1B VILLAGE N

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CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



0 20' 40' 80'
SCALE: 1" = 40'



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TRACT 3835 RIVER ISLANDS - PHASE 1B VILLAGE N

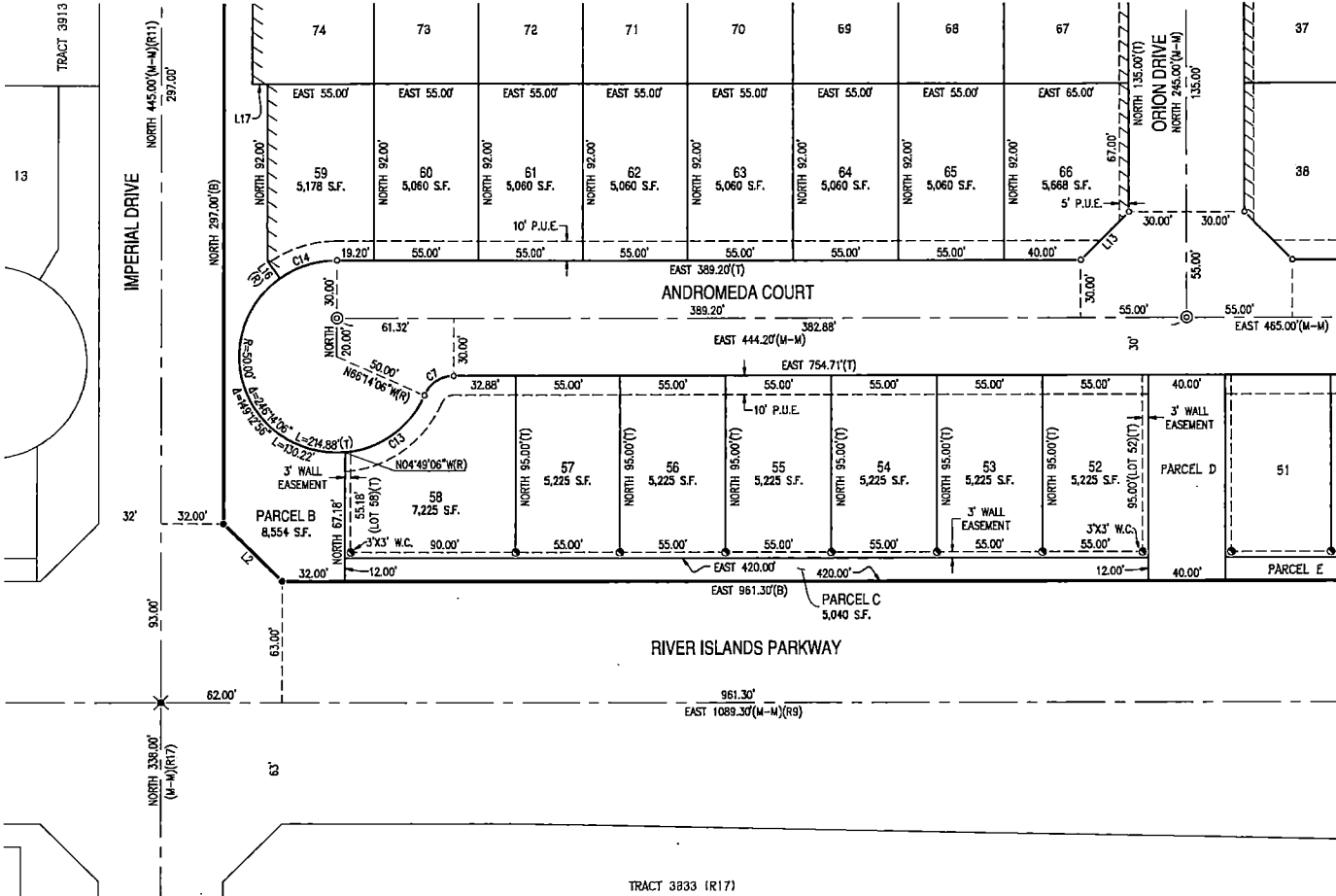
A PORTION OF RANCHO EL PESCADERO, BEING
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CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



0 20' 40' 80'
SCALE: 1" = 40'



SEE SHEET 6



LEGEND

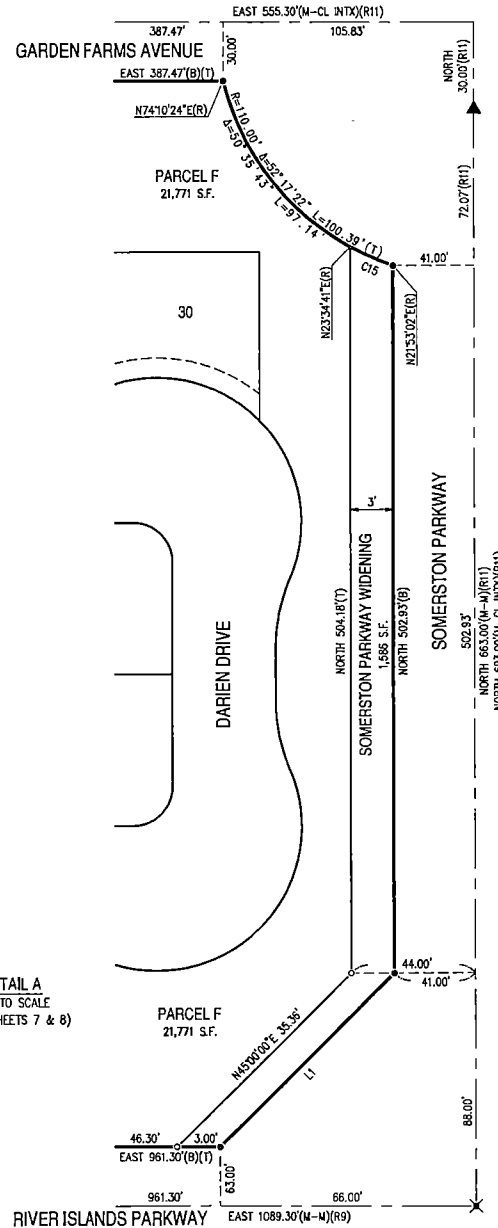
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2. 5/8" REBAR WITH CAP "PLS 7788" TO BE SET AT ALL REAR LOT CORNERS, UNLESS OTHERWISE NOTED.
3. SEE SHEET 2 FOR ADDITIONAL NOTES.
4. SEE SHEET 3 FOR BASIS OF BEARINGS AND REFERENCES.
5. SEE SHEET 10 FOR LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 6 THROUGH 10 ONLY.

TRACT 3835 RIVER ISLANDS - PHASE 1B VILLAGE N

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 3 OF TRACT 3836 (42 MAP 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2018



NOTES

1. 1.17" BRASS DISK STAMPED "PLS 7788" TO BE SET ON CONCRETE SIDEWALK 1.00' INTO THE RIGHT-OF-WAY, ALONG PROLONGATION OF SIDE LOT LINES, OR AS NOTED.
2. 5/8" REBAR WITH CAP "PLS 7788" TO BE SET AT ALL REAR LOT CORNERS, UNLESS OTHERWISE NOTED.
3. SEE SHEET 2 FOR ADDITIONAL NOTES.
4. SEE SHEET 3 FOR BASIS OF BEARINGS AND REFERENCES.
5. SEE THIS SHEET FOR LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 6 THROUGH 10 ONLY.

DETAIL A
NOT TO SCALE
(FROM SHEETS 7 & 8)

LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 6 THRU 10 ONLY

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N45°00'00"E	35.36'
L2	N45°00'00"W	42.43'
L3	N45°00'00"E	35.36'
L4	N45°00'00"W	35.36'
L5	N45°00'00"E	35.36'
L6	N45°00'00"W	35.36'
L7	N45°00'00"E	35.36'
L8	N45°00'00"E	35.36'
L9	N45°00'00"W	35.36'
L10	N45°00'00"E	35.36'
L11	N45°00'00"W	35.36'
L12	N45°00'00"W	35.36'
L13	N45°00'00"E	35.36'
L14	N45°00'00"E	12.73'
L15	N45°00'00"E	22.63'
L16	N35°36'10"W	11.50'
L17	EAST	7.50'
L18	N45°00'00"E	20.51'
L19	N45°00'00"E	14.85'
L20	N45°00'00"W	22.63'
L21	N45°00'00"W	12.73'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	87.00	231°5'22"	35.31'
C2	12.00	90°00'00"	18.85'
C3	87.00	231°5'22"	35.31'
C4	87.00	231°5'22"	35.31'
C5	12.00	90°00'00"	18.85'
C6	87.00	231°5'22"	35.31'
C7	17.00	66°14'06"	19.65'
C8	87.00	19°50'47"	30.14'
C9	73.00	20°54'03"	26.63'
C10	73.00	47°46'48"	60.88'
C11	73.00	67°49'53"	66.42'
C12	73.00	27°11'01"	34.63'
C13	50.00	61°25'00"	53.60'
C14	50.00	35°36'10"	31.07'
C15	110.00	1°41'39"	3.25'
C16	87.00	324°35'	5.18'

EXHIBIT B

TRACT 3835 VICINITY MAP

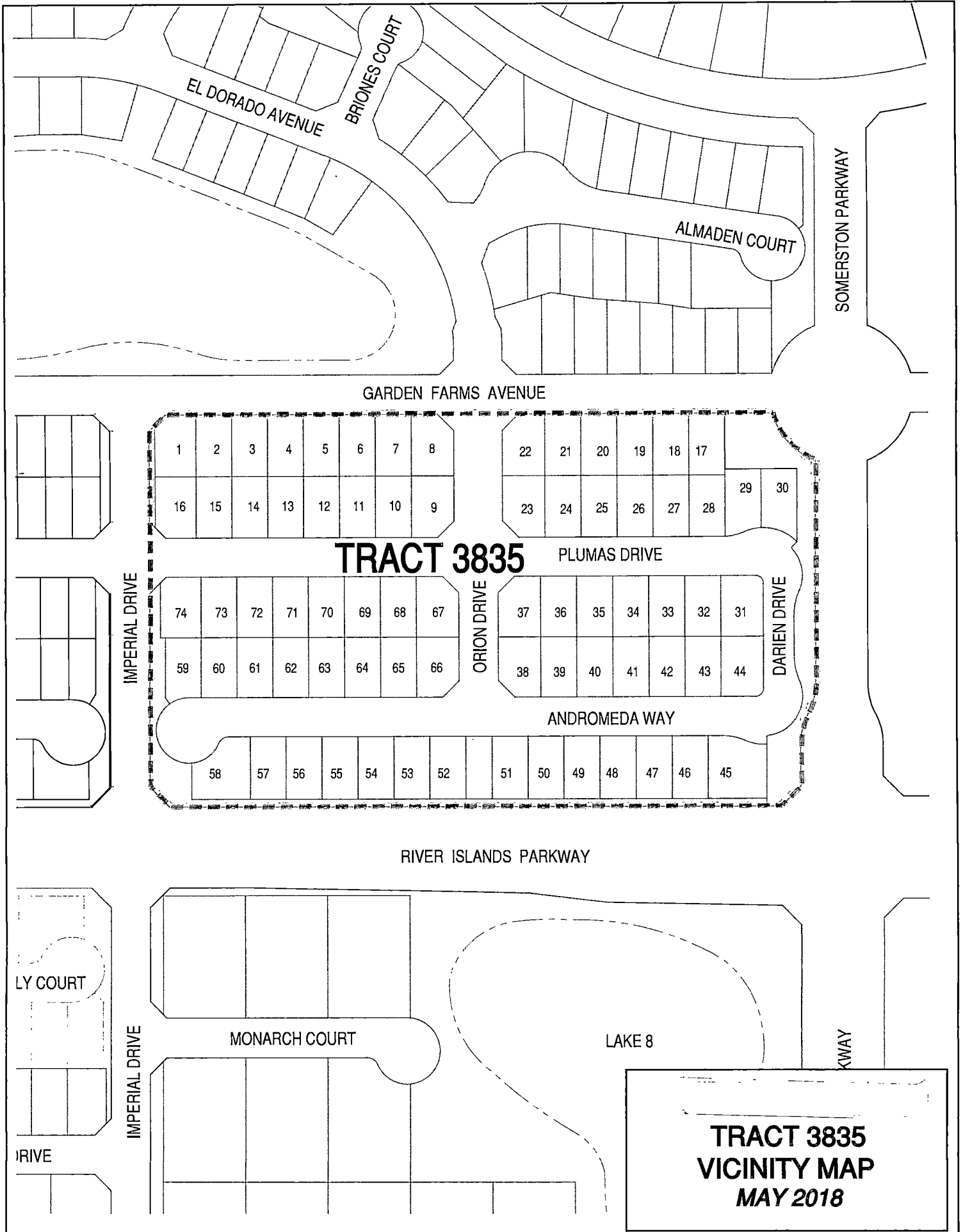


EXHIBIT C

CITY INSURANCE REQUIREMENTS

1. 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 insurers. 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 of Lathrop 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.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/02/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Insurance Services of California, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: PHONE (A/C, No, Ext): 1-877-945-7378 FAX (A/C, No): 1-888-467-2378	
	E-MAIL ADDRESS: certificates@willis.com	
INSURED River Islands Development, LLC 73 W Stewart Rd Lathrop, CA 95330	INSURER(S) AFFORDING COVERAGE	
	INSURER A: United Specialty Insurance Company	NAIC # 12537
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

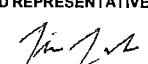
COVERAGES **CERTIFICATE NUMBER:** W6394791 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ATN-SF1811644P	03/19/2018	03/19/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Final Map Tract No. 3835 - River Islands - Phase 1B - Village N

The City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents are included as Additional Insureds as required by written contract on a Primary and Non-contributory basis with respect to the General Liability policy.

CERTIFICATE HOLDER City of Lathrop 390 Towne Centre Dr Lathrop, CA 95330	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	--

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
City of Lathrop, its officers, City Council, boards and commissions and members thereof, its employees and agents 390 Towne Centre Drive Lathrop, CA 95330	River Islands @ Lathrop Development
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

UNITED SPECIALTY INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY – PLEASE READ IT CAREFULLY

USIC VEN 016 11 10 07

**Named Insured: River Islands Development, LLC
Policy Number: ATN-SF1811644P**

**PRIMARY AND NON-CONTRIBUTING INSURANCE
(Third Party's Sole Negligence)**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART**

The following is added to Section IV – Commercial General Liability Conditions, Paragraph 4:

Section IV: Commercial General Liability Conditions

4. Other Insurance:

- d. Notwithstanding the provisions of sub-paragraphs a, b, and c of this paragraph 4, with respect to the Third Party shown below, it is understood and agreed that in the event of a claim or "suit" arising out of the Named Insured's sole negligence, this insurance shall be primary and any other insurance maintained by the additional insured named as the Third Party below shall be excess and non-contributory.

The Third Party to whom this endorsement applies is:

City of Lathrop, its officers, City Council,
boards and commissions and members thereof,
its employees and agents
390 Towne Centre Drive
Lathrop, CA 95330

Absence of a specifically named Third Party above means that the provisions of this endorsement apply "as required by written contractual agreement with any Third party for whom you are performing work."

All other terms, conditions and exclusions under this policy are applicable to this Endorsement and remain unchanged.

UNITED SPECIALTY INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

USIC VEN 078 03 11 07

**Named Insured: River Islands Development, LLC
Policy Number: ATN-SF1811644P**

THIRD PARTY CANCELLATION NOTICE

This endorsement shall not serve to increase our limits of insurance, as described in **SECTION III - LIMITS OF INSURANCE.**

This endorsement modifies Conditions provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

If we cancel this policy for any reason other than nonpayment of premium, we will mail notification to the persons or organizations shown in the schedule below (according to the number of days listed below) once the Named Insured has been notified.

If we cancel this coverage for nonpayment of premium, we will mail a copy of such written notice of cancellation to the name and address below at least 10 days prior to the effective date of such cancellation.

Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

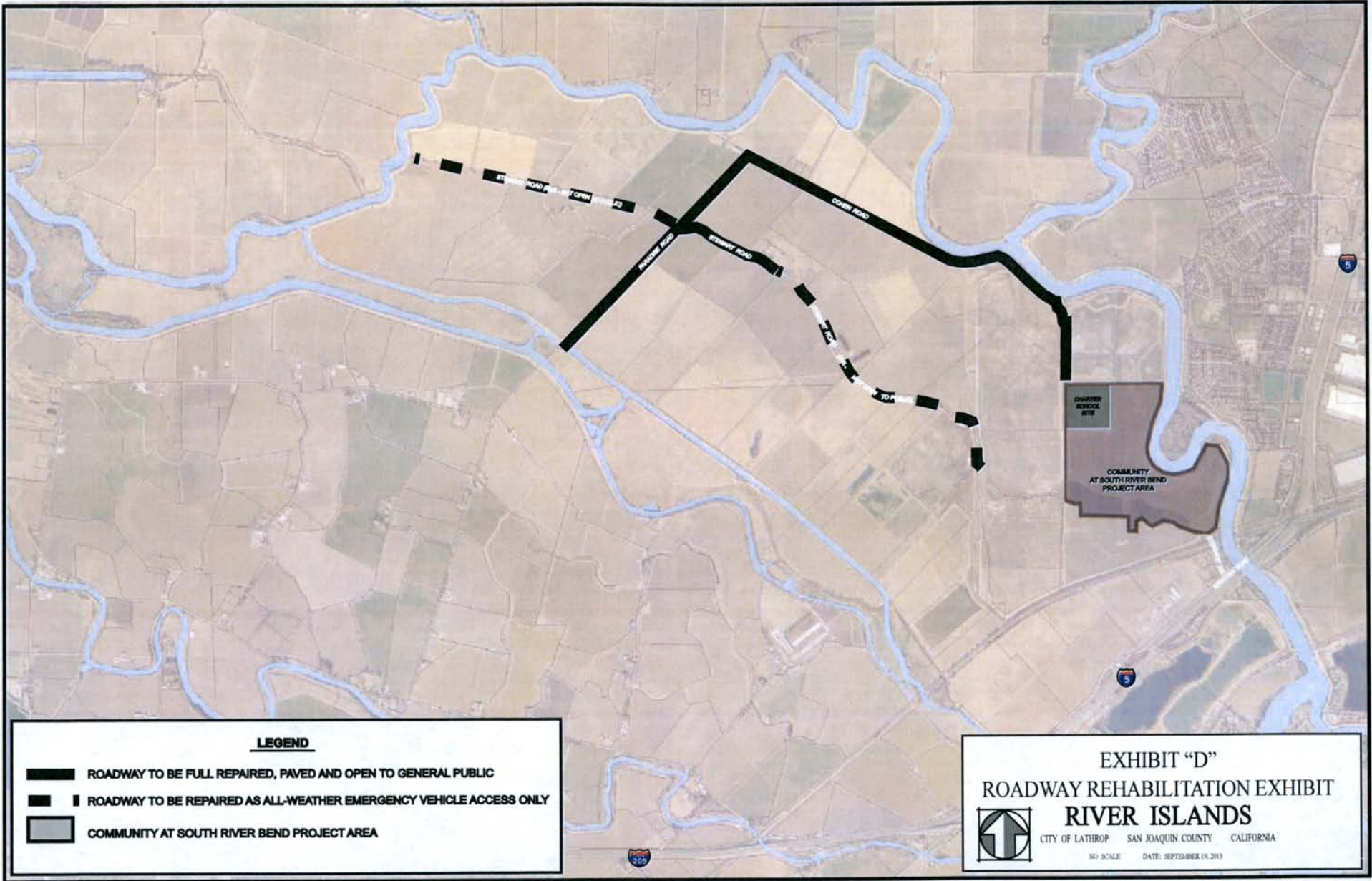
SCHEDULE

<u>Name and Address of Other Person/Organization</u>	<u>Number of Days Notice</u>
City of Lathrop, its officers, City Council, boards and commissions and members thereof, its employees and agents 390 Towne Centre Drive Lathrop, CA 95330	30 Days

All other terms, conditions and exclusions under this policy are applicable to this Endorsement and remain unchanged.

EXHIBIT D

COHEN/PARADISE/STEWART REHABILITATION MAP



LEGEND




-  ROADWAY TO BE FULL REPAIRED, PAVED AND OPEN TO GENERAL PUBLIC
-  ROADWAY TO BE REPAIRED AS ALL-WEATHER EMERGENCY VEHICLE ACCESS ONLY
-  COMMUNITY AT SOUTH RIVER BEND PROJECT AREA

EXHIBIT "D"
ROADWAY REHABILITATION EXHIBIT
RIVER ISLANDS



CITY OF LATHROP SAN JOAQUIN COUNTY CALIFORNIA

NO SCALE DATE: SEPTEMBER 19, 2013

EXHIBIT E
LETTER OF GUARANTEE FROM RIPFA

RIVER ISLANDS PUBLIC FINANCING AUTHORITY

73 W. STEWART ROAD
LATHROP, CALIFORNIA 95330

TEL: (209) 879-7900

April 23, 2018

Glenn Gebhardt, City Engineer
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Subject: **Substitution of Security – Unfinished Improvements within Stage 1B of River Islands at Lathrop (“Set-Aside Letter”)**

Dear Glenn:

As you are aware, River Islands Development, LLC (“Developer”) has recently substantially completed improvements within most of the tracts (villages) of the East Village District of River Islands, as well as Village G within the Community at South River Bend area. All but one of these tracts have performance and labor and materials bonds that have been posted by the Developer with associated Subdivision Improvement Agreements and/or Encroachment Permits (“Previous Security”). Tract 3835 (Village N) has not yet associated with a final map filing and therefore, does not have performance bonds posted. However, since a map is imminent for this area, this Set-Aside Letter would cover this tract as well.

RIPFA is providing the set-aside letter in behalf of the Developer since RIPFA has provided the public funding for the construction of the improvements with issuance of bonds and resulting proceeds from RIPFA Community Facilities Districts (CFDs), including CFD 2015-1. Construction of the improvements has been performed either by the Developer through an acquisition agreement with RIPFA or by public bid of Reclamation District 2026, a member agency of RIPFA. The City entered into a Joint Community Facilities Agreement (JCFA) with RIPFA in November 2015, which provides the process to which the City accept these improvement for public use.

Since the Previous Security covered all or a majority of the value of improvements necessary to be constructed, the Developer feels it is unnecessary to carry the cost to maintain the cost of the Previous Security, since only thermoplastic striping remains for full completion and ultimate City acceptance of the improvements. As a result, the Developer has requested the Authority provide alternative security for the remaining unfinished improvements in-lieu of Previous Security previously provided to the City. We believe that that this “set-aside” letter will provide adequate guarantee to the City for items listed below.

This Set-Aside Letter would be substituted for security previously provided and in-lieu of security required for Village N as follows:

Bond Description	Bond Number	Performance Bond Amount	Labor & Mat. Bond Amount	Remaining Improvements Value	Set-Aside Security Amount
Tract 3840, et. al. (Village G)	SU1124681	\$775,000.00	\$775,000	\$6,440	\$11,592
Tract 3873, et. al. (Village A)	SU1124682	\$2,742,000.00	\$2,742,000.00	\$4,440	\$7,992
Tract 3828, et. al. (Village F)	0681483	\$356,160.00	\$ 178,080		
Tract 3826, et. al. (Villages D&E)	0681484	\$1,119,720.00	\$ 559,860	\$4,365	\$7,857
Tract 3832, et. al. (Villages J&K)	0681485	\$2,070,480.00	\$1,035,240	\$1,430	\$2,574
Tract 3834, et. al. (Village M)	0681491	\$2,237,040.00	\$1,118,520	\$1,905	\$3,429
Tract 3836, et. al. (Village O)	0681492	\$656,040.00	\$328,020	\$2,405	\$4,329
Tract 3829, et. al. (Village H)	0681490	\$444,480	\$222,240	\$1,820	\$3,276
Tract 3838, et. al. (Village Q)	0681502	\$190,800	\$95,400	\$1,905	\$3,429
Tract 3835 (Village N)	N/A	N/A	N/A	\$4,673	\$8,411
Total Amount of Set-Aside Letter					\$52,889

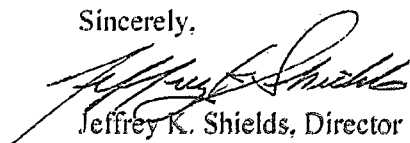
This Set-Aside Letter would provide security for 180% of the value of total remaining thermoplastic striping for all affected tracts.

Under the terms of this Letter of Guarantee, RIPFA shall hold the funds as stated herein in a restricted account until December 31, 2018, or until such time that all striping within the tracts are completed and the final improvements accepted, whichever comes first. Should all of the improvements not be accepted by the City by December 31, 2018 and the deadline is not extended by the City, RIPFA shall cause one of the following to occur:

1. RIPFA shall use the funds set aside in the Improvement Fund to complete the remaining thermoplastic striping under existing contracts to perform the work within 180 days; or
2. RIPFA shall withdraw the funds from the set aside monies in the Improvement Fund and, by January 15, 2019, provide these funds to perform the work.

RIPFA shall retain the discretion to choose between the two options as outlined above. As confirmation of the terms and conditions of this Letter of Guarantee, please sign and date this letter as shown on the next page. Should you have any questions regarding this Letter of Guarantee, please contact me at number shown.

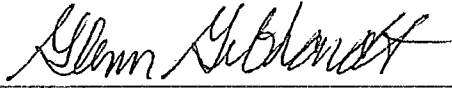
Sincerely,



Jeffrey K. Shields, Director
River Islands Public Financing Authority

- cc: Susan Dell'Osso, Project Director, River Islands Development, LLC
William C. Scott, Chief Finance Officer, River Islands Development, LLC
John Peck, Construction Manager, River Islands Development, LLC
Michael Krill, Controller, River Islands Development, LLC

I Accept in Behalf of the City of Lathrop the Terms and Conditions
of this Letter of Guarantee:



Glenn R. Gebhardt, City Engineer

Date 4/26/18

EXHIBIT F

VILLAGE N – TRACT 3835 ENGINEER'S ESTIMATE

ENGINEER'S PRELIMINARY COST ESTIMATE
TRACT 3835 (74 LOTS)
PHASE 1B
RIVER ISLANDS - STAGE 1
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

September 15, 2015
Job No.: 25502-14

Item	Description	Quantity	Unit	Unit Price	Amount
<u>STREET WORK</u>					
1	Fine Grading	262,000	SF	\$ 0.40	\$ 104,800.00
2	3" AC Paving	33,000	SF	\$ 1.50	\$ 49,500.00
3	4.5" AC Paving	110,000	SF	\$ 2.25	\$ 247,500.00
4	7" Aggregate Base	33,000	SF	\$ 0.70	\$ 23,100.00
5	8" Aggregate Base	110,000	SF	\$ 0.80	\$ 88,000.00
6	Vertical Curb and Gutter <i>(with AB cushion)</i>	3,630	LF	\$ 17.00	\$ 61,710.00
7	Rolled Curb and Gutter <i>(with AB cushion)</i>	4,540	LF	\$ 16.00	\$ 72,640.00
8	Type F Median Curb <i>(with AB cushion)</i>	380	LF	\$ 20.00	\$ 7,600.00
9	Concrete Sidewalk	43,900	SF	\$ 4.00	\$ 175,600.00
10	Driveway Approach	74	EA	\$ 400.00	\$ 29,600.00
11	Handicap Ramps	16	EA	\$ 1,500.00	\$ 24,000.00
12	Survey Monuments	8	EA	\$ 300.00	\$ 2,400.00
13	Traffic Striping & Signage	4,400	LF	\$ 5.00	\$ 22,000.00
Subtotal Street Work					\$ 908,450.00
<u>STORM DRAIN</u>					
14	Catch Basins <i>(type A inlet)</i>	1	EA	\$ 2,500.00	\$ 2,500.00
15	Catch Basins <i>(type A inlet over type I manhole base)</i>	17	EA	\$ 3,500.00	\$ 59,500.00
16	Catch Basins <i>(type A inlet over type II manhole base)</i>	3	EA	\$ 7,500.00	\$ 22,500.00
17	15" Storm Drain Pipe	850	LF	\$ 35.00	\$ 29,750.00
18	18" Storm Drain Pipe	410	LF	\$ 40.00	\$ 16,400.00
19	24" Storm Drain Pipe	1,070	LF	\$ 60.00	\$ 64,200.00
20	30" Storm Drain Pipe	540	LF	\$ 75.00	\$ 40,500.00
21	36" Storm Drain Pipe	40	LF	\$ 95.00	\$ 3,800.00
22	42" Storm Drain Pipe	30	LF	\$ 120.00	\$ 3,600.00
23	Manholes <i>(type I)</i>	3	EA	\$ 3,000.00	\$ 9,000.00
24	Manholes <i>(type II)</i>	2	EA	\$ 7,500.00	\$ 15,000.00
25	Connect to Existing	2	EA	\$ 1,500.00	\$ 3,000.00
Subtotal Storm Drain					\$ 269,750.00
<u>SANITARY SEWER</u>					
26	8" Sanitary Sewer Pipe	3,100	LF	\$ 26.00	\$ 80,600.00
27	Manholes	13	EA	\$ 3,200.00	\$ 41,600.00
28	Sewer Service	74	EA	\$ 700.00	\$ 51,800.00
29	Sanitary Sewer Plug & Stub	1	EA	\$ 1,000.00	\$ 1,000.00
30	Connect to Existing	2	EA	\$ 1,000.00	\$ 2,000.00
Subtotal Sanitary Sewer					\$ 177,000.00

Item	Description	Quantity	Unit	Unit Price	Amount
<u>WATER SUPPLY</u>					
31	8" Water Line <i>(including all appurtenances)</i>	3,300	LF	\$ 30.00	\$ 99,000.00
32	10" Water Line <i>(including all appurtenances)</i>	1,030	LF	\$ 38.00	\$ 39,140.00
33	Water Plug	4	EA	\$ 1,000.00	\$ 4,000.00
34	Water Service	74	EA	\$ 900.00	\$ 66,600.00
35	2" Water Service Stub	2	EA	\$ 2,000.00	\$ 4,000.00
36	Fire Hydrants	9	EA	\$ 5,000.00	\$ 45,000.00
37	Connect to Existing	3	EA	\$ 3,000.00	\$ 9,000.00
Subtotal Water Supply					\$ 266,740.00
<u>NON-POTABLE WATER</u>					
38	8" Non-Potable Water Line <i>(including all appurtenances)</i>	110	LF	\$ 45.00	\$ 4,950.00
39	16" Non-Potable Water Line <i>(including all appurtenances)</i>	1,030	LF	\$ 80.00	\$ 82,400.00
40	Non-Potable Water Plug	4	EA	\$ 1,000.00	\$ 4,000.00
41	2" Non-Potable Water Service Stub	2	EA	\$ 2,000.00	\$ 4,000.00
42	Connect to Existing	1	EA	\$ 3,000.00	\$ 3,000.00
Subtotal Non-Potable Water					\$ 98,350.00
<u>ELECTRICAL</u>					
43	Electroliers <i>(assumed every 150')</i>	30	EA	\$ 5,000.00	\$ 150,000.00
44	Joint Trench	4,400	LF	\$ 125.00	\$ 550,000.00
Subtotal Electrical					\$ 700,000.00
<u>MISCELLANEOUS</u>					
45	Parkway Landscape Strip	38,500	SF	\$ 5.00	\$ 192,500.00
46	Median Landscaping	1,465	SF	\$ 5.00	\$ 7,325.00
47	Pocket Park <i>(Parcel P5)</i>	3,950	SF	\$ 5.00	\$ 19,750.00
48	Landscape <i>(Parcel A35)</i>	19,602	SF	\$ 5.00	\$ 98,010.00
49	Landscape <i>(Parcel A37)</i>	1,310	SF	\$ 5.00	\$ 6,550.00
50	Landscape <i>(Parcel A46)</i>	24,850	SF	\$ 5.00	\$ 124,250.00
Subtotal Miscellaneous					\$ 448,385.00
SUBTOTAL CONSTRUCTION COST					\$ 2,868,675.00
20% CONTINGENCY					\$ 573,735.00
TOTAL CONSTRUCTION COST (nearest \$1,000)					\$ 3,442,000.00
COST PER LOT					\$ 46,514.00

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

ATTACHMENT " D "

June 11, 2018

Via Email and First Class Mail

Old Republic Title Company
3558 Deer Park Drive, Suite 103
Stockton, CA 95219
Attn: Karen Sayles

Re: Recordation of Final Map 3835; Escrow No. 1614019638

Dear Karen:

This letter constitutes the joint escrow instructions ("**Escrow Instructions**") of River Islands Development, LLC, a California limited liability company ("**RID**"), and the City of Lathrop ("**City**") in connection with the above-referenced escrow ("**Escrow**"). The Escrow was opened in connection with recordation of the above-referenced final map ("**Final Map**"). Recordation of the Final Map is subject to the conditions set forth below. The transactions described in these Escrow Instructions are referred to as the "**Transaction**." Old Republic Title Company is referred to as "you" or "**ORTC**."

A. Date for Closings

The Final Map will be recorded at the time designated by RID as set forth below. The Final Map can only be recorded after the City has approved the map in writing. The closing date for the Transaction is intended to occur by July 31, 2018, at the time designated in writing by RID, subject to satisfaction of the conditions set forth below (each a "**Closing**"). If the Final Map has not been recorded by December 31, 2018, ORTC will return the Final Map to the City.

B. Documents to be Delivered and Recordation Documents

In connection with the Transaction, you have in your possession or will receive the following documents from City for recordation in the Official Records of San Joaquin County, California ("**Official Records**").

B.1. One original Final Map for Tract 3835, executed and acknowledged by the City.

B.2. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities).

B.3. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for Island Reclamation District 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance Services).

JOINT ESCROW INSTRUCTIONS RECORDATION OF FINAL MAPS (RIVER ISLANDS AT LATHROP)

B.4. A fully executed and acknowledged Amendment to Notice of Special Tax Lien for River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services).

The documents listed in Items B.1, B.2, B.3 and B.4 above are referred to as the "**Recordation Documents**." The Recordation Documents shall be recorded in the order referred to above. The date on which the Recordation Documents are recorded in the Official Records is the Recordation Date.

Prior to recording the Recordation Documents, please confirm that you have received copies or originals of the following documents: (i) Unanimous Approval of Annexation to a Community Facilities District and Related Matters, City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities); (ii) Consent to, and Ballot in favor of, Annexation of Real Property to the River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services) and (iii) Consent to, and Ballot in favor of, Annexation of Real Property to Island Reclamation District No. 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance). The original City of Lathrop Unanimous Approval must be delivered to the City of Lathrop. The original Consents and Ballots for River Islands Public Financing Authority CFD No. 2013-1 and Island Reclamation District No. 2013-1 must be delivered to Karna Harrigfeld at Herum\Crabtree\Suntag, 5757 Pacific Ave., Suite 222, Stockton, CA 95207.

Copies should be sent via email to Cari James (cjames@ci.lathrop.ca.us), Cindy Yan at Goodwin Consulting Group, cindy@goodwinconsultinggroup.net, Susan Dell'Osso (sdelloso@riverislands.com) and Debbie Belmar (dbelmar@riverislands.com) together with conformed copies of all documents.

C. Funds and Settlement Statement

You also have received, or will receive from RID, prior to the recordation of the Recordation Documents, in immediately available funds, the following amounts, in accordance with the settlement statement prepared by you and approved in writing by both RID and City ("**Settlement Statement**"): recordation costs, escrow fees and other amounts as set forth in the Settlement Statement. Such costs, fees and other amounts are the sole responsibility of RID.

C.1 Funds to be wire transferred directly to the entity set forth below, immediately upon recordation of the Final Map, in accordance with the wire transfer instructions for each entity are set forth below:

- The amount of **\$42,479.56**, payable to the City pursuant to that certain Agreement to Settle Litigation Regarding River Islands at Lathrop, as amended ("**Sierra Club Agreement**"), constituting the amount of **\$3,076.00** multiplied by **13.81** acres (or portion thereof) included in the Final Map, is to be transferred to the City upon recordation of the Final Map. The City's wire instructions are set forth below.

The amounts set forth in Section C are referred to as the "**Closing Funds**."

JOINT ESCROW INSTRUCTIONS RECORDATION OF FINAL MAPS (RIVER ISLANDS AT LATHROP)

D. Closing Requirements

When the following has occurred, you are authorized to close the Escrow at the time(s) and in accordance with the process set forth below:

D.1. You have delivered copies of your Settlement Statement by email transmission to: Susan Dell'Osso (sdelloso@riverislands.com), Debbie Belmar (dbelmar@riverislands.com), Stephen Salvatore (ssalvatore@ci.lathrop.ca.us), Salvador Navarrete (snavarrete@ci.lathrop.ca.us), Cari James (cjames@ci.lathrop.ca.us) and Glenn Gebhardt (ggebhardt@ci.lathrop.ca.us), and have confirmation (by telephone or email) from Susan Dell'Osso and Stephen Salvatore or Glenn Gebhardt that the Settlement Statement is accurate and acceptable.

D.2. You have not received any instructions contrary to these Escrow Instructions.

D.3. The Recordation Documents and all other documents described herein as being held by you or delivered to you have been received by you and have been fully executed and, where applicable, acknowledged, and you have attached all legal descriptions or have confirmed that all exhibits and legal descriptions are attached.

D.4. You are prepared to record the Recordation Documents, as designated, release funds in accordance with the Settlement Statement and complete the Transaction in compliance with these Escrow Instructions.

D.5. You have delivered a copy of these instructions, executed by an authorized signatory of ORTC with authority to bind ORTC, and initialed all pages, by email transmission (with original hard copy to follow by U.S. Mail) to Debbie Belmar and Glenn Gebhardt at the email addresses set forth above.

D.6. You have received confirmation (by email or other writing) from Susan Dell'Osso and Stephen Salvatore or Glenn Gebhardt to record the Recordation Documents and complete the Transaction.

E. Closing Process and Priorities

When you have fully satisfied all of the closing requirements set forth in Section D, then you are authorized and instructed to do the following in the chronological order given:

E.1. Date the Recordation Documents to be recorded.

E.2. Record the Recordation Documents in the Official Records.

E.3. Pay the costs associated with the Transaction.

E.4. Refund any funds delivered to you by RID that are not disbursed at the time of the final Closing pursuant to these Escrow Instructions to the following entity and address:

[Redacted Box]

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

River Islands Development, LLC - Attn: Susan Dell'Osso
73 W. Stewart Road
Lathrop, CA 95330

E.5. Notify Susan Dell'Osso, Debbie Belmar, Stephen Salvatore, Glenn Gebhardt and Jose Molina (JMolina@sjgov.org) of the completion of the Transaction.

E.6. Within five (5) business days after each Recordation Date, deliver by overnight delivery via recognized, national, overnight delivery carrier to: (1) Susan Dell'Osso, River Islands Development, LLC, 73 W. Stewart Road, Lathrop, CA 95330; and (2) Mr. Salvador Navarrete, City Attorney, City of Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330:

(A) A certified copy of the Recordation Documents, showing all recording information of the Recordation Documents; and

(B) A certified copy of the final Settlement Statement.

F. Additional Instructions

When assembling the final documents, signature pages from all parties shall be inserted into each respective final document in creating fully executed counterparts.

Please acknowledge receipt of these instructions and your agreement to act as Escrow agent in connection with this Transaction in accordance with these Escrow Instructions, by executing and dating a copy of these Escrow Instructions where indicated below, initialing all pages and returning it to both of the undersigned.

The Escrow Instructions may be modified only in a writing signed by both of the undersigned.

Very truly yours,

Susan Dell'Osso **Date**
President
River Islands Development, LLC

Stephen J. Salvatore **Date**
City Manager
City of Lathrop

ESCROW INSTRUCTIONS ACKNOWLEDGEMENT AND AGREEMENT:

Receipt of the foregoing Escrow Instructions from RID and the City is hereby acknowledged. The undersigned agrees, for itself, and on behalf of ORTC, to proceed in strict accordance with these Escrow Instructions. The undersigned represents and warrants to RID and the City that the undersigned is authorized to execute this Acknowledgement and Agreement, for itself, and on behalf of ORTC.

Old Republic Title Company

By: _____
Its: _____
Date: _____

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

WIRE TRANSFER INSTRUCTIONS

(SIERRA CLUB SETTLEMENT FUNDS)

Financial Institution
ABA Routing Number:
Account Number:
Account Name:

**Wells Fargo Bank, N.A.
121000248**

City of Lathrop

Company Name:
Address:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Contact Name:
Phone Number:
Fax Number:
Email:

Cari James, Finance Director
(209) 941-7327
(209) 941-7339
cjames@ci.lathrop.ca.us

CONSENT TO, AND BALLOT IN FAVOR OF, ANNEXATION OF REAL PROPERTY TO ISLAND RECLAMATION DISTRICT NO. 2062 COMMUNITY FACILITIES DISTRICT NO. 2013-1 (LEVEE AND LAKE MAINTENANCE SERVICES)

To: Board of Trustees of Island Reclamation
District No. 2062, in its capacity as the
legislative body for Island Reclamation
District No. 2062 Community Facilities
District No. 2013-1 (Levee and Lake
Maintenance Services)

The undersigned hereby states and certifies, under penalty of perjury, as follows:

1. The undersigned is the owner (the "Owner"), or the legally authorized representative of the Owner, of fee title to the real property identified by San Joaquin County Assessor's parcel number(s) listed below (the "Property"), and possesses all legal authority necessary to execute this consent to, and ballot in favor of (the "Consent and Ballot"), the annexation of the Property to Island Reclamation District No. 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance Services) (the "CFD").

2. The Owner understands that the Board of Trustees of Island Reclamation District No. 2062 (the "Board") has conducted proceeding pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Law") to form the CFD to finance various services (the "Services") described in Exhibit A hereto. The Owner also understands that the proceedings for the formation of the CFD authorized the Board to levy an annual special tax (the "Special Tax") on property in the CFD as specified in the Amended and Restated Rate and Method of Apportionment of Special Taxes (the "Rate and Method") for the CFD, a copy of which is attached hereto as Exhibit B, and authorized the annexation of property to the CFD, without additional public hearings, upon approval of the fee title owner of the property to be annexed as permitted by Section 53339.7(a) of the Law.

The Owner has been advised that a Notice of Special Tax Lien was recorded against the real property initially included within the boundaries of the CFD in the Office of the San Joaquin County Recorder (the "County Recorder") on October 3, 2013 as Document No. 2013-126695, and a First Amendment to Notice of Special Tax Lien was recorded against the real property initially included within the boundaries of the CFD in the Office of the County Recorder on September 10, 2014 as Document No. 2014-089987 (collectively, the "Notice of Special Tax Lien").

3. The Owner hereby irrevocably consents to, approves, and votes (for purposes of Article XIII A of the California Constitution) in favor of the annexation of the Property to Tax Zone 1 of the CFD (as such Tax Zone is described in the Notice of Special Tax Lien), and irrevocably consents to, approves and votes in favor of the annual levy of the Special Tax on the Property pursuant to the Rate and Method to finance the Services. The Owner acknowledges

that the Secretary of Island Reclamation District No. 2062 will record, or cause to be recorded, against the Property in the Office of the County Recorder an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code, which will impose a continuing lien on the Property to secure each levy of the Special Tax, and that under the Law said lien (a) will be coequal with the lien for ad valorem real property taxes levied by the County of San Joaquin on the Property, and (b) will be senior to any lien of any mortgage on the Property whether such mortgage lien was recorded prior to or after the recordation of the amendment to the Notice of Special Tax Lien.

4. The Owner hereby irrevocably waives any right the Owner may otherwise have to protest or challenge the validity of the proceedings of the Board to form the CFD and to authorize the annexation of any property (including the Property) to the CFD, and any necessity, requirement or right for further public hearings or any election pertaining to the annexation of the Property to the CFD or the levy of the Special Tax on the Property.

5. The Owner hereby agrees to provide written notice of the annexation of the Property to the CFD, and of the authority of the Board to levy the Special Tax on the Property pursuant to the Rate and Method, to any subsequent purchaser of the Property to the extent required by applicable law.


The Property subject to this Consent and Ballot, and to be annexed to the CFD, consist of the following San Joaquin County Assessor's Parcel(s):

210-330-01

The full legal name of the fee title Owner of the Property is:

River Islands Development, LLC

The foregoing Consent and Ballot is hereby executed on _____, 2018, in Lathrop, California.

By: 
(signature)

Susan Dell'Osso
(type name of person executing
Consent and Ballot)

Its: President
(insert legal capacity of person
executing Consent and Ballot)

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 _____ } ss.
On _____, before me, _____
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared _____
Name(s) of Signer(s)
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 _____ [Seal]
Notary Public

EXHIBIT A

ISLAND RECLAMATION DISTRICT NO. 2062
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(LEVEE AND LAKE MAINTENANCE SERVICES)

DESCRIPTION OF SERVICES ELIGIBLE
TO BE FUNDED BY THE DISTRICT

Services:

The services to be funded, in whole or in part, by the community facilities district (the "District") include all direct and incidental costs related to providing for the maintenance of lakes and levees within the River Islands area including the area initially included in the District, as well as any future annexation area of the District and areas adjacent to the foregoing. More specifically, the services shall include, but not be limited to, the maintenance of: (i) levees in urban and rural areas, including but not limited to squirrel and rodent abatement, vegetation control and repairs and renovations; (ii) lakes and their storm drainage and recreational functions, including but not limited to maintenance of pumps, intake and outfall structures, aeration systems and vegetation along lake edge areas; and (iii) other public services authorized to be funded under Section 53313(e) of the California Government Code. The District may fund any of the following related to the services described in the preceding sentence: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services.

The services to be financed by the District are in addition to those provided in the territory of the District before the date of creation of the District, and will not supplant services already available within that territory when the District is created.

Administrative Expenses:

The administrative expenses to be funded by the District include the direct and indirect expenses incurred by Island Reclamation District No. 2062 (the "RD") in carrying out its duties with respect to the District (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County of San Joaquin related to the District or the collection of special taxes, an allocable share of the salaries of any RD staff directly related thereto and a proportionate amount of the RD's general administrative overhead related thereto, any amounts paid by the RD from its general fund with respect to the District or the services authorized to be financed by the District, and expenses incurred by the RD in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the RD in any way related to the District.

Other:

The incidental expenses that may be funded by the District include, in addition to the administrative expenses identified above, the payment or reimbursement to the RD of all costs associated with the establishment and administration of the District.

EXHIBIT B

ISLAND RECLAMATION DISTRICT 2062
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(LEVEE AND LAKE MAINTENANCE SERVICES)

AMENDED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the Island Reclamation District 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance Services) shall be levied and collected according to the tax liability determined by the Board of Trustees or its designee, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2013-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate rate and method of apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"**Accessory Unit**" means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.

"**Acre**" or "**Acreage**" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other parcel map recorded with the County.

"**Act**" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"**Administrative Expenses**" means any or all of the following: the expenses of RD 2062 in carrying out its duties with respect to CFD No. 2013-1 including, but not limited to, levying and collecting the Special Tax, fees and expenses of legal counsel, charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office, costs related to annexing property into the CFD, costs related to property owner inquiries regarding the Special Tax, and all other costs and expenses of RD 2062, Lathrop Irrigation District, and the River Islands Public Financing Authority in any way related to the establishment or administration of the CFD.

"**Administrator**" means the person or firm designated by RD 2062 to administer the Special Tax according to the Amended RMA.

"**Amended RMA**" means this Amended Rate and Method of Apportionment of Special Tax.

"**Assessor's Parcel**" or "**Parcel**" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel number.

“Association Property” means any property within the CFD that is owned by a homeowners association or property owners association, excluding Association Property under the pad or footprint of a Residential Unit.

“Authorized Services” means the public services authorized to be funded by the CFD as set forth in the documents adopted by the Board when the CFD was formed.

“Board of Trustees” or “Board” means the Board of Trustees of RD 2062.

“CFD” or “CFD No. 2013-1” means the Island Reclamation District 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance Services).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2013-1 was adopted by the Board of Trustees.

“City” means the City of Lathrop.

“City Council” means the City Council of the City of Lathrop.

“County” means the County of San Joaquin.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Detached Property, all Parcels of Taxable Property for which a Final Map was recorded on or prior to June 30 of the preceding Fiscal Year
- for Multi-Family Property and Single Family Attached Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued on or prior to June 30 of the preceding Fiscal Year
- for Non-Residential Property, all Parcels of Taxable Property for which a building permit for new construction of a structure was issued on or prior to June 30 of the preceding Fiscal Year.

“Escalation Factor” means, in any Fiscal Year, the lesser of (i) the increase from the prior Fiscal Year, if any, in the Local Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area for All Urban Consumers, or (ii) four percent (4%). The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2013 to April 2014.

“Final Map” means a final map, or portion thereof, recorded by the County pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates

individual lots on which building permits for new construction may be issued without further subdivision and for which no further subdivision is anticipated pursuant to a tentative map approved for the property or, if no tentative map has been approved, pursuant to a then current specific plan or other land use plan for the property.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Maximum Special Tax” means the greatest amount of Special Tax that can be levied in any Fiscal Year determined in accordance with Section C below.

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit or use permit has been issued for construction of a residential structure with five or more Units that share a single Assessor’s Parcel number, are offered for rent to the general public, and cannot be purchased by individual homebuyers.

“Non-Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a structure that will be used for any non-residential purpose.

“Proportionately” means the following: (i) for Developed Property, the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property; and (ii) for Undeveloped Property, the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property.

“Public Property” means any property within the boundaries of CFD No. 2013-1 that is owned by or irrevocably offered for dedication to the federal government, State of California, County, City, or other local government or public agency.

“RD 2062” means Island Reclamation District 2062.

“Residential Property” means, in any Fiscal Year, collectively, Single Family Detached Property, Single Family Attached Property, and Multi-Family Property. Notwithstanding the foregoing, if a building permit is issued for a structure that includes both Residential Units and non-residential uses, the Residential Units within the building will be categorized as Residential Property, and a Special Tax shall be calculated separately for the Residential Units and Non-Residential Property on the Parcel, as set forth in Section C.1.c below.

“Residential Unit” means an individual single-family detached unit, an individual residential unit within a duplex, halfplex, triplex, fourplex, townhome, live/work or condominium structure, or an individual apartment unit.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a building permit was or is permitted to be issued for construction of a single family detached unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved tentative map.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a Unit that does not share a common wall with another Unit. An Accessory Unit that shares a Parcel with a single-family detached unit shall not be considered a separate Unit for purposes of this Amended RMA.

“Special Tax” means a Special Tax levied in any Fiscal Year to pay the Special Tax Requirement.

“Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services; (ii) Administrative Expenses; and (iii) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

“Taxable Property” means all Assessor’s Parcels within the boundaries of CFD No. 2013-1 that are not exempt from the Special Tax pursuant to law or Section E below.

“Tax Zone” means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this Amended RMA. All of the property within CFD No. 2013-1 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to the CFD, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor’s Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor’s Parcel number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

“Unanimous Approval Form” means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner’s approval and unanimous vote in favor of annexing into the CFD and the levy of the Special Tax against his/her Parcel or Parcels pursuant to this Amended RMA.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2013-1 that are not Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property; (ii) in which Tax Zone each Assessor's Parcel is located; and (iii) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, and (ii) because of the date the Final Map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the original Parcel that was subdivided by recordation of the Final Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property

a. Residential Property

The Maximum Special Tax for Fiscal Year 2013-14 for all Parcels of Residential Property within Tax Zone 1 shall be \$81 per SFD Lot or Residential Unit. All of the property within the CFD at the time of CFD Formation is within Tax Zone 1; a different Maximum Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone. Beginning July 1, 2014 and each July 1 thereafter, the Maximum Special Tax for Residential Property shall be increased by the Escalation Factor.

b. Non-Residential Property

The Maximum Special Tax for Fiscal Year 2013-14 for Non-Residential Property within Tax Zone 1 shall be \$640 per Acre. All of the property within the CFD at the time of CFD Formation is within Tax Zone 1 a different Maximum Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone. Beginning July 1, 2014 and each July 1 thereafter, the Maximum Special Tax for Non-Residential Property shall be increased by the Escalation Factor.

c. Mixed-Use Property

If, in any Fiscal Year, the Administrator determines that a Parcel of Developed Property is built or proposed to be built with both Residential Units and non-residential uses, the Maximum Special Tax for the Parcel shall be the sum of (i) the Maximum Special Tax for Residential Property multiplied by all Residential

Units on the Parcel, and (ii) the Maximum Special Tax for Non-Residential Property multiplied by the full Acreage of the Parcel. After the aggregate Maximum Special Tax has been determined for a Parcel, such Maximum Special Tax shall be escalated beginning the next Fiscal Year and each Fiscal Year thereafter by the Escalation Factor.

2. Undeveloped Property

The Maximum Special Tax for Fiscal Year 2013-14 for all Parcels of Undeveloped Property within Tax Zone 1 shall be \$736 per Acre. Beginning July 1, 2014 and each July 1 thereafter, the Maximum Special Tax for Undeveloped Property shall be increased by the Escalation Factor.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year and levy the Special Tax on all Parcels of Taxable Property as follows:

Step 1: The Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel for such Fiscal Year until the amount levied is equal to the Special Tax Requirement;

Step 2: If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel for such Fiscal Year until the amount levied, when combined with the amount levied pursuant to Step 1, is equal to the Special Tax Requirement.

The Special Taxes for CFD No. 2013-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that RD 2062 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner, and may collect delinquent Special Taxes through foreclosure or other available methods.

E. EXEMPTIONS

Notwithstanding any other provision of this Amended RMA, no Special Tax shall be levied on Parcels of Association Property or Public Property, except as otherwise provided in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

RD 2062 reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to RD 2062's discretion. Interpretations may be made by RD 2062 by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Amended RMA.

G. APPEAL OF SPECIAL TAX LEVY

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the Administrator not later than one calendar year after having paid the Special Tax that is disputed. The Administrator shall promptly review the appeal and, if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and decide the appeal. If the property owner disagrees with the Administrator's decision relative to the appeal, the owner may then file a written appeal with the Board whose subsequent decision shall be binding. If the decision of the Administrator (if the appeal is not filed with the Board) or the Board (if the appeal is filed with the Board) requires the Special Tax to be modified or changed in favor of the property owner, no cash refund shall be made for prior years' Special Tax levies, but an adjustment shall be made to the next Special Tax levy(ies). This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

CONSENT TO, AND BALLOT IN FAVOR OF, ANNEXATION OF REAL PROPERTY TO THE RIVER ISLANDS PUBLIC FINANCING AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2013-1 (RIVER ISLANDS PUBLIC SERVICES)

To: Board of Directors of the River Islands
Public Financing Authority, in its capacity
as the legislative body for the River Islands
Public Financing Authority Community
Facilities District No. 2013-1 (River Islands
Public Services)

The undersigned hereby states and certifies, under penalty of perjury, as follows:

1. The undersigned is the owner (the "Owner"), or the legally authorized representative of the Owner, of fee title to the real property identified by San Joaquin County Assessor's parcel number(s) listed below (the "Property"), and possesses all legal authority necessary to execute this consent to, and ballot in favor of (the "Consent and Ballot"), the annexation of the Property to the River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services) (the "CFD").

2. The Owner understands that the Board of Directors of the River Islands Public Financing Authority (the "Board") has conducted proceeding pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Law") to form the CFD to finance various services (the "Services") described in Exhibit A hereto. The Owner also understands that the proceedings for the formation of the CFD authorized the Board to levy an annual special tax (the "Special Tax") on property in the CFD as specified in the Amended and Restated Rate and Method of Apportionment of Special Taxes (the "Rate and Method") for the CFD, a copy of which is attached hereto as Exhibit B, and authorized the annexation of property to the CFD, without additional public hearings, upon approval of the fee title owner of the property to be annexed as permitted by Section 53339.7(a) of the Law.

The Owner has been advised that a Notice of Special Tax Lien was recorded against the real property initially included within the boundaries of the CFD in the Office of the San Joaquin County Recorder (the "County Recorder") on October 3, 2013 as Document No. 2013-126691, and a First Amendment to Notice of Special Tax Lien was recorded against the real property initially included within the boundaries of the CFD in the Office of the County Recorder on September 10, 2014 as Document No. 2014-089986 (collectively, the "Notice of Special Tax Lien").

3. The Owner hereby irrevocably consents to, approves, and votes (for purposes of Article XIII A of the California Constitution) in favor of the annexation of the Property to Tax Zone 1 of the CFD (as such Tax Zone is described in the Notice of Special Tax Lien), and irrevocably consents to, approves and votes in favor of the annual levy of the Special Tax on the Property pursuant to the Rate and Method to finance the Services. The Owner acknowledges

that the Secretary of the River Islands Public Financing Authority will record, or cause to be recorded, against the Property in the Office of the County Recorder an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code, which will impose a continuing lien on the Property to secure each levy of the Special Tax, and that under the Law said lien (a) will be coequal with the lien for ad valorem real property taxes levied by the County of San Joaquin on the Property, and (b) will be senior to any lien of any mortgage on the Property whether such mortgage lien was recorded prior to or after the recordation of the amendment to the Notice of Special Tax Lien.

4. The Owner hereby irrevocably waives any right the Owner may otherwise have to protest or challenge the validity of the proceedings of the Board to form the CFD and to authorize the annexation of any property (including the Property) to the CFD, and any necessity, requirement or right for further public hearings or any election pertaining to the annexation of the Property to the CFD or the levy of the Special Tax on the Property.

5. The Owner hereby agrees to provide written notice of the annexation of the Property to the CFD, and of the authority of the Board to levy the Special Tax on the Property pursuant to the Rate and Method, to any subsequent purchaser of the Property to the extent required by applicable law.

The Property subject to this Consent and Ballot, and to be annexed to the CFD, consist of the following San Joaquin County Assessor's Parcel(s):

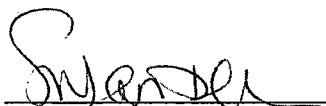
210-330-01

The full legal name of the fee title Owner of the Property is:

River Islands Development, LLC

The foregoing Consent and Ballot is hereby executed on _____, 2018, in Lathrop, California.

By: _____


(signature)

Susan Dell'Osso

(type name of person executing
Consent and Ballot)

Its: _____

President

(insert legal capacity of person
executing Consent and Ballot)

EXHIBIT A

RIVER ISLANDS PUBLIC FINANCING AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2013-1 (RIVER ISLANDS PUBLIC SERVICES)

DESCRIPTION OF SERVICES ELIGIBLE TO BE FUNDED BY THE DISTRICT

Services:

The services to be funded, in whole or in part, by the community facilities district (the "District") include all direct and incidental costs related to providing for the maintenance of public infrastructure within the River Islands area including the area initially included in the District, as well as any future annexation area of the District and areas adjacent to the foregoing. More specifically, the services shall include, but not be limited to, the maintenance of: (i) parks and open space, including trails and habitat areas, with services to include, but not be limited to, irrigation and vegetation control; (ii) roads and roadways, with services to include, but not be limited to, the maintenance and repair of public streets, striping of streets and repair and repainting of sound walls and other appurtenances; (iii) street lighting, including, but not limited to, repairs to and replacement of street lights along public streets; (iv) landscaping in public areas and in the public right of way along public streets, including, but not limited to, irrigation, tree trimming and vegetation maintenance and control; and (v) any other public services authorized to be funded under Section 53313(d) of the California Government Code. The District may fund any of the following related to the services described in the preceding sentence: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services.

The services to be financed by the District are in addition to those provided in the territory of the District before the date of creation of the District, and will not supplant services already available within that territory when the District is created.

Administrative Expenses:

The administrative expenses to be funded by the District include the direct and indirect expenses incurred by the River Islands Public Financing Authority (the "Authority") in carrying out its duties with respect to the District (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County of San Joaquin related to the District or the collection of special taxes, an allocable share of the salaries of any Authority staff directly related thereto and a proportionate amount of the Authority's general administrative overhead related thereto, any amounts paid by the Authority from its general fund with respect to the District or the services authorized to be financed by the District, and expenses incurred by the Authority in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the Authority in any way related to the District.

Other:

The incidental expenses that may be funded by the District include, in addition to the administrative expenses identified above, the payment or reimbursement to the Authority of all costs associated with the establishment and administration of the District.

EXHIBIT B

RIVER ISLANDS PUBLIC FINANCING AUTHORITY
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES)

AMENDED AND RESTATED RATE AND METHOD
OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services) shall be levied and collected according to the tax liability determined by the Board of Directors or its designee, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2013-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate rate and method of apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"**Accessory Unit**" means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.

"**Acre**" or "**Acreage**" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other parcel map recorded with the County.

"**Act**" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"**Administrative Expenses**" means any or all of the following: the expenses of the Authority in carrying out its duties with respect to CFD No. 2013-1 including, but not limited to, levying and collecting the Special Tax, fees and expenses of legal counsel, charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office, costs related to annexing property into the CFD, costs related to property owner inquiries regarding the Special Tax, and all other costs and expenses of the Authority, Lathrop Irrigation District, and Island Reclamation District No. 2062 in any way related to the establishment or administration of the CFD.

"**Administrator**" means the person or firm designated by the Authority to administer the Special Tax according to the Amended RMA.

"**Amended RMA**" means this Amended Rate and Method of Apportionment of Special Tax.

"**Assessor's Parcel**" or "**Parcel**" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel number.

“Association Property” means any property within the CFD that is owned by a homeowners association or property owners association, excluding Association Property under the pad or footprint of a Residential Unit.

“Authority” means the River Islands Public Financing Authority.

“Authorized Services” means the public services authorized to be funded by the CFD as set forth in the documents adopted by the Board when the CFD was formed.

“Board of Directors” or “Board” means the Board of Directors of the River Islands Public Financing Authority.

“CFD” or “CFD No. 2013-1” means the River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2013-1 was adopted by the Board of Directors.

“City” means the City of Lathrop.

“City Council” means the City Council of the City of Lathrop.

“County” means the County of San Joaquin.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Detached Property, all Parcels of Taxable Property for which a Final Map was recorded on or prior to June 30 of the preceding Fiscal Year
- for Multi-Family Property and Single Family Attached Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued on or prior to June 30 of the preceding Fiscal Year
- for Non-Residential Property, all Parcels of Taxable Property for which a building permit for new construction of a structure was issued on or prior to June 30 of the preceding Fiscal Year.

“Escalation Factor” means, in any Fiscal Year, the lesser of (i) the increase from the prior Fiscal Year, if any, in the Local Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area for All Urban Consumers, or (ii) four percent (4%). The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2013 to April 2014.

“Final Map” means a final map, or portion thereof, recorded by the County pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual lots on which building permits for new construction may be issued without further subdivision and for which no further subdivision is anticipated pursuant to a tentative map approved for the property or, if no tentative map has been approved, pursuant to a then current specific plan or other land use plan for the property.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Maximum Special Tax” means the greatest amount of Special Tax that can be levied in any Fiscal Year determined in accordance with Section C below.

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit or use permit has been issued for construction of a residential structure with five or more Units that share a single Assessor’s Parcel number, are offered for rent to the general public, and cannot be purchased by individual homebuyers.

“Non-Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a structure that will be used for any non-residential purpose.

“Proportionately” means the following: (i) for Developed Property, the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property; and (ii) for Undeveloped Property, the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property.

“Public Property” means any property within the boundaries of CFD No. 2013-1 that is owned by or irrevocably offered for dedication to the federal government, State of California, County, City, or other local government or public agency.

“Residential Property” means, collectively, Single Family Detached Property, Single Family Attached Property, and Multi-Family Property. Notwithstanding the foregoing, if a building permit is issued for a structure that includes both Residential Units and non-residential uses, the Residential Units within the building will be categorized as Residential Property, and a Special Tax shall be calculated separately for the Residential Units and Non-Residential Property on the Parcel, as set forth in Section C.1.c below.

“Residential Unit” means an individual single-family detached unit, an individual residential unit within a duplex, halfplex, triplex, fourplex, townhome, live/work or condominium structure, or an individual apartment unit.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a building permit was or is permitted to be issued for construction of a single family detached unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved tentative map.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a residential

structure consisting of two or more Units that share common walls, have separate Assessor's Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor's Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Single Family Detached Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a Unit that does not share a common wall with another Unit. An Accessory Unit that shares a Parcel with a single-family detached unit shall not be considered a separate Unit for purposes of this Amended RMA.

"Special Tax" means a Special Tax levied in any Fiscal Year to pay the Special Tax Requirement.

"Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services; (ii) Administrative Expenses; and (iii) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" means all Assessor's Parcels within the boundaries of CFD No. 2013-1 that are not exempt from the Special Tax pursuant to law or Section E below.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this Amended RMA. All of the property within CFD No. 2013-1 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to the CFD, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing into the CFD and the levy of the Special Tax against his/her Parcel or Parcels pursuant to this Amended RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2013-1 that are not Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property; (ii) in which Tax Zone each Assessor's Parcel is located; and (iii) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, and (ii) because of the date the Final Map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the original Parcel that was subdivided by recordation of the Final Map.

C. MAXIMUM SPECIAL TAXES

1. **Developed Property**

a. Residential Property

The Maximum Special Tax for Fiscal Year 2013-14 for all Parcels of Residential Property within Tax Zone 1 shall be \$146 per SFD Lot or Residential Unit. All of the property within the CFD at the time of CFD Formation is within Tax Zone 1; a different Maximum Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone. Beginning July 1, 2014 and each July 1 thereafter, the Maximum Special Tax for Residential Property shall be increased by the Escalation Factor.

b. Non-Residential Property

The Maximum Special Tax for Fiscal Year 2013-14 for Non-Residential Property within Tax Zone 1 shall be \$960 per Acre. All of the property within the CFD at the time of CFD Formation is within Tax Zone 1 a different Maximum Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone. Beginning July 1, 2014 and each July 1 thereafter, the Maximum Special Tax for Non-Residential Property shall be increased by the Escalation Factor.

c. Mixed-Use Property

If, in any Fiscal Year, the Administrator determines that a Parcel of Developed Property is built or proposed to be built with both Residential Units and non-residential uses, the Maximum Special Tax for the Parcel shall be the sum of (i) the Maximum Special Tax for Residential Property multiplied by all Residential Units on the Parcel, and (ii) the Maximum Special Tax for Non-Residential Property multiplied by the full Acreage of the Parcel. After the aggregate Maximum Special Tax has been determined for a Parcel, such Maximum Special Tax shall be escalated beginning the next Fiscal Year and each Fiscal Year thereafter by the Escalation Factor.

2. Undeveloped Property

The Maximum Special Tax for Fiscal Year 2013-14 for all Parcels of Undeveloped Property within Tax Zone 1 shall be \$1,191 per Acre. Beginning July 1, 2014 and each July 1 thereafter, the Maximum Special Tax for Undeveloped Property shall be increased by the Escalation Factor.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year and levy the Special Tax on all Parcels of Taxable Property as follows:

Step 1: The Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel for such Fiscal Year until the amount levied is equal to the Special Tax Requirement;

Step 2: If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel for such Fiscal Year until the amount levied, when combined with the amount levied pursuant to Step 1, is equal to the Special Tax Requirement.

The Special Taxes for CFD No. 2013-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the Authority may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner, and may collect delinquent Special Taxes through foreclosure or other available methods.

E. EXEMPTIONS

Notwithstanding any other provision of this Amended RMA, no Special Tax shall be levied on Parcels of Association Property or Public Property, except as otherwise provided in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The Authority reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the Authority's discretion. Interpretations may be made by the Authority by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Amended RMA.

G. APPEAL OF SPECIAL TAX LEVY

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the Administrator not later than one calendar year after having paid the Special Tax that is disputed. The Administrator shall promptly review the appeal and, if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and decide the appeal. If the property owner disagrees with the Administrator's decision relative to the appeal, the owner may then file a written appeal with the Board whose subsequent decision shall be binding. If the decision of the Administrator (if the appeal is not filed with the Board) or the Board (if the appeal is filed

with the Board) requires the Special Tax to be modified or changed in favor of the property owner, no cash refund shall be made for prior years' Special Tax levies, but an adjustment shall be made to the next Special Tax levy(ies). This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

**UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters**

**CITY OF LATHROP
Community Facilities District No. 2013-1
(River Islands Public Services and Facilities)**

To the Honorable City Council,
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of River Islands Development, LLC, the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Lathrop, Community Facilities District No. 2013-1 (River Islands Public Services and Facilities)" (the "CFD"), and it states as follows:

1. Property Owner. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. Approval of Annexation. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services and facilities (the "Services and Facilities") described in Exhibit A hereto and made a part hereof.

3. Approval of Special Tax and the Facilities and Services. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services and Facilities, according to the Amended Rate and Method of Apportionment of Special Taxes for the CFD attached hereto as Exhibit B and made a part hereof (the "Rate and Method"). Exhibit B includes the cost estimate for the Facilities and Services. The City will create a special account into which the Special Taxes will be deposited, when collected. The City will prepare the annual report required by Government Code Section 50075.3.

4. Approval of the Appropriations Limit. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the appropriations limit established for the CFD.

5. **Waivers and Vote.** The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIII A of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

6. **Recordation of Amendment to Notice of Special Tax Lien.** The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of San Joaquin, State of California on November 18, 2013, as Document No. 2013-143754 in the Office of the County Recorder of the County of San Joaquin, and amended as referred to in the Amended Notice of Special Tax Lien recorded on October 23, 2015 as Document No. 2015-127760. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of San Joaquin an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

7. **Authority Warranted.** The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

8. **Due Diligence and Disclosures.** The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

9. **Agreements.** The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.

10. **The Property.** The Property is identified as follows:

Assessor's Parcel No. 210-330-01

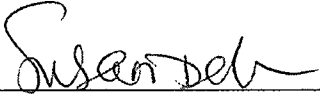
Property Address: N/A

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Tax Zone #: 1

Property Owner

RIVER ISLANDS DEVELOPMENT, LLC
a California limited liability company

By: 
Name: Susan Dell'Osso
Title: President

Notice Address:

River Islands Development, LLC
73 Stewart Road
Lathrop, CA 95330

(Attach acknowledgment)

EXHIBIT A

**CITY OF LATHROP
Community Facilities District No. 2013-1
(River Islands Public Services and Facilities)**

DESCRIPTION OF AUTHORIZED SERVICES AND FACILITIES

Services

The services to be funded, in whole or in part, by the community facilities district (CFD) include all direct and incidental costs related to providing public services and maintenance of public infrastructure within the River Islands area including the area initially included in the CFD, as well as any future annexation area of the CFD and areas adjacent to the foregoing. More specifically, the services shall include, but not be limited to: (i) police protection services, including City contracts with the San Joaquin Sheriff's Office or other police services providers, or costs of a City police department if and when one is established, (ii) maintenance of open space, including trails and habitat areas, with services to include, but not be limited to, irrigation and vegetation control; (iii) maintenance of roads and roadways, with services to include, but not be limited to, regularly scheduled street sweeping, repair of public streets, striping of streets and repair and repainting of sound walls and other appurtenances; (iv) storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems, (v) landscaping in public areas and in the public right of way along public streets, including, but not limited to, irrigation, tree trimming and vegetation maintenance and control; and (vi) any other public services authorized to be funded under Section 53313 of the California Government Code that are not already funded by another community facilities district on the property within the CFD.

The CFD may fund any of the following related to the services described in the preceding paragraph: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services. The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of formation of the CFD and will not supplant services already available within that territory when the District is created.

Facilities

The CFD may also fund all or any portion of the costs of the following facilities to be located within or in the vicinity of the CFD:

Roadway and related improvements, including, but not limited to, construction of the roadways currently identified on Vesting Tentative Map No. 3694 as Stewart Road, Golden Valley Parkway, South River Islands Parkway, North River Islands Parkway, Broad Street, Commercial Street, J8 Street, B5 Street, B6 Street and C1 Street, as well as other backbone and

arterial streets, including, but not limited to, grading, fill, pavement section, curb gutter and sidewalk, joint trench, water, sewer, reclaimed water, storm drainage, and other utility improvements necessary for, or incidental to, road construction. Roadway improvements may also include landscaping, street lights and signage, and traffic signals and striping.

Bradshaw's Crossing Bridge improvements, including, but not limited to, design, construction, utility connections, mitigation payments, right-of-way acquisition, and other improvements required for, or incidental to, construction of the bridge.

Water infrastructure, including, but not limited to, tanks, pump stations, distribution lines, and other improvements necessary for, or incidental to, the delivery of potable or reclaimed water.

Sewer infrastructure, including, but not limited to, treatment facilities, sanitary sewer collection lines and force mains, effluent holding and storage, pump stations, lift stations, and other improvements necessary for, or incidental to, the delivery of sanitary sewer service.

Public landscaping and recreational features along rivers, lakes, within parks, and along and including pathways.

Offsite public infrastructure, including, but not limited to, the extension of sanitary sewer lines and payment of license fees (e.g., to Caltrans or UPRR) and any other incidental fees or exactions.

The facilities authorized to be funded by the CFD shall include the costs of design, engineering, surveys, reports, environmental mitigation, soils testing, permits, plan check, inspection fees, impact fees, insurance, construction management, and any other costs or appurtenances related to any of the foregoing.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City of Lathrop (City) in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of the special taxes, the fees and expenses of attorneys, any fees of the County of San Joaquin related to the CFD or the collection of special taxes, an allocable share of the salaries of any City staff directly related thereto and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund with respect to the CFD or the services authorized to be financed by the CFD, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

Other

The incidental expenses that may be funded by the CFD include, in addition to the administrative expenses identified above, the payment or reimbursement to the CFD of all costs associated with the establishment and ongoing administration of the CFD.

EXHIBIT B

**CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)**

AMENDED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) shall be levied and collected according to the tax liability determined by the City or its designee, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate rate and method of apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its legal counsel, costs related to annexing property into the CFD, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this Amended RMA, costs associated with foreclosure and collection of delinquent Special Taxes and all other costs and expenses of the City and County in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this Amended RMA.

"Amended RMA" means this Amended Rate and Method of Apportionment of Special Tax.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on a County Assessor's Parcel map with an assigned County Assessor's Parcel number.

“Authorized Facilities” means the public facilities authorized to be financed, in whole or in part, by Facilities Special Taxes collected within the CFD, pursuant to the documents adopted by the City Council at CFD Formation.

“Authorized Services” means those services that are authorized to be funded by Services Special Taxes collected within the CFD, pursuant to the documents adopted by the City Council at CFD Formation.

“CFD” means the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2013-1 was adopted by the City Council.

“City” means the City of Lathrop.

“City Council” means the City Council of the City of Lathrop.

“County” means the County of San Joaquin.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Detached Property, all Parcels of Taxable Property for which a Final Map was recorded on or prior to June 30 of the preceding Fiscal Year
- for Multi-Family Property and Single Family Attached Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued on or prior to June 30 of the preceding Fiscal Year
- for Non-Residential Property, all Parcels of Taxable Property for which a building permit for new construction of a structure was issued on or prior to June 30 of the preceding Fiscal Year.

“Development Agreement” means the 2003 Amended and Restated Development Agreement dated February 4, 2003 and recorded on March 31, 2003 in the San Joaquin County Recorder’s Office as Document No. 2003-069319, as has been amended and as may be amended in the future.

“Escalation Factor” means, in any Fiscal Year, the lesser of (i) the increase from the prior Fiscal Year, if any, in the Local Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area for All Urban Consumers, or (ii) four percent (4%). The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2013 to April 2014.

“Facilities Special Tax” means a special tax levied in any Fiscal Year after the Trigger Event has taken place to pay the Facilities Special Tax Requirement.

“Facilities Special Tax Requirement” means the amount necessary in any Fiscal Year after the Trigger Event to pay the costs of Authorized Facilities to be funded directly from Facilities Special Tax proceeds.

“Final Map” means a final map, or portion thereof, approved by the City and recorded by the County pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq) that creates SFD Lots. The term “Final Map” shall not include any large lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor’s Parcels that are designated as remainder parcels.

“Fiscal Review Process” means the River Islands Annual Fiscal Review Process, which is required pursuant to the Development Agreement, and which process is described in detail in Exhibit B of the Development Agreement.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Maximum Facilities Special Tax” means the greatest amount of Facilities Special Tax that can be levied on a Parcel in any Fiscal Year after the Trigger Event, as determined in accordance with Section C.2 below.

“Maximum Services Special Tax” means the greatest amount of Services Special Tax that can be levied on a Parcel in any Fiscal Year, as determined in accordance with Section C.1 below.

“Maximum Special Taxes” means, collectively, the Maximum Facilities Special Tax and the Maximum Services Special Tax that can be levied on a Parcel in any Fiscal Year.

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit or use permit has been issued or is expected to be issued for construction of a residential structure with five or more Units that share a single Assessor’s Parcel number, are offered for rent to the general public, and cannot be purchased by individual homebuyers.

“Non-Residential Property” means all Assessor’s Parcels of Taxable Property for which a building permit was or is expected to be issued for an office, commercial, retail, industrial or mixed-use building, as determined by the City.

“Non-Residential Square Footage” means the net leasable square footage used by or designated for non-residential uses within a building as reflected on the condominium plan, site plan, building permit for new construction, or other such document. If a structure on a Parcel of Non-Residential Property includes Units, such Units shall be categorized and taxed as Residential Property, and the square footage of such Units shall not be counted as Non-Residential Square Footage for purposes of determining the Maximum Special Taxes pursuant to Section C below.

“Proportionately” means that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, State of California, County, City, or other local governments or public agencies.

“Residential Property” means, collectively, Single Family Detached Property, Single Family Attached Property, and Multi-Family Property. If a building includes both Units and Non-Residential Square Footage, the Units within the building shall be categorized as Residential Property for purposes of this Amended RMA.

“Services Special Tax” means a special tax levied in any Fiscal Year to pay the Services Special Tax Requirement.

“Services Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) Administrative Expenses, and (iii) amounts needed to cure any delinquencies in the payment of Services Special Taxes which have occurred or (based on delinquency rates in prior years) may be expected to occur in the Fiscal Year in which the tax will be collected. In any Fiscal Year, the Services Special Tax Requirement shall be reduced by surplus amounts available (as determined by the City) from the levy of the Services Special Tax in prior Fiscal Years, including revenues from the collection of delinquent Services Special Taxes and associated penalties and interest.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a building permit was or is permitted to be issued for construction of a single family detached unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved tentative map.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was or is expected to be issued for construction of a Unit that does not share a common wall with another Unit. An Accessory Unit that shares a Parcel with a single-family detached unit shall not be considered a separate Unit for purposes of this Amended RMA.

“Special Taxes” means, collectively, the Facilities Special Tax and the Services Special Tax.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of the CFD which are not exempt from the Special Taxes pursuant to law or Section F below.

“Tax Zone” means a mutually exclusive geographic area within which Special Taxes may be levied pursuant to this Amended RMA. *All of the property within CFD No. 2013-1 at the time*

of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to the CFD, and separate Maximum Special Taxes shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing into the CFD and the levy of Special Taxes against his/her Parcel or Parcels pursuant to this Amended RMA.

"Trigger Event" will be deemed to have occurred in any Fiscal Year if, on or before June 30 of the prior Fiscal Year, the City has made a finding that, for the third year in a row, the Fiscal Review Process has demonstrated that fiscal surpluses will be generated to the City's general fund from development within the River Islands Master Plan area, and, as part of the Fiscal Review Process in each of the prior three years, the Services Special Tax revenue factored into the fiscal analysis was based on the Services Special Tax being levied at only 47.43% of the Maximum Services Special Tax that could have been levied in each of those three years. Once the Trigger Event has occurred, the reduced Services Special Taxes and the Facilities Special Taxes determined pursuant to Sections C.1 and C.2 shall be the applicable Maximum Special Taxes in all future Fiscal Years regardless of the results of future Fiscal Review Processes.

"Unit" means a single family detached unit or an individual unit within a duplex, triplex, halfplex, fourplex, condominium, townhome, live/work, or apartment structure.

B. DATA FOR ADMINISTRATION OF SPECIAL TAXES

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Developed Property within the CFD. The Administrator shall also determine: (i) within which Tax Zone each Parcel is located; (ii) which Parcels of Developed Property are Residential Property and Non-Residential Property; (iii) the Non-Residential Square Footage of buildings on each Parcel of Non-Residential Property; (iv) for Single Family Detached Property, the square footage of each SFD Lot, (v) by reference to the condominium plan, site plan, or other document, the number of Units on each Parcel of Single Family Attached Property and Multi-Family Property; (vi) whether the Trigger Event has occurred; and (vii) the Services Special Tax Requirement and, if the Trigger Event has occurred, the Facilities Special Tax Requirement for the Fiscal Year. To determine the square footage of each Parcel of Single Family Detached Property, the Administrator shall reference Assessor's Parcel Maps or, if the square footage is not yet designated on such maps, the small lot subdivision map recorded to create the individual lots.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new parcels created by the parcel map, and (iii) a building permit was issued on or prior to June 30 of the prior Fiscal Year

for development on one or more of the newly-created parcels, the Administrator shall calculate the Special Taxes for Units and/or Non-Residential Square Footage within the subdivided area and levy such Special Taxes on the master Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Services Special Tax, Tax Zone 1

Table 1 below identifies the Maximum Services Special Tax for Developed Property within Tax Zone 1, both before and after the Trigger Event; a different Maximum Services Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone.

TABLE 1
Maximum Services Special Tax
Tax Zone 1

<i>Type of Property</i>	<i>Lot Size</i>	<i>Maximum Services Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*</i>	<i>Maximum Services Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*</i>
<u>Residential Property:</u>			
Single Family Detached Property	Greater than 7,000 SqFt	\$328.74 per SFD Lot	\$155.91 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$265.42 per SFD Lot	\$125.88 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$243.51 per SFD Lot	\$115.49 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$206.98 per SFD Lot	\$ 98.16 per SFD Lot
Single Family Detached Property	Less than 4,000 SqFt	\$192.37 per SFD Lot	\$ 91.23 per SFD Lot
Single Family Attached Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Multi-Family Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

** On July 1, 2014 and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.*

2. *Facilities Special Tax, Tax Zone 1*

Table 2 below identifies the Maximum Facilities Special Tax for Developed Property within Tax Zone 1 both before and after the Trigger Event; a different Maximum Facilities Special Tax may be identified for property that annexes into the CFD and is part of a separate Tax Zone.

TABLE 2
Maximum Facilities Special Tax
Tax Zone 1

<i>Type of Property</i>	<i>Lot Size</i>	<i>Maximum Facilities Special Tax in Tax Zone 1 Prior to the Trigger Event (Fiscal Year 2013-14)*</i>	<i>Maximum Facilities Special Tax in Tax Zone 1 After the Trigger Event (Fiscal Year 2013-14)*</i>
Residential Property:			
Single Family Detached Property	Greater than 7,000 SqFt	\$ 0.00 per SFD Lot	\$172.83 per SFD Lot
Single Family Detached Property	5,801 to 7,000 SqFt	\$ 0.00 per SFD Lot	\$139.54 per SFD Lot
Single Family Detached Property	4,801 to 5,800 SqFt	\$ 0.00 per SFD Lot	\$128.02 per SFD Lot
Single Family Detached Property	4,000 to 4,800 SqFt	\$ 0.00 per SFD Lot	\$108.82 per SFD Lot
Single Family Detached Property	Less than 4,000 SqFt	\$ 0.00 per SFD Lot	\$101.14 per SFD Lot
Single Family Attached Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Multi-Family Property	Not Applicable	\$ 0.00 per Unit	\$ 0.00 per Unit
Non-Residential Property	Not Applicable	\$0.00 per Non-Residential Square Foot	\$0.00 per Non-Residential Square Foot

*** On July 1, 2014 and on each July 1 thereafter until the first Fiscal Year after the Trigger Event, all figures shown in Table 2 above shall be increased by the Escalation Factor. On July 1 of the first Fiscal Year after the Trigger Event, and on each July 1 thereafter, the Maximum Facilities Special Taxes shall increase by two percent (2%) of the amount in effect in the prior Fiscal Year.**

3. *Maximum Special Taxes for Mixed-Use Buildings*

If, in any Fiscal Year, the Administrator determines that a Parcel of Developed Property is built or proposed to be built with both Units and Non-Residential Square Footage, the Maximum Special Tax for the Parcel shall be the sum of (i) the aggregate Maximum Special Taxes for all Units on the Parcel, and (ii) the Maximum Special Taxes determined for all of the Non-Residential Square Footage on the Parcel.

D. METHOD OF LEVY OF THE SPECIAL TAXES

1. Services Special Tax

Each Fiscal Year, the Administrator shall determine the Services Special Tax Requirement for the Fiscal Year, and the Services Special Tax shall be levied on each Parcel of Developed Property within the CFD in the amount of either (i) the Maximum Services Special Tax, or (ii) the Proportionately determined percentage of the Maximum Services Special Tax required to generate the Services Special Tax Requirement, whichever is less.

2. Facilities Special Tax

Each Fiscal Year after the Trigger Event, the Administrator shall determine the Facilities Special Tax Requirement for the Fiscal Year, and the Facilities Special Tax shall be levied on each Parcel of Developed Property within the CFD in the amount of either (i) the Maximum Facilities Special Tax, or (ii) the Proportionately determined percentage of the Maximum Facilities Special Tax required to generate the Facilities Special Tax Requirement, whichever is less.

E. MANNER OF COLLECTION OF SPECIAL TAXES

The Special Taxes shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods.

The Facilities Special Tax shall be levied for thirty (30) Fiscal Years, beginning the first Fiscal Year after the Trigger Event has taken place. Under no circumstances may the Facilities Special Tax on a Parcel in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. The Services Special Tax may be levied and collected in perpetuity.

F. EXEMPTIONS

No Special Taxes shall be levied on Public Property or any other Parcels in the CFD that are not Residential Property or Non-Residential Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City may interpret, clarify, and/or revise this Amended RMA to correct any inconsistency, vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties or any definition applicable to the CFD, by resolution or ordinance. The City, upon the request of an owner of land within the CFD which is not Developed Property, may also amend this Amended RMA in any manner acceptable to the City, by resolution or

ordinance following a public hearing, upon the affirmative vote of such owner to such amendment and without the vote of owners of any other land within the CFD, provided such amendment only affects such owner's land.

**RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:**

Secretary
Island Reclamation District No. 2062
73 West Stewart Road
Lathrop, CA 95330

Recorded for the benefit of Island
Reclamation District No. 2062 pursuant
to Government Code Section 27383

SEVENTH AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

Island Reclamation District No. 2062
Community Facilities District No. 2013-1
(Levee and Lake Maintenance Services)
Annexation No. 7


Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, Section 53311, *et. seq.*, of the California Government Code (the "Act"), the undersigned Secretary of Island Reclamation District No. 2062 (the "IRD 2062"), County of San Joaquin, State of California, hereby gives notice that a lien to secure payment of a special tax is hereby imposed by the Board of Trustees of IRD 2062 on the property described in Exhibit A hereto. The special tax secured by this lien is authorized to be levied for the purpose of paying the costs of services described in Exhibit A to the Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder for the County of San Joaquin, State of California (the "County Recorder") on October 3, 2013 as Document No. 2013-126695, and said special tax is to be levied according to the Amended and Restated Rate and Method of Apportionment of Special Tax set forth in that certain First Amendment to Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder on September 10, 2014 as Document No. 2014-089987, to which recorded Notice of Special Tax Lien and recorded First Amendment to Notice of Special Tax Lien reference is hereby made and the provisions of which are hereby incorporated herein in full by this reference.

This Seventh Amendment to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory within Island Reclamation District No. 2062 Community Facilities District No. 2013-1 (Levee and Lake Maintenance Services) certain real property identified in Exhibit A hereto and shown within the future annexation area on the boundary map of the community facilities district recorded on August 29, 2013, in Book 6 of Maps of Assessment and Community Facilities Districts at Page 41 (Document No. 2013-111318, in the Office of the County Recorder, which map is the final boundary map of the community facilities district.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Seventh Amendment to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to IRD 2062 are as set forth in Exhibit A hereto which is by this reference made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property or interests therein subject to the special tax lien, interested persons should contact the Treasurer of Island Reclamation District No. 2062, 73 West Stewart Road, Lathrop, California 95330, telephone number (209) 879-7900.

Dated: _____, 2018.

By: 

Susan Dell'Osso, President,
Island Reclamation District No. 2062

EXHIBIT A

ISLAND RECLAMATION DISTRICT NO. 2062
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(LEVEE AND LAKE MAINTENANCE SERVICES)
ANNEXATION NO. 7

ASSESSOR'S PARCEL NUMBER(S) AND OWNER(S) OF LAND WITHIN
ANNEXATION NO. 7 TO ISLAND RECLAMATION DISTRICT NO. 2062
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(LEVEE AND LAKE MAINTENANCE SERVICES)

<u>Name(s) of Property Owner(s)</u>	<u>San Joaquin County Assessor's Parcel No.</u>
RIVER ISLANDS DEVELOPMENT LLC 2999 OAK RD #400, WALNUT CREEK CA 94597	210-330-01

**RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:**

City Clerk
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330

Recorded for the benefit of the City of Lathrop
 pursuant to Government Code Section 27383

EIGHTH AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

City of Lathrop
 Community Facilities District No. 2013-1
 (River Islands Public Services and Facilities)
 Annexation No. 8

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, Section 53311, *et. seq.*, of the California Government Code (the "Act"), the undersigned City Clerk of the City of Lathrop (the "City"), County of San Joaquin, State of California, hereby gives notice that a lien to secure payment of a special tax is hereby imposed by the City Council of the City on the property described in Exhibit A hereto. The special tax secured by this lien is authorized to be levied for the purpose of paying principal and interest on bonds, the proceeds of which are being used to finance the acquisition and construction of all or a portion of the public facilities authorized to be funded by the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) (the "CFD"), and to pay costs of the public services and facilities authorized to be funded by the CFD, both as described in Exhibit A to the Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder for the County of San Joaquin, State of California (the "County Recorder") on November 18, 2013 as Document No. 2013-143754, and said special tax is to be levied according to the Rate and Method of Apportionment of Special Tax set forth in Exhibit B to the Notice of Special Tax Lien, to which recorded Notice of Special Tax Lien reference is hereby made and the provisions of which are hereby incorporated herein in full by this reference. An Amended Notice of Special Tax Lien reflecting the Amended Rate and Method of Apportionment of Special Tax was subsequently recorded at the County Recorder on October 23, 2015 as Document No. 2015-127760.

This Eighth Amendment to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory within the City of Lathrop Community Facilities District No. 2013-1 (River Islands Public Services and Facilities) certain real property identified in Exhibit A hereto and shown within the future annexation area on the boundary map of the community facilities district recorded on June 1, 2013, in Book 6 of Maps of Assessment and Community Facilities Districts at Page 42 (Document No. 2013-136637), in the Office of the County Recorder, which map is the final boundary map of the community facilities district.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Eighth Amendment to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the Authority are as set forth in Exhibit A hereto which is by this reference made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property or interests therein subject to the special tax lien, interested persons should contact the Finance Director, City of Lathrop, 390 Towne Centre Drive, Lathrop, California 95330; Telephone: (209) 941-7327.

Dated: _____, 2018.

By: _____
City Clerk,
City of Lathrop

EXHIBIT A

CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)
ANNEXATION NO. 8

ASSESSOR'S PARCEL NUMBER(S) AND OWNER(S) OF LAND
WITHIN ANNEXATION NO. 8 TO CITY OF LATHROP
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES AND FACILITIES)

Name(s) of Property Owner(s)	San Joaquin County Assessor's Parcel No.
RIVER ISLANDS DEVELOPMENT, LLC 2999 OAK RD #400 WALNUT CREEK CA 94597	210-330-01

**RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:**

Secretary
River Islands Public Financing Authority
73 West Stewart Road
Lathrop, CA 95330

Recorded for the benefit of the River Islands
Public Financing Authority pursuant to
Government Code Section 27383

SEVENTH AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

River Islands Public Financing Authority
Community Facilities District No. 2013-1
(River Islands Public Services)
Annexation No. 7

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, Section 53311, *et. seq.*, of the California Government Code (the "Act"), the undersigned Secretary of the River Islands Public Financing Authority (the "Authority"), County of San Joaquin, State of California, hereby gives notice that a lien to secure payment of a special tax is hereby imposed by the Board of Directors of the Authority on the property described in Exhibit A hereto. The special tax secured by this lien is authorized to be levied for the purpose of paying the costs of services described in Exhibit A to the Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder for the County of San Joaquin, State of California (the "County Recorder") on October 3, 2013 as Document No. 2013-126691, and said special tax is to be levied according to the Amended and Restated Rate and Method of Apportionment of Special Tax set forth in that certain First Amendment to Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder on September 10, 2014 as Document No. 2014-089986, to which recorded Notice of Special Tax Lien and recorded First Amendment to Notice of Special Tax Lien reference is hereby made and the provisions of which are hereby incorporated herein in full by this reference.

This Seventh Amendment to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory within the River Islands Public Financing Authority Community Facilities District No. 2013-1 (River Islands Public Services) certain real property identified in Exhibit A hereto and shown within the future annexation area on the boundary map of the community facilities district recorded on August 29, 2013, in Book 6 of Maps of Assessment and Community Facilities Districts at Page 40 (Document No. 2013-111317, in the Office of the County Recorder, which map is the final boundary map of the community facilities district.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Seventh Amendment to Notice of Special Tax Lien, together with the name(s) of

the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the Authority are as set forth in Exhibit A hereto which is by this reference made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property or interests therein subject to the special tax lien, interested persons should contact the Treasurer of the River Islands Public Financing Authority, 73 West Stewart Road, Lathrop, California 95330, telephone number (209) 879-7900.

Dated: _____, 2018.

By: _____
Karna E. Harrigfeld, Secretary,
River Islands Public Financing Authority

EXHIBIT A

RIVER ISLANDS PUBLIC FINANCING AUTHORITY
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES)
ANNEXATION NO. 7

ASSESSOR'S PARCEL NUMBER(S) AND OWNER(S) OF LAND WITHIN
ANNEXATION NO. 7 TO RIVER ISLANDS PUBLIC FINANCING AUTHORITY
COMMUNITY FACILITIES DISTRICT NO. 2013-1
(RIVER ISLANDS PUBLIC SERVICES)

Name(s) of Property Owner(s)	San Joaquin County Assessor's Parcel No.
RIVER ISLANDS DEVELOPMENT LLC 2999 OAK RD #400, WALNUT CREEK CA 94597	210-330-01

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING****ITEM: INDUSTRIAL SOLID WASTE LICENSE RENEWAL FOR
FISCAL YEAR 2018-19****RECOMMENDATION: Adopt Resolution Approving Annual Industrial Solid
Waste License Renewal for Stockton Scavengers
Association and Delta Container Corporation**

SUMMARY:

The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (AB939), has acknowledged that it is within the public interest to authorize and require local agencies to make adequate provisions for solid waste management. The process requires cities and other local agencies to implement plans for source reduction, reuse, and recycling as part of their integrated waste management practices.

In an effort to comply with said legislation, the City of Lathrop adopted Municipal Code Chapter 8.16 (Garbage collection and disposal). Lathrop Municipal Code Section 8.16.140 requires any company that collects industrial solid waste in the City of Lathrop to annually apply for an Industrial Solid Waste Removal License. The City's current industrial solid waste haulers are Stockton Scavengers Association (subsidiary of Waste Management, Inc.) and Delta Container Corporation (subsidiary of Allied Waste of San Joaquin County dba Republic Services, Inc.). Staff requests approval of the annual industrial solid waste license renewals for Stockton Scavengers Association and Delta Container Corporation.

BACKGROUND:

Lathrop Municipal Code 8.16.140, Section (A) requires any company who collects and removes industrial solid waste within the City of Lathrop to apply annually for an industrial solid waste removal license. Lathrop Municipal Code 8.16.140 also states that the contractor who provides both residential and commercial waste removal service shall not be required to pay the annual license fee.

Delta Container is a subsidiary of Allied Waste dba Republic Services, Inc., which provides both residential and commercial waste collection service and therefore is not required to pay the annual license fee in the sum of two thousand five hundred dollars (\$2,500). However, Delta Container is required to pay the standard eleven percent (11%) of their annual gross receipts and \$92 administration fee, which is set forth by Lathrop Municipal Code 8.16.140.

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
INDUSTRIAL SOLID WASTE LICENSE RENEWAL FOR FY 2018-19**

PAGE 2

Stockton Scavengers Association does not provide residential waste removal service within the City of Lathrop. Therefore, they are required to pay an annual license fee in the sum of two thousand five hundred dollars (\$2,500) and the standard eleven percent (11%) of their annual gross receipts and \$92 administration fee, which is set forth by Lathrop Municipal Code 8.16.140.

Our current haulers, Stockton Scavengers Association and Delta Container Corporation, have submitted their annual license renewal application, fee, bonds, insurance, locations serviced, and their financial status report.

REASON FOR RECOMMENDATION:

To continue our efforts to meet the terms of the AB939 legislation, and continue implementing plans for source reduction, reuse, and recycling as part of our integrated waste management practices, staff recommends that City Council approve the Industrial Solid Waste Removal License renewals for both Stockton Scavenger Association and Delta Container Corporation.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

This agenda item promotes Community Values by maintaining requirements for solid waste management within the City of Lathrop.

FISCAL IMPACT:

Annual gross receipt monies received from these companies will be deposited into the Franchise Tax-Solid Waste Industrial revenue account number 1010-15-10-319-05-05.

The license administration fee(s) in the sum of ninety-two dollars (\$92) received from each company will be deposited into Public Works Administration account number 1010-50-01-341-01-01.


The annual license fee in the sum of two thousand five hundred dollars (\$2,500) received from Stockton Scavenger Association will be deposited into the Franchise Tax-Solid Waste Industrial revenue account number 1010-15-10-319-05-05.

ATTACHMENTS:

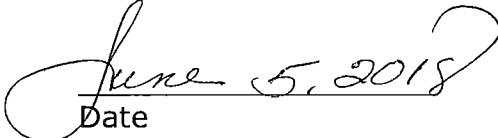
- A. Resolution Approving Annual Industrial Solid Waste License Renewal for Stockton Scavenger Association and Delta Container Corporation for FY 2018-19

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
INDUSTRIAL SOLID WASTE LICENSE RENEWAL FOR FY 2018-19**

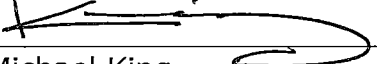
APPROVALS:




Emilia Knox
Senior Administrative Assistant




Date



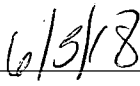
Michael King
Senior Civil Engineer



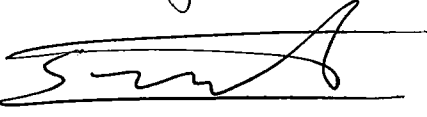
Date



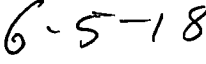
Cari James
Finance Director



Date



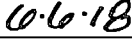
Salvador Navarrete
City Attorney



Date



Stephen J. Salvatore
City Manager



Date

RESOLUTION NO. 18 _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING ANNUAL INDUSTRIAL SOLID WASTE LICENSE RENEWAL FOR
STOCKTON SCAVENGERS ASSOCIATION AND DELTA CONTAINER
CORPORATION FOR FY 2018-19**

WHEREAS, Lathrop Municipal Code 8.16.140, Section (A) requires any company which collects and removes industrial solid waste within the City of Lathrop to annually apply for an industrial solid waste removal license; and

WHEREAS, the City's current haulers are Stockton Scavengers Association and Delta Container Corporation; and

WHEREAS, Delta Container is a subsidiary of Allied Waste dba Republic Services, Inc., which provides both residential and commercial waste removal service for the City of Lathrop and therefore is not required to pay the annual license fee; and

WHEREAS, Delta Container is required to pay the standard eleven percent (11%) of their annual gross receipts; and

WHEREAS, Stockton Scavengers Association does not provide residential waste removal service within the City of Lathrop and therefore are required to pay an annual license fee in the sum of two thousand five hundred dollars (\$2,500.00); and

WHEREAS, Stockton Scavengers Association is required to pay the standard eleven percent (11%) of their annual gross receipts; and

WHEREAS, to continue our efforts to meet the terms of the AB939 legislation and continue implementing plans for source reduction, reuse, and recycling as part of their integrated solid waste management practices, staff recommends that City Council approve the Industrial Solid Waste Removal License renewals for both Stockton Scavenger Association and Delta Container Corporation; and

WHEREAS, the following monies received from these companies will be deposited as follows:

- annual gross receipt monies received from these companies will be deposited into the Franchise Tax-Solid Waste Industrial revenue account number 1010-15-10-319-05-05
- license administration fee in the sum of ninety-two dollars (\$92) received from these companies will be deposited into Public Works Administration account number 1010-50-01-341-01-01
- annual license fee in the sum of two thousand five hundred dollars (\$2,500) received from Stockton Scavenger Association will be deposited into the Franchise Tax-Solid Waste Industrial revenue account number 1010-15-10-319-05-05

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Lathrop authorizes the Industrial Solid Waste Licenses renewals for Stockton Scavengers Association and Delta Containers Corporation.

The foregoing resolution was passed and adopted this 11th day of June 2018, 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

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **CREATE CIP PK 18-10 MOSSDALE COMMUNITY PARK TRAIL LIGHTING AND AWARD A CONSTRUCTION CONTRACT TO T & S INTERMODAL MAINTENANCE, INC.**

RECOMMENDATION: **Adopt Resolution Approving the Creation of CIP PK 18-10 Mosssdale Community Park Trail Lighting, Award Construction Contract to T & S Intermodal Maintenance Inc, and Approve Related Budget Amendment**

SUMMARY:

At the March 12, 2018 City Council Meeting, Council adopted Resolution No. 18-4357 approving Option 1b to proceed with the installation of additional wired lighting at Mosssdale Community Park. Staff is requesting that City Council approve the creation of Capital Improvement Project (CIP) PK 18-10, award a construction contract to T&S Intermodal Maintenance, Inc. and authorize a budget amendment to complete the Mosssdale Community Park Trail Lighting Project.

BACKGROUND:

At the On March 12, 2018 City Council Meeting, staff presented hard wired and solar pathway lighting options for Mosssdale Community Park. City Council selected Option 1b to install additional wired lighting and requested staff to bid the project and select a competent responsible contractor to perform the work.

Staff completed contract plans and specifications in March 2018 for the Mosssdale Trail Lighting Project; the project was bid according to the Public Contract Code and LMC 2.36.060. The City received three (3) sealed bids on May 23, 2018, the bids were opened by the City Clerk on May 23, 2018. T & S Intermodal Maintenance Inc. submitted the lowest total base bid in the amount of \$72,600 and was determined to be responsive and responsible based upon previous project history, licensing qualifications and responsiveness to the bid requirements.

Bid Results Summary:

Company	Bid Amount
T & S Intermodal Maintenance, Inc.	\$72,600
Pacific Excavation Inc.	\$109,236
Tennyson Electric Inc.	\$143,735

**CITY MANAGER'S REPORT
 JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
 PARK LIGHTING AT MOSSDALE COMMUNITY PARK**

Tonight, staff is requesting that City Council approve the creation of CIP PK 18-10 Mossdale Community Park Trail Lighting Project, award a construction contract with T & S Intermodal Maintenance Inc. and authorize the related budget amendment of \$23,360 from General Fund Reserves to be reimbursed from Measure C to complete the Mossdale Community Park Trail Lighting Project, CIP PK 18-10.

REASON FOR RECOMMENDATION:

Staff requests that City Council award a contract with T & S Intermodal Maintenance, Inc. for the Mossdale Community Park Trail Lighting Project in the amount of \$72,600. In addition, a 10% contingency in the amount of \$7,260 is requested for a total authorization of \$79,860 to complete the Mossdale Community Park Lighting Trail project.

FISCAL IMPACT:

Resolution No. 18-4357, Option 1b adopted March 12, 2018 authorized a budget amendment from the General Fund Reserves of \$56,500 to be reimbursed by Measure C upon review and confirmation of the Measure C committee.

The cost of the construction contract with T & S Intermodal Maintenance, Inc. is \$72,600 plus a 10% contingency in the amount of \$7,260 for a total cost of \$79,860. An additional budget amendment in the amount of \$23,360 from the General Fund Reserve to be reimbursed by Measure C upon review and confirmation by the Measure C committee. Staff requests the following budget amendment for the creation of CIP PK 18-10:

Increase Transfers Out (Measure C) 1060-9900-990-9010	\$79,860
Increase Transfer In 3010-9900-393-0000	\$79,860
Increase Expenditure 3010-8000-420-1200 PK 18-10	\$79,860

ATTACHMENTS:

- A. Resolution Approving Creation of CIP PK 18-10, Awarding the Construction Contract with T & S Intermodal Maintenance, Inc., and Authorizing the Related Budget Amendment.
- B. Construction Contract with T & S Intermodal Maintenance, Inc. for the Mossdale Community Park Trail Lighting Project, PK 18-10

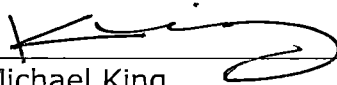
**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
PARK LIGHTING AT MOSSDALE COMMUNITY PARK**

APPROVALS:



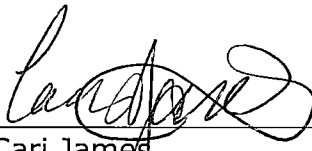
Ken Reed
Senior Construction Manager

6-6-2018
Date



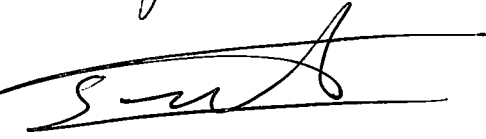
Michael King
Senior Civil Engineer

6-6-18
Date



Cari James
Director of Finance

6/6/18
Date



Salvador Navarrete
City Attorney

6-6-18
Date



Stephen J. Salvatore
City Manager

6-6-18
Date

RESOLUTION NO. 18 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING CREATION OF CIP PK 18-10 MOSSDALE COMMUNITY PARK
TRAIL LIGHTING, AWARDED CONSTRUCTION CONTRACT TO T & S
INTERMODAL MAINTENANCE, INC., AND AUTHORIZING RELATED BUDGET
AMENDMENT**

WHEREAS, on March 12 2018 council adopted Resolution 18-4357, Option 1b to install additional wired lighting at Mossdale Community Park; and

WHEREAS, contract plans and specifications for the Mossdale Trail Lighting Project were completed by staff in March 2018 and the Mossdale Trail Lighting Project was bid according to the Public Contract Code and LMC 2.36.060; and

WHEREAS, Three (3) sealed bids were received and opened by the City Clerk on May 23, 2018, T & S Intermodal Maintenance Inc. was the lowest responsible bidder; and

WHEREAS, the cost of the construction contract with T & S Intermodal Maintenance Inc. is \$72,600; and

WHEREAS, a construction contingency in the amount of \$7,260 and additional costs in the amount of \$16,100 is also requested for a total authorization of \$79,860; and

WHEREAS, authorize staff to use the construction contingency and additional costs in the amount of \$23,360 to accomplish the goals of the project; and

WHEREAS, staff is requesting approval of the creation of CIP PK 18-10 Mossdale Community Park Trail Lighting;

THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby awards a construction contract to T & S Intermodal Maintenance Inc. for the Mossdale Trail Lighting Project for \$72,600; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby approves the creation of CIP PK 18-10 Mossdale Community Park Trail Lighting, awarding construction contract with T & S Intermodal Maintenance Inc. and authorizes the following budget amendment:

Increase Transfers Out (Measure C)		
1060-9900-990-9010		\$79,860
Increase Transfer In		
3010-9900-393-0000		\$79,860
Increase Expenditure		
3010-8000-420-1200	PK 18-10	\$79,860

The foregoing resolution was passed and adopted this 11th day of June 2018 by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

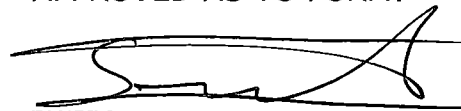
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

CONTRACT

This Contract, dated June 11, 2018, is entered into by and between the City of Lathrop, a municipal corporation of the State of California (City), and T & S Intermodal Maintenance, Inc. (Contractor), who's Taxpayer Identification Number is 68-0479675

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. Scope determined in Construction Documents for City Multi Parks Improvement 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 Improvements to The Mossdale Community Park Trail Lighting project to accomplish the aforementioned tasks.

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 work actual work performed in accordance with the unit prices and provisions contained in these Construction Documents.

Base Bid Total: \$72,600

3. Construction Documents. This Contract shall include the Construction Documents which are on file with the City Clerk and 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 T & S Intermodal Maintenance, Inc. on June 11, 2018. 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

**SECTION 00500
CONTRACT**

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.
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;

SECTION 00500
CONTRACT

-
- (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

**SECTION 00500
CONTRACT**

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

Copy to: City of Lathrop
 Department of Public Works
 390 Towne Centre Drive
 Lathrop, CA 95330

PHONE: (209) 941-7363
FAX: (209) 941-7449
ATTN: Ken Reed,
Senior Construction Manager

To Contractor: T & S Intermodal Maintenance, Inc._____

Phone: 209-942-1360 _____

Fax: 209-942-1368_____

ATTN: Sammy Cox (President) _____

16. 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.
- (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.

**SECTION 00500
CONTRACT**

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- (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 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.

**SECTION 00500
CONTRACT**

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- (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
CONTRACT

Mossdale Trail Lighting-CIP PK 18-10

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above stated in Lathrop, California.

APPROVED:

Contractor:

City Manager

By: _____
Sammy Cox

RECOMMENDED FOR APPROVAL:

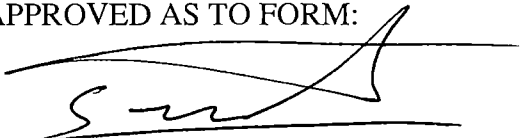
Name: _____

Title: _____

Senior Construction Manager

APPROVED AS TO FORM:

Taxpayer I.D. No. 68-0479675 _____



City Attorney

(END OF SECTION)

**CITY MANAGER’S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **AGREEMENT WITH H2O URBAN SOLUTIONS, INC. FOR WATER SYSTEM OPERATIONS SUPPORT SERVICES AND A RELATED BUDGET AMENDMENT**

RECOMMENDATION: **Adopt a Resolution Approving an Agreement with H2O Urban Solutions, Inc. for Water System Operations Support Services for Fiscal Year 2018-2019 and a Related Budget Amendment**

SUMMARY:

H2O Urban Solutions, Inc. (H2Ou) has been providing water system operations support to the City since 2011 (previously dba The H2O Group and UNICO). H2Ou assists the Public Works Operations and Maintenance (PW O&M) staff with the operations of the Louise Avenue Water Treatment Facility (LAWTF) and other City water facilities. Staff requests approval of an agreement with H2Ou to renew their contract for water system operations support services for the Fiscal Year (FY) 2018-2019. The annual cost for services is not to exceed \$128,750 in accordance with the scope and fee proposal provided by H2Ou. Funds to pay for these services are included in the FY 2018-2019 budget under the Water (5620) Fund.

BACKGROUND:

Since 2011, H2Ou staff have been providing water system operations support services for the City including operation and maintenance of the LAWTF. Currently, the City does not have the necessary level of certification and qualifications needed to operate the LAWTF. Staff recommends City Council approve an agreement with H2Ou to continue services for FY 2018-2019.

Tasks Ops 1-3 and Haz 1 and 2 in the H2Ou proposal are for fees amounting to a total cost of \$95,670 that will be billed on a monthly basis. Task Ops 4 and Haz 3-9 are for a Time and Materials budget not to exceed \$33,080 per year for supplemental services that will be billed on a monthly basis for services actually rendered during the billing period. The total annual cost of services is not to exceed \$128,750.

CITY MANAGER'S REPORT **PAGE 2**
JUNE 11, 2018, CITY COUNCIL REGULAR MEETING
AGREEMENT WITH H2O URBAN SOLUTIONS, INC. FOR WATER SYSTEM
OPERATIONS SUPPORT SERVICES

REASON FOR RECOMMENDATION:

H2Ou staff has been providing water system operations support services since 2011 and is familiar with the City's water system and have developed a good working relationship with City staff.

Staff is recommending approving an agreement with H2Ou to continue providing safe drinking water and reliable water systems operations to protect public health and safety.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

This agenda item promotes Public Safety by providing reliable water system operations to protect public health and safety.

FISCAL IMPACT:

In accordance with the scope and fee proposal by H2Ou, the annual cost of services is not to exceed \$128,750 for the Water System Operations support. Funds approved in the City's budget for 2018 – 2019 fiscal year are insufficient to cover negotiated fee adjustment for the Water Systems Operations support and will need a budget amendment to increase Water Fund 5620 through the following budget amendment:

Increase Appropriations:

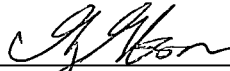
5620-5050-420-04-00	\$22,310
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ATTACHMENTS:

- A. Resolution Approving an Agreement with H2O Urban Solutions, Inc. for Water System Operations Support Services for Fiscal Year 2018-2019
- B. Agreement for Water System Operations Support Services with H2O Urban Solution, Inc. for Fiscal Year 2018-2019

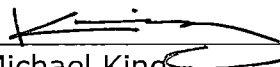
CITY MANAGER'S REPORT **PAGE 3**
JUNE 11, 2018, CITY COUNCIL REGULAR MEETING
AGREEMENT WITH H2O URBAN SOLUTIONS, INC. FOR WATER SYSTEM
OPERATIONS SUPPORT SERVICES

APPROVALS:




Greg Gibson
Senior Civil Engineer

6/5/18
Date




Michael King
Senior Civil Engineer

6-5-18
Date



Cari James
Director of Finance

6/6/18
Date



Salvador V. Navarrete
City Attorney

6-6-18
Date



Stephen J. Salvatore
City Manager

6-6-18
Date

RESOLUTION NO. 18 - _____

A RESOLUTION APPROVING AN AGREEMENT WITH H2O URBAN SOLUTIONS, INC. FOR WATER SYSTEM OPERATIONS SUPPORT SERVICES FOR FISCAL YEAR 2018-2019 AND A RELATED BUDGET AMENDMENT

WHEREAS, professional services are needed to continue providing water system operations support services to Public Works Operations and Maintenance (PW O&M) staff for operations of the Louise Avenue Water Treatment Facility (LAWTF) and other City water facilities; and

WHEREAS, since 2011, H2O Urban Solutions, Inc. (H2Ou) staff have been providing water system operations support services for the City including operation and maintenance of the LAWTF; and

WHEREAS, staff recommends City Council approve an agreement with H2Ou to continue services for FY 2018-2019 to provide safe drinking water and reliable water systems operations to protect public health and safety; and

WHEREAS, the annual cost of services is not to exceed \$128,750 in accordance with the scope and fee proposal provided by H2Ou;

WHEREAS, funds to pay for these services are included in the FY 2018-2019 budget under the Water (5620) Fund.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lathrop hereby approves an agreement with H2O Urban Solutions, Inc., for water system operations support services for 2018 – 2019 fiscal year are insufficient to cover negotiated fee adjustment for the Water Systems Operations support and will need a budget amendment to increase Water Fund 5620 through the following budget amendment:

Increase Appropriations:

5620-5050-420-04-00	\$22,310
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The foregoing resolution was passed and adopted this 11th day of June 2018 by the following vote of the City Council, to wit:

AYES:

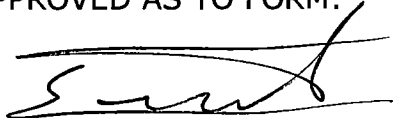
NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:


Salvador Navarrete, City Attorney

Teresa Vargas, City Clerk

CITY OF LATHROP
AGREEMENT FOR WATER SYSTEM OPERATIONS SUPPORT
SERVICES WITH H2O URBAN SOLUTIONS, INC. FOR FISCAL YEAR
2018-2019

THIS AGREEMENT, dated for convenience this July 1, 2018, is by and between **H2O Urban Solutions, Inc.** ("CONSULTANT") and the CITY OF LATHROP, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform Water System Operations Support 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 Water System Operations Support Services, as hereinafter defined, on the following terms and conditions;

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

AGREEMENT

(1) Scope of Service.

CONSULTANT agrees to perform Water System Operations Support Services in accordance with the scope of work and fee proposal provided by CONSULTANT, attached hereto as Exhibit "A" and incorporated herein by reference. CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to CITY'S satisfaction.

(2) Compensation.

CITY hereby agrees to pay CONSULTANT a sum not to exceed \$95,670 for Tasks Ops 1-3 and Haz 1 and 2 for a monthly fee for additional support services to be invoiced on a time and materials basis for services performed during each monthly billing period under Tasks Ops 4 and Haz 3 - 9 for an amount not to exceed \$33,080 for a total annual fee not to exceed \$128,750 set forth in Exhibit "A". 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 below. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in Exhibit "A", unless a written change order or authorization describing the extra work and payment terms has been executed by CITY's authorized representative prior to the commencement of the work. Payment is made based on a time and materials basis.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions

(3) **Effective Date and Term.**

The effective date of this Agreement is **July 1, 2018**, and it shall terminate no later than **June 30, 2019**.

(4) **Independent Contractor Status**

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and not an employee of the CITY. As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in Exhibit "A" to City's satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY.

(5) **Billings**

CONSULTANT'S bills shall include a list of all tasks, a total amount due, the amounts previously billed, and the net amount due on the invoice. Except as specifically authorized by CITY, CONSULTANT shall not bill CITY for duplicate services performed by more than one person. In no event shall CONSULTANT submit any billing for an amount in excess of the rates or the maximum amount of compensation provided in section (2) for either task or for the entire Agreement, unless modified by a properly executed change order.

(6) **Advice and Status Reporting**

CONSULTANT shall provide the CITY with timely reports, orally or in writing, of all significant developments arising during performance of its services hereunder, and shall furnish to CITY such information as is necessary to enable CITY to monitor the performance of this Agreement.

(7) **Assignment of Personnel**

CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. If CITY asks CONSULTANT to remove a person assigned to the work called for under this Agreement, CONSULTANT agrees to do so immediately, without requiring the City to process a reason or explanation for its request.

The services shall be performed by, or under the direct supervision, of CONSULTANT's Authorized Representative: **Scott A. Myers, P.E.**, CONSULTANT shall not replace its Authorized Representative without the prior written approval by the CITY.

(8) Assignment and Subcontracting

It is recognized by the parties hereto that a substantial inducement to CITY for entering into this Agreement was, and is, the professional reputation and competence of CONSULTANT. Neither this Agreement nor any interest therein may be assigned by CONSULTANT without the prior written approval of CITY'S authorized representative. CONSULTANT shall not subcontract any portion of the performance contemplated and provided for herein, other than the subcontractors noted in the proposal, without prior written approval of the CITY'S authorized representative.

(9) Insurance

On or before beginning any of the services or work called for by any term of this Agreement, CONSULTANT, at its own cost and expense, shall carry, maintain for the duration of the Agreement, and provide proof thereof that is acceptable to the CITY the insurance specified in subsections (a) through (c) below with insurers and under forms of insurance satisfactory in all respects to the CITY. CONSULTANT shall not allow any subcontractor to commence work on any subcontract until all insurance required of the CONSULTANT has also been obtained for the subcontractor. Verification of this insurance shall be submitted and made part of this Agreement prior to execution.

- (a) Workers' Compensation. CONSULTANT shall, at CONSULTANT'S sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by CONSULTANT. Said Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than one million dollars. In the alternative, CONSULTANT may rely on a self-insurance program to meet these requirements provided that the program of self-insurance complies fully with the provisions of the California Labor Code. The insurer, if insurance is provided, or the CONSULTANT, if a program of self-insurance is provided, shall waive all rights of subrogation against the CITY for loss arising from work performed under this Agreement.

- (b) Commercial General and Automobile Liability Insurance. CONSULTANT, at CONSULTANT'S own cost and expense, shall maintain commercial general and automobile liability insurance for the period covered by this Agreement in an amount not less than one million dollars per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions

If Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

Coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) and Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 (any auto).

Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

- (i) CITY, its officers, employees, agents, and volunteers are to be covered as insured with respect to each of the following: liability arising out of activities performed by or on behalf of CONSULTANT, including the insider's general supervision of CONSULTANT; products and completed operations of CONSULTANT; premises owned, occupied or used by CONSULTANT. The coverage shall contain no special limitations on the scope of protection afforded to CITY, its officers, employees, agents, or volunteers.
- (ii) The insurance shall cover on an occurrence or an accident basis, and not on a claim made basis.
- (iii) An endorsement must state that coverage is primary insurance and that no other insurance affected by the CITY will be called upon to contribute to a loss under the coverage.
- (iv) Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.
- (v) Insurance is to be placed with California-admitted insurers with a Best's rating of no less than A: VII.
- (vi) Notice of cancellation or non-renewal must be received by CITY at least thirty days prior to such change.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions

- (c) Professional Liability. CONSULTANT, at CONSULTANT'S own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than One Million Dollars (\$1,000,000) per claim made and per policy aggregate covering the licensed professionals' errors and omissions, as follows:
- (i) Any deductible or self-insured retention shall not exceed \$150,000 per claim.
 - (ii) Notice of cancellation, material change, or non-renewal must be received by the CITY at least thirty days prior to such change shall be included in the coverage or added as an endorsement to the policy.
 - (iii) The policy must contain a cross liability or severability of interest clause.
 - (iv) The following provisions shall apply if the professional liability coverages are written on a claims made form:
 - 1. The retroactive date of the policy must be shown and must be before the date of the Agreement.
 - 2. 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.
 - 3. If coverage is canceled or not renewed and it is not replaced with another claims made policy form with a retroactive date that precedes the date of this Agreement, CONSULTANT must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The CITY shall have the right to exercise at the CONSULTANT'S cost, any extended reporting provisions of the policy should the CONSULTANT cancel or not renew the coverage.
 - 4. A copy of the claim reporting requirements must be submitted to the CITY prior to the commencement of any work under this Agreement.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions

- (d) Deductibles and Self-Insured Retentions. CONSULTANT shall disclose the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. During the period covered by this Agreement, upon express written authorization of the CITY's authorized representative, CONSULTANT may increase such deductibles or self-insured retentions with respect to CITY, its officers, employees, agents, and volunteers. The CITY's authorized representative may condition approval of an increase in deductible or self-insured retention levels upon a requirement that CONSULTANT procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.
- (e) Notice of Reduction in Coverage. In the event that any coverage required under subsections (a), (b), or (c) of this section of the Agreement is reduced, limited, or materially affected in any other manner, CONSULTANT shall provide written notice to CITY at CONSULTANT'S earliest possible opportunity and in no case later than five days after CONSULTANT is notified of the change in coverage.
- (f) In addition to any other remedies CITY may have if CONSULTANT fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, CITY may, at its sole option:
- (i) Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
 - (ii) Order CONSULTANT to stop work under this Agreement or withhold any payment which becomes due to CONSULTANT hereunder, or both stop work and withhold any payment, until CONSULTANT demonstrates compliance with the requirements hereof;
 - (iii) Terminate this Agreement.

Exercise of any of the above remedies, however, is an alternative to other remedies CITY may have and is not the exclusive remedy for CONSULTANT'S breach.

(10) Indemnification - CONSULTANT'S Responsibility

As to the CONSULTANT'S work hereunder, it is understood and agreed that (a) CONSULTANT has the professional skills necessary to perform the work, (b) CITY relies upon the professional skills of CONSULTANT to perform the work in a skillful and professional manner, and (c) CONSULTANT thus agrees to so perform.

Acceptance by CITY of the work performed under this Agreement does not operate as a release of said CONSULTANT from such professional responsibility for the work performed. It is further understood and agreed that CONSULTANT is apprised of the scope of the work to be performed under this Agreement and CONSULTANT agrees that said work can and shall be performed in a fully competent manner in accordance with the standard of care applicable to CONSULTANT'S profession.

CONSULTANT shall indemnify, defend, and hold CITY, its officers, employees, agents, and volunteers harmless from and against any and all liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance, to the extent caused by the willful misconduct or negligent acts or omissions of CONSULTANT, its employees, subcontractors, or agents, or on account of the performance or character of this work, except for any such claim arising out of the negligence or willful misconduct of the CITY, its officers, employees, agents, or volunteers. It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

(11) Licenses

If a license of any kind, which term is intended to include evidence of registration, is required of CONSULTANT, its employees, agents, or subcontractors by federal or state law, CONSULTANT warrants that such license has been obtained, is valid and in good standing, and CONSULTANT shall keep it in effect at all times during the term of this Agreement, and that any applicable bond has been posted in accordance with all applicable laws and regulations.

(12) Business Licenses

CONSULTANT shall obtain and maintain a CITY of Lathrop Business License until all Agreement services are rendered and accepted by the CITY.

**CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions**

13) Termination

Either CITY or CONSULTANT may cancel this Agreement upon 30 days written notification to the other party. In the event of termination, the CONSULTANT shall be entitled to compensation for services performed to the effective date of termination; provided, however, that the CITY may condition payment of such compensation upon CONSULTANT'S delivery to the CITY of any or all documents, photographs, computer software, video and audio tapes, and other materials provided to CONSULTANT or prepared by or for CONSULTANT or the CITY in connection with this Agreement.

(14) Funding

CONSULTANT agrees and understands that renewal of this agreement in subsequent years is contingent upon action by the City Council consistent with the appropriations limits of Article XIII (B) of the California Constitution and that the Council may determine not to fund this agreement in subsequent years.

(15) Notices

All contracts, 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. Personal service shall include, without limitation, service by delivery and service by facsimile transmission.

To City: City of Lathrop
City Clerk
390 Towne Centre
Lathrop, CA 95330

Copy to: City of Lathrop
Department of Public Works
390 Towne Centre
Lathrop, CA 95330

MAIN: (209) 941-7430
FAX: (209) 941-7449

To Consultant: H2O Urban Solutions, Inc.
4159 Anatolia Drive
Rancho Cordova, CA 95742

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions

(16) Miscellaneous

- (a) Consent. Whenever in this Agreement 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.
- (b) Controlling Law. The parties agree that this Agreement shall be governed and construed by and in accordance with the Laws of the State of California.
- (c) Definitions. The definitions and terms are as defined in these specifications.
- (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, which directly results from an Act of God or an act of a superior governmental authority.
- (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 constituting the Agreement documents described in Section 1 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 the Agreement and shall be deemed to be part of this Agreement.
- (g) Integration. This Agreement and any amendments hereto between the parties constitute the entire Agreement between the parties concerning the Project and Work, and there are no other prior oral or written agreements between the parties that are not incorporated in this Agreement.
- (h) 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.
- (i) Provision. Any agreement, covenant, condition, clause, qualification, restriction, reservation, term or other stipulation in the Agreement 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.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions

- (j) 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.
- (k) Status of CONSULTANT. In the exercise of rights and obligations under this Agreement, CONSULTANT acts as an independent contractor and not as an agent or employee of CITY. CONSULTANT shall not be entitled to any rights and benefits accorded or accruing to the City Council members, officers or employees of CITY, and CONSULTANT expressly waives any and all claims to such right and benefits.
- (l) Successors and Assigns. The provisions of this Agreement shall inure to the benefit of, and shall apply to and bind, the successors and assigns of the parties.
- (m) Time of the Essence. Time is of the essence of this Agreement 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.
- (n) 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.
- (o) Recovery of Costs. The prevailing party in any action brought to enforce the terms of this Agreement or arising out of this Agreement may recover its reasonable costs, including reasonable attorney's fees, incurred or expended in connection with such action against the non-prevailing party.

(17) 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 bonds and insurances have been received. City shall not be obligated to pay CONSULTANT for any services prior to issuance of the Notice to Proceed.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions

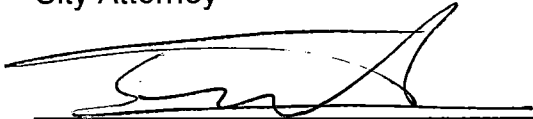
(18) Signatures

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 – CONSULTING SERVICES AGREEMENT
H2O Urban Solutions**

Approved as to Form:

City of Lathrop
City Attorney



Salvador Navarrete 6.6.18
Date

Recommended for Approval:

City of Lathrop
Senior Civil Engineer

Michael King Date

Accepted By:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore Date
City Manager

CONSULTANT:

**H2O Urban Solutions
4159 Anatolia Drive
Rancho Cordova, CA 95742**

Fed ID # _____
Business License # _____

Date

(Print Name and Title)



4159 Anatolia Drive
 Rancho Cordova, CA 95742
 (916) 869-4957

April 16, 2018

Milt Daley, Maintenance Superintendent
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330

**Re: City of Lathrop 2018-19 Water Systems Operations Proposal & Hazardous Waste /
 Hazardous Materials Compliance Support**

Dear Mr. Daley,

H2O Urban Solutions, Inc. (H2Ou) is pleased to present you with this proposal for the Water Systems Operations and Support services to assist the City of Lathrop (City) with compliance with California State Department of Drinking Water (DDW) and to support the City in their compliance with San Joaquin County Environmental Health (EHD) - Hazardous Materials/Waste Program. The following summarizes our understanding of the work we are to perform:

General Contract Scope and Understanding:

The City desires to extend the contract for services to support the water operations responsibilities for their water facilities, including Louise Avenue Water Treatment Facility (LAWTF), Booster Stations 1-4, Wells 6-10, and SSJID Turnout(s). The City generally does not require operations support for their water distribution system for regulatory reporting of bacteriological sample sitting program, their lead and copper sampling, or for pipe repairs, etc. The support for water operations as it relates to the water distribution system would include meeting water demands, monitoring water pressures, ensuring availability of fire flows, providing desired and minimum chlorine residuals.

The City Water Operations Staff has learned and supported the water treatment operations of LAWTF under the responsibility of H2Ou personnel. The City would like its water operations staff to continue supporting the day to day water operations and maintenance responsibilities, while H2Ou would provide the role of Chief Water Operator, support water operations oversight of City Staff, provide regulatory reporting support for compliance with DDW, and assist City Staff in troubleshooting water operations issues as they arise. In addition, City Staff will continue to assist in supporting the regulatory compliance responsibilities with DDW. As such, H2Ou personnel will continue to cross train City Staff in the regulatory support role and reporting requirements.

This scope does not include any operation support for the Well 21 facility at this time as it is currently in an inactive status.

In addition to the Operations support, the City has requested that H2Ou assist in the support of the compliance with Hazardous Waste and Hazardous Material regulatory compliance, monitoring, training and reporting.

Water System Operations Services:

For purposes of this work, it is understood the following personnel are assigned to the position and roles listed:

H2Ou Personnel:

Chief Operator (T3 or higher)	Scott Myers
Lead Operator (T2)	Anthony Ouellette
Support Operator (T2)	Jeremy Garrett

City Personnel:

Maintenance Superintendent	Milton Daley
Lead Operator	Chris Hart (T3)
Water Operator	Mike Dunn (T3)
Water Operator	Phil Humphrey (T2)
Water Operator	Henry Hernandez (T2)
Water Operator	Ian Zeihr (T2)

For purposes of this work, the following responsibilities and protocols are detailed below for both the City and H2Ou:

H2Ou's Tasks and Responsibilities – H2Ou water operations personnel will provide the following efforts and responsibilities associated with water systems and treatment operations.

- Ops 1. Liability, Regulatory Reporting, Chief Operator Responsibility (LAWTF & Well 21) – H2Ou will provide the role of Chief Water Operator and support the City's water facilities identified at the beginning of this proposal. This will include water operations performance oversight of City's water operator staff, regular site condition observations and assessments for LAWTF and the other water facilities, daily remote monitoring of water operations using SCADA, review of field data, laboratory water quality results, water operation reports and checklists generated by City water operations staff. This role will also monitor and confirm scheduling of routine maintenance, maintenance oversight and advisement. Communications by City Staff is essential in ensuring H2Ou is aware of activities and observations to allow efficient, reliable water operations. H2Ou personnel will continue to cross train and have City Staff understand what information and format is reported to the regulatory agencies and will share this information with City Staff when those reports are submitted.
- Ops 2. Operations, Regular Site Visits, remote Monitoring, Records and Performance Assessment:

LAWTF – H2Ou Operations Staff will visit facilities as necessary to perform regular ongoing site visits, review records and assess the condition and performance for oversight to ensure proper operations, chemical levels, etc. H2Ou Operations Staff will check in with City Operators and Maintenance Superintendent to discuss any items that may have come up from previous visit and coordinate activities or items for the current or upcoming weeks. H2Ou will assist in supporting alarms, oversee response, and provide advisement to City Water Operations staff. H2Ou will provide support to City Water Operations Staff for alarms generated by SCADA and provide oversight and review City Staff response to those alarms. Alarms shall be tracked and reported so both H2Ou and City Staff can identify issues for follow up and determine the root cause of the alarms to avoid them in the future or minimize nuisance alarms. H2Ou will provide advisement to City Staff on alarm issues as they arise.

Ops 3. Support On-call Operators 24/7/365:

LAWTF – H2Ou will support City On-call Water Operations Staff and will be the secondary responsibility for after hours, weekend, and holidays. H2Ou will be available by phone if needed to answer questions, provide troubleshooting suggestions, work-arounds, set point options, etc. to the City On-Call Water Operator. This task is supported based on the estimate of approximately ½ hour per day on average for normal alarms and responses.

Ops 4. Operations Time and Materials Budget: As-needed Operations & Maintenance Support –

It is difficult to predict or capture non-recurring of unusual circumstances that may be required to support this type of contract. A budget item to support the need for these additional items or items that do not fall within the scope of items Ops 1 through Ops 3 above can be handled on a time and material basis. 40 hours of time has been estimated to allow this flexibility to use H2Ou's expertise in supporting this contract. These additional responsibilities may include meetings, permitting, responding to emergencies, supporting development of additional procedures or protocols engineering support, etc. H2Ou will notify the City's Maintenance Superintendent, Milton Daley, in advance, for approval in writing when tasks are required outside of the items listed above that would be supported by the task item.

Should significant issues arise in response to on-call support requiring more than 2 hours to investigate and resolve, or should H2Ou be required to report on-site to further support the on-call or operations efforts, this effort would be completed under this task item.

City of Lathrop Tasks and Responsibilities – City Water Operations Personnel will provide the following efforts and responsibilities associated with water systems and treatment operations:

1. Water Operations LAWTF – Perform day to day water operations, including facility observations for performance of all equipment, water quality sampling and field lab analyses, monitor levels in tanks, filter vessels, chemicals, sludge, filter press, sumps, basins etc. associate with all water facilities. City Staff will note any deficiencies for LAWTF and Well 21 to H2Ou Chief Operator. City operations staff will perform their duties under the direction of the City's Maintenance Superintendent, City's Lead Operator, and H2Ou's Chief Operator. Changes to set points, lead/lag settings, chemical dosing, or any other operation changes shall be in accordance with Standard Operating Procedures and shall go through a written verification and authorization protocol with H2Ou's Chief Operator before changes are made.
2. Regular Maintenance and Repairs LAWTF – Perform regular and periodic maintenance and repairs in accordance with the Operations and Maintenance Manuals, for each facility, Manufacturer's Recommendations, and Standard Industry Practices. City Staff shall keep all equipment in good working order and restore equipment back to service quickly and efficiently. Any outages should be reported to H2Ou's Chief Operator. Coordination with H2Ou's Chief Operator should also take place just prior to placing equipment back into service and after equipment is placed into service. City Staff should monitor repaired equipment to ensure it is working properly. Any deficiencies or concerns should be reported to H2Ou's Chief Operator.

3. Reporting LAWTF– Perform daily operations reports and inspection checklist, identifying facility and field conditions, deficiencies, outages, field water quality results, equipment readings, etc. in accordance with the Operations Manuals and Standard Operating Procedures or Directives. Copies of report documents shall be made available through email or an acceptable online repository, so H2Ou’s Chief Operator or Lead Operator may monitor the information. Any item that is not operating within normal ranges or items identified of concern should be communicated and called attention to in either an email or phone call to H2Ou’s Chief Operator or Lead Operator.
4. Water Quality Sampling LAWTF – Perform daily and scheduled field water quality tests in accordance with DDW Permit requirements, Operations Manuals, Standard Operating Procedures and report in accordance with the Reporting requirements above. Laboratory water quality sampling shall be assisted by the City on Duty Water Operator to ensure compliance with sampling procedures at facilities where water system operations need to be verified to ensure improper sampling does not occur at times when backwashing or other operational activities that may not be representative of the typical water quality for the particular sample location. City Water Operations Staff should follow Standard Operating Procedures for water quality sampling efforts.
5. First On Call Responsibility and Emergencies LAWTF – City Staff will be the primary responsibility for filling after hours, weekend and holiday on call duties, including monitoring the water system through SCADA and site visits and responding to alarms, security breaches, and emergencies. A schedule and notification of the on-call water operator should be provided to H2Ou for their records. Any changes to the schedule shall be communicated as soon as available. City on-call staff shall be trained and competent to handle those responsibilities. H2Ou’s Chief Operator shall be kept informed of all alarms, any issues, or emergencies.
6. Support Regulatory Reporting and Cross Training – City Staff will assist in the support of regulatory reporting under the supervision and reviewed by H2Ou personnel. H2Ou personnel will continue to cross train City Staff to understand the information and knowledge necessary to support the regulatory reporting and procedures. H2Ou personnel still maintains responsibility to approve all reporting to DDW. However, the information will be provided to City Staff, and City Staff will submit all reporting to DDW after written review and approval by H2Ou.

Shared Responsibilities – It is recognized that the arrangement of this contract with the City and H2Ou involves some shared responsibilities, liability, etc. As such, each entity will act in good faith while performing their duties for the common goal for meeting drinking water standards, ensuring reliable performance of the water facilities, and work cooperatively together in addressing any issues, deficiencies, outages, etc.

1. Regulatory Reporting and Compliance – Both H2Ou and the City will have responsibilities for reporting to DDW or other entities. H2Ou will be responsible for the reporting of LAWTF and Well 21 performance in its monthly report to the State, reviewing water quality results for field or laboratory analysis for compliance, or any other reporting requirements specifically identified or agreed to in writing during this contract for the facilities identified previously. The City will be responsible for reporting the bacteriological results, THM’s/HAA5’s, manifests, and all other reporting not specifically identified in this contract unless agreed to by H2Ou in writing as indicated above. Regulations change regularly in the water industry and this Contract is entered

into by both parties with the understanding that compliance for water treatment parameters is based on the current regulations at the date of executing this contract. Should regulations change after entering into this contract that impact the performance or ability for H2Ou to allow the City to be in compliance of those changed regulations, the City acknowledges H2Ou may require additional compensation to meet the change regulatory requirements.

Hazardous Waste / Materials Compliance Services:

For purposes of this work, it is understood the following personnel are assigned to the position and roles listed:

H2Ou Personnel:

Primary Haz Contact	Anthony Ouellette
Alternate Haz Contact	Scott Myers

City Personnel:

Primary Contact - Maintenance Superintendent	Milton Daley
Lead Operations Contact	Chris Hart (T3)
Alternate Operations Contact	Mike Dunn (T3)
Lead Parks Maintenance Supervisor Contact	Lily Liu

H2Ou’s Tasks and Responsibilities – H2Ou personnel will provide the following efforts and responsibilities associated with compliance with San Joaquin County Environmental Health Hazardous Materials/Waste Program.

Haz 1. Liability, Regulatory Reporting, & CERS Updates – H2Ou will provide support to the City at the Louise Avenue Water Treatment Facility (LAWTF) for oversight of the City’s Hazardous Materials/Waste program. This will include performance oversight of the City’s Water Operations and Parks staff, regular site condition observations and assessments for LAWTF. This role will also monitor and confirm scheduling for hazardous waste removal and transport to a hazardous waste receiving facility. H2Ou will conduct routine inspections of the entire LAWTF and provide the Operations & Maintenance Supervisor written results of each inspection.

The City will provide H2Ou access to CERS with full administrative permissions giving H2Ou the authority to receive updates, and messages from EHD and the ability to submit and update the City’s Hazardous Materials/Waste regulatory documentation.

Haz 2. Regular Site Visits and Inspection Reports - H2Ou Staff will visit The City’s corporation yard as necessary to perform regular ongoing site visits, review records and assess the condition and performance for oversight to ensure proper regulatory compliance. H2Ou will check in with City Contacts listed above to discuss any items that may have come up from previous visit and coordinate activities or items for the current or upcoming weeks. H2Ou will provide written inspection report with photos and identify any items of concern or need to be addressed should they arise.

Haz 3. Maintain EPA Number, Activation & Annual Questionnaire - The City will give H2Ou the authority to create an account that will enable H2Ou to provide support to ensure the City’s EPA number remains active with the Department of Toxic Substances Control

(DTSC). Support will include any reporting, completion of the annual questionnaire, and facilitating the payment of any fee's. Fee's will be paid by the City directly.

- Haz 4. Maintain/Update Emergency Response Contingency Plan (ERCP) – The City recently developed an ERCP, which is currently under the review by EHD. H2Ou will make necessary modifications to ERCP based on the comments from EHD. Furthermore, H2Ou will conduct routine updates to the ERCP due to any changes in hazardous materials used, waste generated, and/or procedural changes.
- Haz 5. Develop, maintain, and provide initial and refresher training per Title 22 – H2Ou will develop all training material required by Title 22. H2Ou will conduct initial training for Operations & Parks staff, and H2Ou will conduct refresher training as required for all Operations & Parks staff. H2Ou will properly maintain training records at LAWTF, which will include: training material, staff attendance/sign in sheets/certificates, job descriptions, and schedule for training to be completed.
- Haz 6. Develop Standard Operating Procedures – H2Ou will develop the necessary SOP's as required by EHD. H2Ou will properly maintain SOP's at LAWTF, and make necessary modifications as required.
- Haz 7. Above Ground Petroleum Storage Act (APSA), Spill Prevention Control Countermeasures (SPCC) – The City is currently developing an SPCC plan as required by APSA. H2Ou will continue to assist the City with developing an SPCC plan and will be responsible to adequately maintain/update the plan as required to ensure compliance.
- Haz 8. Hazardous Waste / Materials Time and Materials Budget – As-needed Hazardous Waste & Hazardous Materials Compliance Support. It is difficult to predict or capture non-recurring of unusual circumstances that may be required to support this type of contract. A budget item to support the need for these additional items or items that do not fall within the scope of items Haz 1 through Haz 7 above can be handled on a time and material basis. 80 hours of time has been estimated to allow this flexibility to use H2Ou's expertise in supporting this contract. These additional responsibilities may include meetings, permitting, responding to emergencies, supporting development of additional procedures or protocols engineering support, etc. H2Ou will notify the City's Maintenance Superintendent, Milton Daley, in advance, for approval in writing when tasks are required outside of the items listed above that would be supported by the task item.
- Haz 9. Hazardous Waste / Materials Initial Compliance Services – H2Ou will perform a one-time initial effort to aid in the City's compliance with their Hazardous Materials / Waste program.

City of Lathrop Tasks and Responsibilities – City Operations & Parks staff will provide the following efforts and responsibilities associated with compliance of the City's Hazardous Materials/Waste Program at LAWTF.

1. Regulatory - City staff who work at LAWTF will ensure they follow all regulatory requirements pertaining to Hazardous Materials/Waste. It is the responsibility of City

staff to notify H2Ou if regulatory requirements are not followed or procedures need to be updated.

2. Hazardous Materials/Waste Handling – City staff will properly maintain all Hazardous Materials/Waste; use personal protective equipment (PPE) when required, ensure all containers for Hazardous Materials are properly stored and labeled. City staff will be responsible for all Hazardous Materials/Waste spill clean-ups, and initial notification to a Supervisor. H2Ou will be notified as soon as possible of spill verbally, and then followed up with written notification and shall include: material/waste that was spilled, amount spilled, time of spill, location/area impacted, how was spill cleaned-up, and where was material placed, was the spill contained, did spill enter storm/sewer/drainage channel/basin, Supervisor contacted, was 911 called, and were there any injuries.
3. Reporting – Operations staff who perform daily water operations inspections shall also inspect all hazardous materials/waste storage areas to ensure proper storage is maintained and keep record of inspection. City staff will assist and or provide information to H2Ou as needed to maintain compliance. City staff shall inform H2Ou immediately and in writing of any changes that are required but not limited to: SOP's, ERCP, training material etc. Failure to notify H2Ou in a timely matter could result in the City receiving a notice of violation (NOV).
4. Fee's – The City will pay for any fees associated with maintaining the City's large generator permit, CAL EPA number, or other fee's, and assessments as needed to maintain compliance.
5. Training – The City will ensure all staff who work at LAWTF (Operations & Parks) will be available for all training required. The City will also provide the facilities for training and training will be conducted as required by Title 22. The City will be responsible for the costs of any additional training required for compliance for City Staff as required.
6. Above Ground Petroleum Storage Act (APSA), Spill Prevention Control Countermeasures (SPCC) – The City is currently developing an SPCC plan as required by APSA. H2Ou will continue to assist the City with developing an SPCC plan and will be responsible to adequately maintain/update the plan as required to ensure compliance.

Limitations and Exclusions - H2Ou is not responsible for any fees or outside costs for training, permits, compliance, disposal, sampling, laboratory analysis, etc.

The scope for hazardous waste and materials compliance is for the LAWTF Corporation Yard facility only and does not include other sites or locations.

Should regulations change or be adopted that may impact the scope of services, H2Ou will provide additional scope of services for City's approval to maintain compliance.

This scope does not include compliance for safety regulations or other regulatory compliance not specifically mentioned and shall be limited to the items identified in each task or responsibility.

This scope does not include compliance for Air Quality Management District.

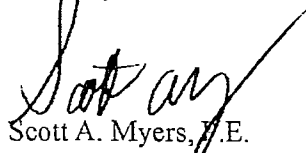
H2Ou will not be responsible for fines or violations resulting from actions by City Staff that are not in accordance with their training, standard procedures, protocol, etc.

2018/2019 Fee Schedule (Assumes Well 21 not online for regular operations in FY '18-19):

Item	Task Description	Qty	Units	Rate	Subtotal
Ops 1	Liability, Regulatory, Chief Operator Responsibility:	1	Fixed Fee	\$30,000.00	\$30,000.00
Ops 2	Regular Site Visits, Remote Monitoring, Records, and Performance Assessment:	200	hours	\$115.00	\$23,000.00
Ops 3	On Call Services 24/7/365:	365	Days	\$58.00	\$21,170.00
Ops 4	Operations Time & Materials Budget: As needed for SOP's, Forms, Hazardous Materials Plan, Emergency Response Plan, Permitting or other needs	40	Hours	\$115.00	\$4,600.00
Haz 1	Liability, Regulatory Reporting, & CERS Updates	1	Fixed Fee	\$15,000.00	\$10,000.00
Haz 2	Regular Site Visits and Inspection Reports	100	Hours	\$115.00	\$11,500.00
Haz 3	Maintain EPA Number, Activation & Annual Questionnaire	10	Hours	\$115.00	\$1,150.00
Haz 4	Maintain/Update Emergency Response Contingency Plan (ERCP)	16	Hours	\$115.00	\$1,840.00
Haz 5	Develop, maintain, and provide initial and refresher training per Title 22	20	Hours	\$115.00	\$2,300.00
Haz 6	Develop Standard Operating Procedures	16	Hours	\$115.00	\$1,840.00
Haz 7	Above Ground Petroleum Storage Act (APSA), Spill Prevention Control Countermeasures (SPCC)	10	Hours	\$115.00	\$1,150.00
Haz 8	Hazardous Waste / Materials Time and Materials Budget	80	Hours	\$115.00	\$9,200.00
Haz 9	Hazardous Waste / Materials Initial Compliance Services	1	Lump Sum	\$11,000.00	\$11,000.00
	Subtotal Tasks Ops 1- Ops 3 & Haz 1 – Haz 2 (To be billed monthly)				\$95,670.00 \$7,972.50/month
	Total Water Operations				\$128,750.00

We look forward to working with you on this project. If you have any questions or require further information, please feel free to contact me at (916) 869-4957 or scott@H2Ourban.com. Thank you very much again for this opportunity.

Sincerely,



Scott A. Myers, P.E.
Vice President

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **APPROVE PURCHASE OF SURPLUS WATER METER EQUIPMENT FROM THE CITY OF MERCED**

RECOMMENDATION: **Adopt a Resolution Approving the Purchase of Surplus Water Meter Equipment from the City of Merced Associated with CIP PW 13-08 Water Improvements**

SUMMARY:

Capital Improvement Project (CIP) PW 13-08 was included in the adopted Fiscal Year (FY) 2017/18 budget to replace outdated water meters installed in the early 1990's. The new water meter assemblies consist of a meter, a register and an endpoint. The endpoint, similar to an antenna, transmits the meter reading directly to City staff. Replacing outdated water meters will increase meter accuracy, assist with leak detection and increase staff efficiency by allowing readings to be taken remotely.

The City of Merced uses the same water meter assemblies and currently has a surplus of endpoints. City staff negotiated a discounted price to purchase the surplus endpoints. On June 4, 2018, the City of Merced City Council approved the sale of approximately 1,440 endpoints to the City of Lathrop. The total cost to purchase the endpoints is \$110,207.16 and sufficient funds have been allocated in the adopted FY 17/18 budget.

Staff is requesting City Council approve the purchase of water meter endpoints from the City of Merced associated with CIP PW 13-08.

BACKGROUND:

CIP PW 13-08 identifies water meters within the City that are in need of replacement. City staff is replacing the old water meters as quickly as possible and currently purchases endpoints at a price of \$110 per unit.

The surplus endpoints being sold by the City of Merced are Orion SE 2 Endpoints and they are the same endpoints currently being installed by City staff as part of PW 13-08. The purchase has been coordinated through the manufacturer to ensure the endpoints meet industry standards.

City staff negotiated a discounted purchase price of \$70.70 per unit for the surplus endpoints. The total cost to purchase 1,440 endpoints, including sales tax, is \$110,207.16.

CITY MANAGER'S REPORT **PAGE 2**
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
APPROVE PURCHASE OF SURPLUS WATER METER EQUIPMENT FROM THE
CITY OF MERCED

REASON FOR RECOMMENDATION:

Replacing outdated water meters will increase meter accuracy, assist with leak detection and increase staff efficiency by allowing readings to be taken remotely. Purchasing the endpoints at a reduced price will ensure City funds are used responsibly.

FISCAL IMPACT:

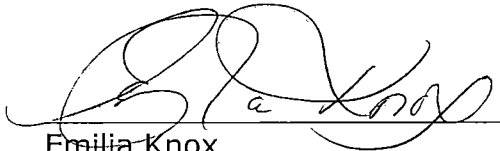
The total cost to purchase the endpoints is \$110,207.16 and sufficient funds have been allocated in the adopted FY 17/18 budget.

ATTACHMENTS:

- A. Resolution Approving the Purchase of Surplus Water Meter Equipment from the City of Merced Associated with CIP PW 13-08 Water Improvements
- B. Surplus Equipment Purchase Agreement

CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
APPROVE PURCHASE OF SURPLUS WATER METER EQUIPMENT FROM THE
CITY OF MERCED

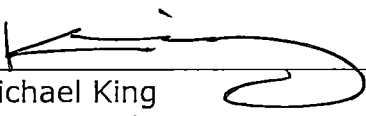
APPROVALS:



Emilia Knox
Senior Administrative Assistant

6-7-18

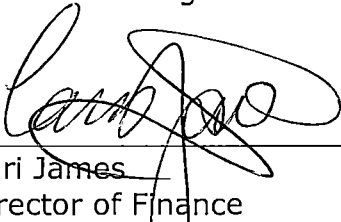
Date



Michael King
Senior Civil Engineer

6-7-18


Date



Cari James
Director of Finance

6/7/18

Date



Salvador Navarrete
City Attorney

6-7-18

Date



Stephen J. Salvatore
City Manager

6-6-18

Date

RESOLUTION NO. 18 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING THE PURCHASE OF SURPLUS WATER METER EQUIPMENT FROM
THE CITY OF MERCED ASSOCIATED WITH CIP PW 13-08 WATER
IMPROVEMENTS**

WHEREAS, Capital Improvement Project (CIP) PW 13-08 was included in the adopted Fiscal Year (FY) 2017/18 budget to replace outdated water meters installed in the early 1990's; and

WHEREAS, replacing outdated water meters will increase meter accuracy, assist with leak detection and increase staff efficiency by allowing readings to be taken remotely; and

WHEREAS, the City of Merced uses the same water meter assemblies and currently has a surplus of Orion SE 2 endpoints; and

WHEREAS, on June 4, 2018, the City of Merced City Council approved the sale of approximately 1,440 endpoints to the City of Lathrop; and

WHEREAS, City staff negotiated a discounted price of \$70.70 per unit for the surplus endpoints, a reduction of approximately 30% from the normal purchase price; and

WHEREAS, the total cost to purchase the endpoints is \$110,207.16, including sales tax, and sufficient funds have been allocated in the adopted FY 17/18 budget.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lathrop does hereby approve the purchase of 1,440 surplus Orion SE 2 endpoints from the City of Merced for the negotiated total purchase price of \$110,207.16 associated with CIP PW 13-08 Water Meter Improvements.

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

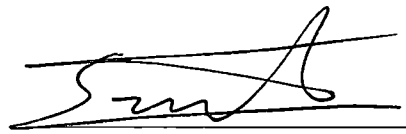
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

SURPLUS EQUIPMENT PURCHASE AGREEMENT

This Agreement is entered into by and between the City of Merced, a California Charter Municipal Corporation, hereinafter "Seller" and the City of Lathrop, a California General Law Municipal Corporation, hereinafter "Buyer".

For good and valuable considerations, the sufficiency of which is hereby acknowledged by Buyer and Seller, the undersigned do hereby covenant, contract and agree as follows:

1. **AGREEMENT:** Seller hereby sells, conveys and transfers to Buyer all rights, title and interest in and unto the equipment, described as follows: One thousand, four hundred and forty (1440) Orion® SE 2 Endpoints.
2. **DELIVERY AND ACCEPTANCE:** Upon acceptance by Buyer of the equipment, which acceptance shall be identified by Buyer taking possession of the equipment, such acceptance shall acknowledge that the equipment is in good order and condition and that Buyer is satisfied with same and that Seller has made no representation or warranty, express or implied, with respect to the equipment. All of the equipment is sold in an "AS IS" condition.
3. **PURCHASE PAYMENTS:** Buyer agrees to pay unto the seller the sum of \$ 110,207.16 on or before June 30, 2018. Payment shall not be considered paid until received by Seller.
4. **TITLE TO EQUIPMENT:** Seller represents that it owns the equipment described herein free and clear and that such equipment is free of all liens.
5. **MAINTENANCE AND REPAIR:** All maintenance and repair costs for the equipment shall be paid by Buyer and Seller is hereby relieved from any responsibility to maintain or repair said equipment, all said equipment being sold in an "AS IS" condition.
6. **DAMAGE TO, OR LOSS OF, EQUIPMENT:** Notwithstanding any loss, theft, destruction or damage of any of the equipment after Buyer takes possession of the equipment, Buyer shall make the purchase payment described hereinabove.
7. **TAXES AND LICENSES:** All taxes, license fees and other expenses associated with this Agreement and/or the equipment shall be paid by Buyer.
8. **INDEMNIFICATION OF SELLER:** Buyer shall indemnify, protect and hold harmless Seller, its agents, servants, officers, employees, successors and assigns from and against all losses, damages, injuries, claims, demands and expenses, including legal expenses, of whatever nature, arising out of the use, condition, operation, repair or maintenance of

any item of the equipment, regardless of where, how and by whom operated. Buyer shall assume the settling of, and the defense of any suits or other legal proceedings brought to enforce all such losses, damages, injuries, claims, demands and expenses, and shall pay all judgments or awards entered in the suit or other legal proceedings. The indemnification and assumptions of liability and obligation herein provided shall continue in full force and effect notwithstanding the termination of this agreement, whether by expiration of time, by operation of law or otherwise. Should Seller, or anyone acting on their behalf, be required to incur attorney's fees and costs to enforce the terms of this Indemnification clause, Buyer agrees to indemnify, defend and hold them harmless for all such fees and costs.

9. "AS IS" CONDITION OF EQUIPMENT: Seller makes no warranties, express or implied, to Buyer for the sale of the equipment and all equipment described herein is sold in its "AS IS" condition.
10. DEFAULT BY BUYER: Time is of the essence under this Agreement and any of the following events shall constitute defaults on the part of Buyer: (a) failure of Buyer to pay any payment within five (5) days of the due date for payment; (b) any breach of failure of Buyer to perform any of its obligations under this Agreement.
11. ATTORNEY'S FEES: In the event of any lawsuit or other legal proceeding brought to enforce, interpret or remedy any breach of this Agreement, the prevailing party in such lawsuit or other legal proceeding shall be entitled to recover all attorney's fees and costs incurred in connection with such lawsuit or legal proceeding.
12. GOVERNING LAW: This Agreement shall be governed by the laws of the State of California.
13. AMBIGUITIES: This Agreement has been negotiated at arms' length between persons knowledgeable in the matters dealt with herein. Accordingly, any rule of law, including, but not limited to, Section 1654 of the Civil Code of California, or any other statutes, legal decisions, or common-law principles of similar effect, that would require interpretation of any ambiguities in this Agreement against the party that drafted this Agreement is of no application and is hereby expressly waived.
14. VENUE: This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this agreement shall be held exclusively in a state court in the County of Merced.
15. AMENDMENT: This Agreement shall not be amended, modified, or otherwise changed unless in writing and signed by both parties hereto.

- 16. INTEGRATION: This Agreement constitutes the entire understanding and agreement of the parties and supersedes all previous and/or contemporaneous understanding or agreement between the parties with respect to all or any part of the subject matter hereof.

- 17. AUTHORITY TO EXECUTE. The person or persons executing this Agreement on behalf of the parties hereto warrants and represents that he/she/they has/have the authority to execute this Agreement on behalf of their entity and has/have the authority to bind their party to the performance of its obligations hereunder.

- 18. COUNTERPARTS. This Agreement may be executed in one or more counterparts with each counterpart being deemed an original. No counterpart shall be deemed to be an original or presumed delivered unless and until the counterparts executed by the other parties hereto are in the physical possession of the party or parties seeking enforcement thereof.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

CITY OF MERCED (Seller)
A California Charter Municipal
Corporation

BY: _____

City Manager

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____

Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY:  5-9-2018

City Attorney

Date

(Signatures continue on next page)

ACCOUNT DATA:

BY: _____

Verified by Finance Officer

CITY OF LATHROP (Buyer)
A California General Law Municipal
Corporation,

BY: _____

City Manager

ATTEST:

CITY CLERK

BY: _____

Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: _____ 6-7-18

City Attorney

Date

ACCOUNT DATA:

BY: _____

Verified by Finance Officer

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **APPROVE TASK ORDER NO. 9 WITH 4LEAF, INC. FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTANT SERVICES**

RECOMMENDATION: **Adopt a Resolution Approving Task Order No. 9 to the Master Professional Consulting Services Agreement with 4Leaf, Inc. for Interim Chief Building Official Consultant Services**

SUMMARY:

On September 21, 2015, City Council approved a Master Agreement for professional services in the Building Division. On July 18, 2016, City Council approved the extension of the Master Agreement through June 30, 2019. A series of Task Orders have been approved to provide various Professional Building Services.

Due to the resignation of the Chief Building Official, on January 8, 2018 City Council approved Task Order No. 8 for Interim Chief Building Official Consultant Services for an amount not to exceed \$130,000. Task Order No. 8 expires on June 30, 2018.

Staff is requesting City Council approve Task Order No. 9 with 4Leaf, Inc. to provide consultant services while the City continues to recruit for a Chief Building Official. It is expected that this process could take up to 6 months. The City will utilize salary savings to fund this agreement.

BACKGROUND:

The Chief Building Official position oversees the day-to-day functions of the Building Department. Considering the current residential, commercial and Industrial development projects taking place within the City, it is necessary to hire a consultant for this position on an interim basis while recruiting. The external recruiting environment for this position is very competitive and staff estimates it may take up to 6 months to recruit for this position.

REASON FOR RECOMMENDATION:

The City requires contracting professional personnel services in the Building Department in order to keep pace with ongoing development.

CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
APPROVE TASK ORDER NO. 9 WITH 4LEAF, INC. FOR INTERIM CHIEF
BUILDING OFFICIAL CONSULTANT SERVICES

PAGE 2

FISCAL IMPACT:

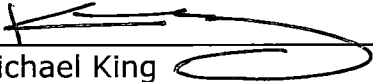
The cost of the agreement is not to exceed \$130,000 and will be paid for using salary savings within the approved Fiscal Year 2018/19 budget.

ATTACHMENTS:

- A. Resolution Approving Task Order No. 9 with 4Leaf, Inc. to Provide Chief Building Official Consultant Services
- B. Task Order No. 9


CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
APPROVE TASK ORDER NO. 9 WITH 4LEAF, INC. FOR INTERIM CHIEF
BUILDING OFFICIAL CONSULTANT SERVICES

APPROVALS:



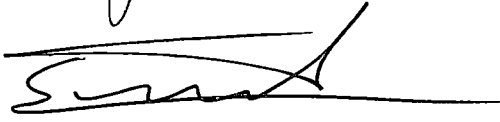
Michael King
Senior Civil Engineer

6-6-18
Date



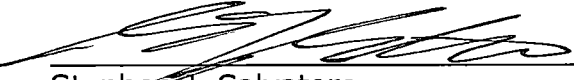
Cari James
Director of Finance

6/6/18
Date



Salvador Navarrete
City Attorney

6.7.18
Date



Stephen J. Salvatore
City Manager

6.6.18
Date

RESOLUTION NO. 18-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING TASK ORDER NO. 9 TO THE MASTER PROFESSIONAL
CONSULTING SERVICES AGREEMENT WITH 4LEAF, INC.
FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTANT SERVICES**

WHEREAS, the City requires contract professional services to augment the Building Department staff to keep pace with ongoing development; and

WHEREAS, City Council approved a Master Agreement with 4Leaf, Inc. for professional services in September 2015; and

WHEREAS, City Council approved an extension of the Master Agreement through June 30, 2019; and

WHEREAS, 4Leaf, Inc. has the qualifications necessary to provide Building Department services; and

WHEREAS, the cost of the agreement is not to exceed \$130,000 and will be paid for using salary savings within the approved Fiscal Year 2018/19 budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby approve Task Order No. 9 for Interim Chief Building Official Consultant Services with 4Leaf, Inc.; and

The foregoing resolution was passed and adopted this 11th day of June 2018, 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

**CITY OF LATHROP
TASK ORDER NO. 9
PURSUANT TO MASTER CONSULTING AGREEMENT DATED
SEPTEMBER 21, 2015 WITH 4LEAF, INC. TO PROVIDE**

INTERIM CHIEF BUILDING OFFICIAL CONSULTANT SERVICES

THIS TASK ORDER NO. 9 dated for convenience this ___ day of June 2018 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, 2019 pursuant to an amendment dated July 18, 2016 (“AGREEMENT”) by which the CONSULTANT has agreed to provide Interim Chief Building Official Consultant Services; and

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform Interim Chief Building Official Consultant 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 Interim Chief Building Official Consultant 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 Interim Chief Building Official Consultant Services in accordance with the scope of work and fee proposal provided in **Exhibit “A”** to this Task Order. CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to the CITY’S satisfaction.

CITY OF LATHROP – Task Order No. 9 with 4Leaf Inc. for Interim Chief Building Official Consultant Services

(3) **Effective Date and Term**

The effective date of this Task Order No. 9 is _____, and it shall terminate no later than June 30, 2019.

(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 **\$130,000** for the Interim Chief Building Official Consultant 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) **Maximum Hours**

The maximum number of hours by any single 4Leaf employee pursuant to this agreement shall not exceed 960 hours during the fiscal year. All hours worked will be reported to CalPERS as required. CONSULTANT will provide required reporting information.

(6) **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 bonds and insurance have been received. City shall not be obligated to pay CONSULTANT for any services rendered prior to issuance of the Notice to Proceed.

(7) **Independent Contractor Status**

It is expressly understood and agreed by both parties that CONSULTANT, while engaged in carrying out and complying with any terms and conditions of this agreement, is an independent contractor and not an employee of the CITY. As an independent contractor, CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in this **Task Order No. 9** to the City's satisfaction. CONSULTANT expressly warrants not to represent, at any time or in any manner, that CONSULTANT is an employee of the CITY. Contractor hereby incorporates **Exhibit "B"** hereto as though fully set forth herein and shall be signed by assigned personnel.

(8) **Consultant to Advise City of Any Potential Conflict of Interest**

CONSULTANT agrees not to assign personnel to work in direct conflict with the work performed to CITY and advise CITY of any potential conflict immediately upon discovery of such potential or actual conflict of interest.

(9) **Consultant to Provide Personnel with the Tools for Providing Services Rendered Pursuant to This Agreement**

Parties agree that CONSULTANT shall supply tools to personnel for providing the services rendered pursuant to this Agreement. For example, CONSULTANT shall maintain an office for assigned personnel outside of City Hall.

Provided, however, since CITY has several empty offices and cubicle spaces, excess cell phones, excess computers, and excess tablets, CONSULTANT personnel may be allowed by CITY to temporarily use some of CITY office resources. CONSULTANT expressly agrees that CONSULTANT personnel's use of any such City resources shall not exonerate Consultant from purchasing and paying for any tools necessary for Consultant to provide services to CITY under this Agreement. CONSULTANT further agrees that CONSULTANT shall not claim that any use by CONSULTANT's personnel of CITY resources should be considered evidence that CONSULTANT's personnel is an employee during the term of this Agreement instead of an employee of CONSULTANT.

(10) **Staff Direction**

CONSULTANT will not supervise CITY staff but will provide professional direction in their daily responsibilities based on building code standards.

(11) **Training**

CONSULTANT shall be trained on any specialty area they are providing professional consulting services to the City. CITY will not provide or pay for CONSULTANT training.

(12) **Signatures**

The individuals executing this Agreement represent and warrant that they

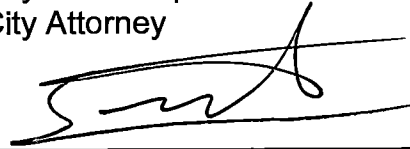
CITY OF LATHROP – Task Order No. 9 with 4Leaf Inc. for Interim Chief Building
Official Consultant Services

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. 9 with 4Leaf Inc. for Interim Chief Building
Official Consultant Services

Approved as to Form:

City of Lathrop
City Attorney



6.7-18

Salvador Navarrete

Date

Recommended for Approval:

City of Lathrop
Senior Civil Engineer

Michael King

Date

Accepted By:

Reso No. _____

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

CONSULTANT:

Craig Tole, Director
4 Leaf Inc.
2110 Rheem Drive, Suite A
Pleasanton, CA 94588
Fed ID # 94-3393574
Bus License # 20088

Signature

Date

(Print Name and title)

**SCOPE OF WORK
Building Division Professional Services
Interim Chief Building Official**

CONSULTANT agrees to provide qualified personnel that will provide CITY management and staff with professional direction in the course of daily activities and special needs. The following Scope of Work describes the work that will be completed to ensure that the Lathrop Municipal Code (LMC) and industry Building Codes are properly enforced with uniformity, equity and safety:

- Provides interpretation and decisions on applicable codes, rules, regulations and technical problems of enforcement;
- Provides professional direction to assist City staff in developing and implementing programs and procedures within the scope of the Building Division responsibilities;
- Provides technical and professional advice to staff in the course of their daily activities;
- Recommends, drafts, prepares and coordinates reports and presentations on current building issues for the City Manager to present to the City Council, community groups and regulatory agencies which are based on professional opinion and legal compliance;
- Makes recommendations to the City Manager on adopting new ordinances and processes for Building and Code Enforcement;
- Reviews and approves building plans and permits to ensure compliance with LMC and building codes;
- Prepares and maintains statistics and reports on construction activity for reporting to the City Manager;
- Monitors and keeps staff informed of current trends in the field of building inspection and code enforcement, including legislation, court rulings and professional practices and techniques; evaluates their impact and recommends policy and procedural modifications accordingly;
- Accompanies staff when conducting field inspections of complex building construction, plumbing and electrical installations to provide professional interpretation and ensure enforcement of LMC and building codes;
- Provides professional oversight with programs related to structural abatement, nuisance abatement, and abandoned vehicles;
- Responds to the most complex and difficult inquiries and requests for information;
- Provides staff professional direction in resolving service issues and complaints, or ay intervene on behalf of the City.

Declaration of Independent Consultant

I _____, declare as follows:

- 1. I am not an employee of the City of Lathrop and I will not become an employee of the City of Lathrop through Task Order No. 9 with 4 Leaf, Inc. to provide Interim Chief Building Official Consultant Services to the City of Lathrop or any Amendment or Extension thereto (Agreement).
- 2. I shall not claim to be a City employee while providing services or as a result of providing the services required of the Agreement. I agree that while engaged in carrying out and complying with any of the terms and conditions of the Agreement, Consultant is an independent contractor and not a employee of the City of Lathrop.
- 3. As an independent contractor, I acknowledge that I am responsible for controlling the means and methods to complete the scope of work described in each approved scope of work and Agreement to the City's satisfaction.
- 4. I am a current CalPERS retired annuitant and acknowledge I am working as an independent contractor, not as a City of Lathrop Employee. I indemnify and hold the City of Lathrop, its officers, employees, agents and volunteers harmless from and against any and all liability, claims, demands for payment, actions and damages if it is determined by CalPERS that I have violated the terms of the retiree status.

I declare under penalty of perjury that the foregoing is true and correct. Executed this _____ day of _____, 20____.

Signature

Date

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER TENTATIVE PARCEL MAP FOR THE NORTH CROSSROADS BUSINESS CENTER PROJECT**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Adopt a Resolution affirming the Planning Commission's recommendation to approve the Tentative Parcel Map for the North Crossroads Project (TPM-18-18).**

SUMMARY:

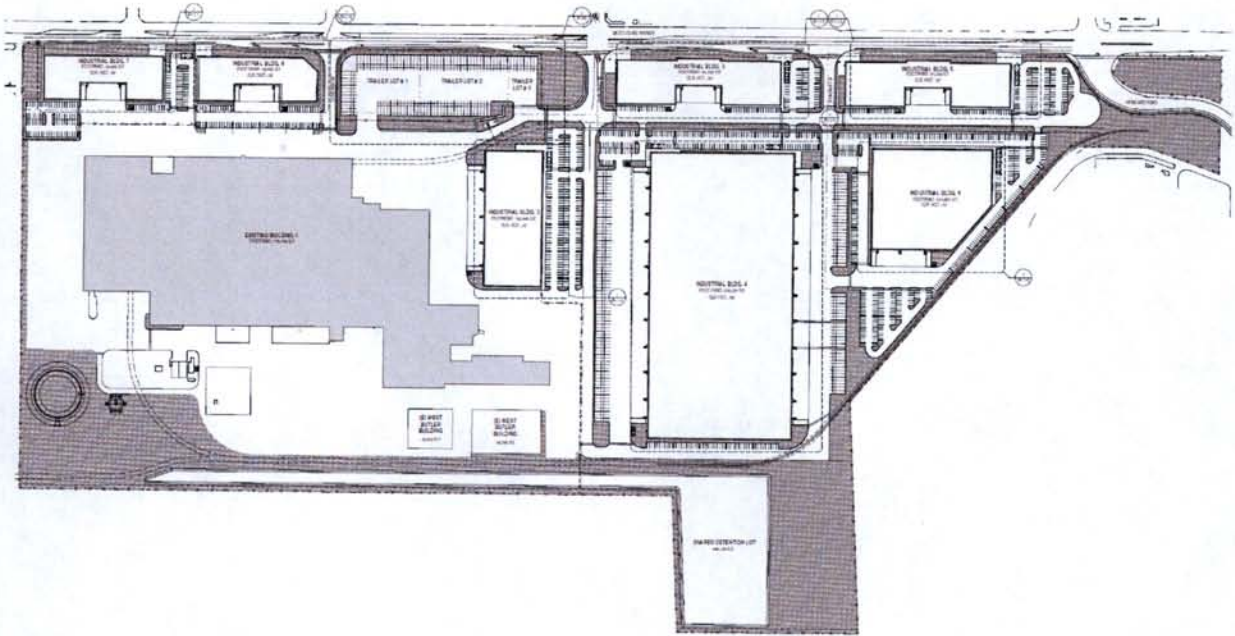
The request is for a Tentative Parcel Map (TPM) to subdivide a 69-acre parcel into 11 lots ranging in size from 1 to 24 acres. This is a companion project to a Site Plan Review (SPR) to construct 7 new industrial buildings for warehouse and manufacturing uses, totaling approximately 1 million square feet with over 1,000 vehicle and 250 truck trailer parking stalls on the undeveloped acreage of the redeveloping Pilkington float glass facility, which was approved by the Planning Commission at their special meeting of May 30, 2018.

BACKGROUND:

The project site was the former Libby-Owens-Ford (LOF) Pilkington North America float glass manufacturing facility that makes up the majority of the undeveloped land area south of Louise Avenue between McDonalds on the corner of Louise and Harland on the west and Howland on the east.

The facility was originally constructed by LOF in 1961 and was acquired by Pilkington in the 1980's and then by Nippon Sheet Glass Company (NSG) in 2006. Faced with the high costs of equipment replacement and pollution control, the facility ceased operations in 2013. Following the closure, the site was acquired by the applicants, Reynolds & Brown.

Existing furnaces and some other industrial structures were demolished and removed following. Following a significant investment in building improvements by Reynolds & Brown, the existing building was leased to the Kraft Heinz Company in 2016 for product storage, and a 5-acre portion of the site is currently leased to Home Depot for truck and trailer storage. The remaining undeveloped area of the project site is proposed for development as described in the summary above and illustrated on the Site Plan below:



On May 30, 2018, the Planning Commission held a public hearing and voted unanimously (4-0, with Chair Torres-O’Callaghan absent), to approve the Site Plan Review and recommended the City Council to approve the associated Tentative Parcel Map.

ANALYSIS:

Tentative Parcel Map

According to Section 16.12.060 of the Lathrop Municipal Code (LMC), the City Council shall review the decision of the Planning Commission related to Tentative Parcel Maps, and may affirm, reverse, or modify the decision.

The Tentative Parcel Map consists of 1 parcel approximately 69 acres in size. The proposal is to subdivide the property into 11 individual industrial parcels ranging in size from 1 to 24 acres. The map will also dedicate right-of-way for the installation of acceleration and deceleration lanes. Public Utility Easements will be offered for dedication along the Louise Avenue frontage.

Utilities

Regarding water, the site was previously provided water from private wells. The site will now be served by new connections to the City water main in Louise Avenue. Regarding sewer, the site was previously served by an on-site wastewater treatment plant permitted by the Regional Water Quality Control Board. It disposed of both treated sewer and storm drainage by irrigating portions of the site. The site will now be served by the City wastewater treatment facility in Crossroads. Sewage will be collected and transmitted via a private collection system through the Buzz Oates project site adjacent to the south to connect to the public collection system being extended in Murphy Parkway by the Buzz Oates development. In an effort to save the developer construction costs, staff allowed this option, rather than the typical requirement to take all sewer to a City main in Louise Avenue and then pump it to Murphy Parkway for transmission to the treatment plant. Regarding storm drainage, the site previously collected all storm drainage and disposed of it via irrigation on the site. The site will now provide an on-site drainage pond, but it will be greatly reduced in size by allowing connection to the Crossroads storm drainage system, as was intended when the Crossroads system was designed. The site will also pay its share of one-half the cost to underground the overhead utilities along Louise Avenue.

Phasing of Street Improvements

The Developer has also asked that most street improvements west of Cambridge Drive be deferred to the future, when the smaller parcels facing Louise Avenue are developed. There are two reasons: 1) to delay the cost of construction, and 2) to allow the option to construct slightly different frontage improvements (commercial sidewalk and driveways) if retail uses can be identified for these small industrial parcels. Improvements that would not be delayed include construction of the deceleration right turn lane approaching Cambridge and landscaping to screen the existing truck parking.

Staff can support the request to delay these improvements, because the applicant has agreed to construct the full street widening and landscaped median east of Cambridge, as that would provide a substantial improvement that would make a delay in the improvements west of Cambridge justified. Such a delay would be guaranteed with a Deferred Frontage Improvement Agreement to ensure the improvements are constructed in the future when those parcels develop.

Conditions of Approval

Planning staff routed the project plans on March 23, 2018 to the Building Division, Public Works Department, Lathrop-Manteca Fire District, Lathrop Police Services and various non-City agencies to ensure compliance with applicable codes and requirements. As a result, staff developed a consolidated list of conditions. Staff finds that the proposed project has been properly conditioned to meet the City's standards and requirements. The Planning Commission also added two new conditions to the project that the applicant verbally agreed to (Planning #23 and Public Works #30).

General Plan and Zoning Consistency

As currently designed and conditioned, the project is a reasonable request that is consistent with the goals and policies of the General Plan and will comply with the requirements of the Zoning Ordinance upon development. The project is also consistent with the City's subdivision ordinance and the State Subdivision Map Act.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on June 1, 2018. Staff also mailed the public hearing notice on June 1, 2018 to notify property owners located within a 300-foot radius from the subject property. In addition, the City Council meeting agenda was posted at the Council Chambers bulletin board and various designated locations accessible to the public. As of writing of this report, no comments were received in favor or against the proposed project.

CEQA REVIEW:

In accordance with Public Resource Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated an Initial Study/Mitigated Negative Declaration for a 20-day public review period beginning May 4, 2018 and ending May 23, 2018, that evaluated the potential environmental effects of the proposed project. It was determined that although the proposed project could have a significant effect on the environment, required mitigation measures will be implemented to reduce these effects to a less than significant level. Mitigation measures are incorporated and included as part of the Conditions of Approval for the project.

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, adopt a Resolution to approve the Tentative Parcel Map for the North Crossroads Business Center.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

The proposed Resolution promotes Economic Growth by supporting and encouraging development, and promotes Team Work between the public, Council and City staff by working together to share the same vision.

FISCAL IMPACT:

All application processing fees and costs are charged to the applicant. The request has no fiscal impact to the City.

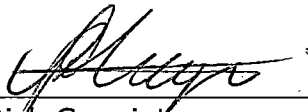
ATTACHMENT:

1. City Council Resolution Approving Tentative Parcel Map (TPM-18-18).
2. Planning Commission Resolution No. 18-15 Recommending City Council Approval
3. Conditions of Approval dated May 30, 2018, as amended by Planning Commission
4. Vicinity Map
5. Tentative Parcel Map for North Crossroads Business Center

**CITY MANAGERS REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
NORTH CROSSROADS BUSINESS CENTER**

PAGE 6

APPROVALS:



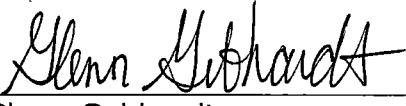
Rick Caguiat
Senior Planner

6/5/18
Date




Mark Meissner
Assistant Community Development Director

6/5/18
Date




Glenn Gebhardt
City Engineer

6/5/18
Date



Salvador Navarrete
City Attorney

6-5-18
Date



Stephen J. Salvatore
City Manager

6.6.18
Date

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP TO APPROVE THE TENTATIVE PARCEL MAP FOR THE PROPOSED NORTH CROSSROADS BUSINESS CENTER PROJECT (TPM-18-18) AND AFFIRM THE RECOMMENDATION OF THE PLANNING COMMISSION

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing on May 30, 2018 to consider the North Crossroads Business Center project pursuant to the Lathrop Municipal Code; and

WHEREAS, the request is for a Tentative Parcel map to subdivide 1 parcel into 11 individual industrial parcels ranging in size from 1 to 24 acres; and

WHEREAS, the property is located at 500 E. Louise Avenue (APN's: 198-120-08 & 198-140-16); and

WHEREAS, the subject parcels are located in a General Industrial (GI) General Plan designation, and are located within the General Industrial (IG) Zoning District; and

WHEREAS, in accordance with Public Resource Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated an Initial Study and Mitigated Negative Declaration for a 20-day public review period beginning May 4, 2018 and ending May 23, 2018, that evaluated the potential environmental effects of the proposed project; and

WHEREAS, it was determined that although the proposed project could have a significant effect on the environment, required mitigation measures will be implemented to reduce these effects to a less than significant level. Mitigation measures are incorporated and included as part of the Conditions of Approval for the project; and

WHEREAS, the City Council finds that the proposed Tentative Parcel Map is consistent with the General Industrial land use goals and policies the City of Lathrop General Plan, and also consistent with the City's Subdivision Ordinance and the State Subdivision Map Act; and

WHEREAS, the City Council finds that the requirements and conditions of this resolution are reasonable in preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general, and the persons who work in or visit the development in particular; and

WHEREAS, proper notice of this public meeting 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 the City Council of the City of Lathrop does hereby make the following findings:

1. *The proposed map is consistent with the General Plan.* The proposed map implements the land use objectives in the Lathrop General Plan.
2. *The design or improvements of the proposed subdivision are consistent with the General Plan.* As conditioned, the design of the map and proposed utility and improvements are consistent with the requirements of the General Plan. All required improvements are conditioned to comply with the City's standards and specifications.
3. *The site is physically suitable for the proposed industrial development.* The site is designated as General Industrial land use in the General Plan. The applicant and staff have worked closely to ensure the map and its conditions of approval address public infrastructure, public services and phase for the development of the project.
4. *The site is physically suitable for the proposed density of development.* The Lathrop General Plan identifies the project area to allow for a broad range of use types such as manufacturing, warehouse, distribution and related industrial type uses. Development of the site meets the requirements set forth in the Lathrop Municipal Code Development Standards.
5. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.* The development of the North Crossroads Business Center project would involve a range of potentially significant environmental effects, including effects on plant, fish and wildlife species or their habitat. These potential effects were explored in detail, and available mitigations were identified in the Initial Study and Mitigated Negative Declaration. It was determined that although the proposed project could have a significant effect on the environment, required mitigation measures will be implemented to reduce these effects to a less than significant level. Mitigation measures are incorporated and included as part of the Conditions of Approval for the project.
6. *The design of the subdivision or type of improvements will not cause serious public health problems.* The development of the North Crossroads Business Center project would involve a range of potentially significant effects on public health and safety. These potential effects were explored in detail, and available mitigations were identified in the Initial Study and Mitigated Negative Declaration. It was determined that although the proposed project could have a significant effect on the environment, required mitigation measures will be implemented to reduce these effects to a less than significant level. Mitigation measures are incorporated and included as part of the Conditions of Approval for the project.

7. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.* The design of the subdivision does not conflict with any public easements for access through or use of property within the subdivision. Conditions of approval are included to dedicate land, right of way and to provide easements where necessary for public access, utilities, and infrastructure.

BE IT FURTHER RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings, its findings above, and pursuant to its independent review and consideration, does hereby approve Tentative Parcel Map No. TPM-18-18, subject to the Conditions of Approval listed as Attachment #3 of the Staff Report, incorporated by reference herein and affirm the recommendation of the Planning Commission.

PASSED AND ADOPTED by the City Council of the City of Lathrop at a regular meeting on the 11th day of June, 2018 by the following vote:

AYES:

NOES:

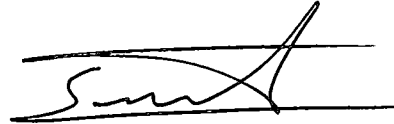
ABSTAIN:

ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:



Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 18-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING THE CITY COUNCIL APPROVE THE TENTATIVE PARCEL
MAP FOR THE PROPOSED NORTH CROSSROADS BUSINESS CENTER
(TPM-18-18)

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing to consider the North Crossroads Business Center project pursuant to the Lathrop Municipal Code; and

WHEREAS, the request is for a Tentative Parcel Map to subdivide 1 parcel into 11 individual industrial parcels ranging in size from 1 to 24 acres; and

WHEREAS, the property is located at 500 E. Louise Avenue (APN's: 198-120-08 & 198-140-16); and

WHEREAS, the subject parcels are located in a General Industrial (GI) General Plan designation, and are located within the General Industrial (IG) Zoning District; and

WHEREAS, in accordance with Public Resource Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated an Initial Study and Mitigated Negative Declaration for a 20-day public review period beginning May 4, 2018 and ending May 23, 2018, that evaluated the potential environmental effects of the proposed project; and

WHEREAS, on the basis of the whole record before the Planning Commission, which is documented in the project files of the City of Lathrop Community Development Department, it was determined that although the proposed project could have a significant effect on the environment, required mitigation measures will be implemented to reduce these effects to a less than significant level. Mitigation measures are incorporated and included as part of the Conditions of Approval for the project; and

WHEREAS, the Planning Commission finds that the proposed project is consistent with the General Industrial land use goals and policies the City of Lathrop General Plan, and also consistent with the City's Subdivision Ordinance and the State Subdivision Map Act; and

WHEREAS, the Planning Commission finds that the requirements and conditions of this resolution are reasonable in preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general, and the persons who work in or visit the development in particular; and

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

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Lathrop does hereby make the following findings:

1. *The proposed map is consistent with the General Plan.* The proposed map implements the land use objectives in the Lathrop General Plan.
2. *The design or improvements of the proposed subdivision are consistent with the General Plan.* As conditioned, the design of the map and proposed utility and improvements are consistent with the requirements of the General Plan. All required improvements are conditioned to comply with the City's standards and specifications.
3. *The site is physically suitable for the proposed industrial development.* The site is designated as General Industrial land use in the General Plan. The applicant and staff have worked closely to ensure the map and its conditions of approval address public infrastructure, public services and phase for the development of the project.
4. *The site is physically suitable for the proposed density of development.* The Lathrop General Plan identifies the project area to allow for a broad range of use types such as manufacturing, warehouse, distribution and related industrial type uses. Development of the site meets the requirements set forth in the Lathrop Municipal Code Development Standards.
5. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.* The development of the North Crossroads Business Center project would involve a range of potentially significant environmental effects, including effects on plant, fish and wildlife species or their habitat. These potential effects were explored in detail, and available mitigations were identified in the Initial Study and Mitigated Negative Declaration. It was determined that although the proposed project could have a significant effect on the environment, required mitigation measures will be implemented to reduce these effects to a less than significant level. Mitigation measures are incorporated and included as part of the Conditions of Approval for the project.
6. *The design of the subdivision or type of improvements will not cause serious public health problems.* The development of the North Crossroads Business Center project would involve a range of potentially significant effects on public health and safety. These potential effects were explored in detail, and available mitigations were identified in the Initial Study and Mitigated Negative Declaration. It was determined that although the proposed project could have a significant effect on the environment, required mitigation measures will be implemented to reduce these effects to a less than significant level. Mitigation measures are incorporated and included as part of the Conditions of Approval for the project.
7. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.* The design of the subdivision does not conflict with any public easements for access through or use of property within the subdivision. Conditions of approval are included to dedicate land, right of way and to provide easements where necessary for public access, utilities, and infrastructure.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop based on substantial evidence in the administrative record of proceedings, its findings above and pursuant to its independent review and consideration, does hereby recommend the City Council approve Tentative Parcel Map No. TPM-18-18, subject to the Conditions of Approval listed as Attachment #4 of the May 30, 2018 Staff Report, incorporated by reference herein.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Special meeting on the 30th day of May, 2018 by the following vote:

AYES: Lazard, Ishihara, Freeman, Gatto

NOES: NONE


ABSTAIN: NONE

ABSENT: Torres-O'Callaghan



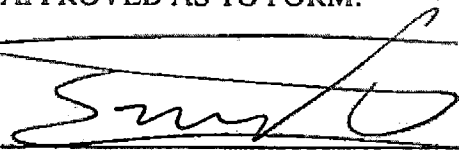
Jennifer Torres-O'Callaghan, Chair

ATTEST:



Rebecca Schmidt, Secretary

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

Community Development Department – Planning Division

Consolidated Conditions of Approval as Amended by Planning Commission

May 30, 2018

Project Name: North Crossroads Business Center
File Number: Site Plan Review No. SPR-18-17
Tentative Parcel Map No. TPM-18-18
Project Address: 500 E. Louise Avenue (APN: 198-120-08 & 198-140-16)

The following list of conditions shall be incorporated into the final construction plans and development phases of the project. The list of conditions are not intended to be all-inclusive or a comprehensive listing of all City or district regulations. Please note that additional comments and/or conditions may be added pending the response to the comments noted below and/or changes to the proposed project.

PLANNING

1. Approval of this project authorizes the construction of 7 new industrial buildings for warehouse and manufacturing use, totaling approximately 1 million square feet with over 1,000 vehicle parking stalls and 250 truck trailer parking on a 133-acre site. The project also includes various site improvements such as paved parking lot, stormwater basin, landscaping, lighting and frontage improvements. The request also involves a Tentative Parcel Map to subdivide 1 parcel into 11 individual industrial parcels ranging in size from 1 to 24 acres.
2. The project is subject to and shall comply with the applicable Mitigation Monitoring and Reporting Program (MMRP) resulting from the North Crossroads Business Center Project Initial Study/Mitigated Negative Declaration, (attached).
3. Prior to any ground disturbance, the developer shall consult with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for biological coverage, mitigation and participation in the plan. Participation in the SJMSCP satisfies requirements of both the State and Federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA).
4. The project shall comply with all applicable site development provisions contained in the Lathrop Municipal Code including but not limited to parking, lighting, landscaping, etc.
5. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. Final site plan, elevation, landscaping and irrigation, exterior lighting and site improvement plans and details, etc. shall be reviewed and approved by the Planning Division. Any significant change or modification to the approved plan is subject to review and approval by the Community Development Director.
6. Landscaping and irrigation must be consistent with the City’s Water Conservation Requirements (LMC 17.92.060) and the State Water Efficient Landscape Ordinance (AB 1881). Provide a water efficient landscape worksheet with water budget calculations identifying the water allowance and estimated water use.
7. The entire site including landscaping areas shall be maintained in a healthy, weed free condition.

8. The trash enclosure(s) shall include but not be limited to a covered roof, metal gate and have three solid walls. Details and/or alternative designs or location shall be subject to review and approval of the Planning, Building and Public Works Department. The trash enclosure design, material and color shall match or compliment the main building.
9. Any building or parking area lighting including security lighting, shall be arranged to not cast light onto adjoining properties.
10. A final site lighting photometric plan with detailed specifications of all lighting fixtures, poles, and wall packs as well as a manufacture's catalogue sheet containing photometric data, shall be submitted with Building Permits for City review and approval. Parking lots, driveways, trash enclosure/areas shall be illuminated during the hours of darkness with a minimum maintained one foot-candle of light and an average not to exceed four foot-candles of light. The illumination shall not exceed ten (10) foot-candles in any one location.
11. No signs are approved by this project. Sign Permits for any exterior signs shall be submitted to the Planning Division for review and approval prior to installation. All signage must be in accordance with the applicable standards of the Lathrop Municipal Code.
12. Bicycle parking shall be installed consistent with Chapter 17.76.120 of the LMC.
13. Roof-mounted mechanical equipment shall be screened and not visible from the public right-of-way. Screening materials shall be compatible with the architectural style, materials and color of the building upon which the equipment is located, subject to the approval of the Community Development Director.
14. Ground-mounted equipment that is not require to be visible, shall be screened and not visible from the public right-of-way using the most practical means of screening, such as landscaping, a freestanding wall/fence, matching paint, subject to the approval of the Community Development Director.
15. The Final Map shall be in substantial conformance with the approved Tentative Parcel Map, as conditioned, and future development shall be consistent with applicable sections of the Lathrop Municipal Code.
16. The applicant is responsible for contacting all appropriate utility companies to obtain their agreement for extension and/or relocation of services necessary to final the proposed Tentative Parcel Map.
17. Applicant shall disclose LMC Chapter 15.48 Agricultural Land Preservation, also commonly referred to as "Right-To-Farm" during the sale of lots within the project area. This provision shall include all properties on site which may be impacted or affected by on-going farming operations.
18. Any activity authorized by this Tentative Parcel Map shall constitute acceptance of all of the conditions and obligations imposed by the City on this Tentative Parcel Map. The applicant(s), by said acceptance of these Conditions, waives any challenge as to the validity of these conditions.
19. Unless otherwise specified, all conditions of approval shall be complied with prior to the issuance of any Building Permits.
20. The Tentative Parcel Map shall expire twenty-four (24) months from the date of approval unless a time extension is granted consistent with the policies and procedures of the Lathrop Municipal Code and the Subdivision Map Act.

21. The Site Plan shall expire thirty-six (36) months from the date of approval unless a time extension is granted consistent with the policies and procedure of the Lathrop Municipal Code. Prior to the expiration, a building permit must be issued and construction is commenced and diligently pursued toward completion of the site or structures.
22. The City of Lathrop may conduct annual and or spot inspections to ensure that required site improvements and conditions are being complied with and maintained.
23. In the event clarification is required for these Conditions of Approval, the Community Development Director and Public Works Director shall have the authority either to administratively clarify the intent and wording of these Conditions of Approval without the requirement of a public hearing or to refer questions regarding the interpretation of these Conditions of Approval to the City Council. If applicant takes issue with the clarification provided administratively, applicant shall have the right to appeal the administrative clarification to the City Council. The Community Development Director and the Public Works Director also shall have the authority to make minor modifications to these conditions without a public hearing provided such administrative modifications are made at the request of applicant and are consistent with and in furtherance of the underlying intent of the condition being modified.

BUILDING

1. Special Inspections – As indicated by California Building Code Section 1704, the owner shall employ one or more special inspectors who shall provide special inspections when required by CBC section 1704. Please contact the Building Division at time of plan submittal to obtain application for special inspections.
2. All construction shall comply with the most recent adopted City and State building codes:
 - 2016 California Building Code
 - 2016 California Electrical Code
 - 2016 California Mechanical Code
 - 2016 California Plumbing Code
 - 2016 California Fire Code
 - 2016 California Green Code
3. The Title Sheet of the plans shall include:
 - Occupancy Group
 - Occupant Load
 - Description of Use
 - Type of Construction
 - Height of Building
 - Floor area of building(s) and/or occupancy group
4. School impact fees shall be paid prior to permit issuance.
5. Dimensioned building setbacks and property lines, street centerlines and between buildings or other structures shall be designed on plot plan.
6. All property lines and easements must be shown on plot plan. A statement that such lines and easements are shown is required.

7. The project design will conform with energy conservation measures articulated in Title 24 of the California Code of Regulations and address measures to reduce energy consumption such as flow restrictors for toilets, low consumption light fixtures, and insulation and shall use to the extent feasible drought landscaping.
8. A design professional will be required at time of construction drawings, to prepare plans for proposed improvements per the Business and Professions' Code.
9. Public and private site improvements shall be designed in accordance with the Americans with Disabilities Act and Chapter 11 of the California Building Code. Site plan shall include a site accessibility plan identifying exterior routes of travel and detailing running slope, cross slope, width, pedestrian ramp, curb ramps, handrails, signage and truncated domes. Path of travel shall be provided from the public right of way and accessible parking to building. The design professional shall ensure that the site accessibility plan is compliance with the latest Federal and State regulations.

PUBLIC WORKS

1. Applicant shall retain the services of a California licensed civil engineer to design the utility plans for sewer, water, storm drain lines and systems.
2. Potable Water: prior to Building Permit issuance for each building, the Applicant shall prepare, for review and approval by Public Works, a potable water supply and distribution plan to determine the necessary potable water infrastructure for that development including the potable distribution lines, meter locations and fire lines. The plan shall include all necessary private easements and maintenance agreements for all lines that cross another parcel.
3. Prior to parcel map approval, the Applicant shall purchase and allocate to the proposed parcels adequate potable water to serve the subdivision.
4. Wastewater: prior to Building Permit issuance the applicant shall prepare, for review and approval by Public Works, a wastewater collection system plan to determine the necessary wastewater infrastructure for that development including the collection and conveyance system and all private pump stations on this site and on the site to the south. The plan shall include all necessary private easements and maintenance agreements for all lines that cross another parcel.
5. Prior to parcel map approval, the Applicant shall purchase and allocate to the proposed parcels adequate wastewater collection, treatment, storage and disposal capacity to serve the subdivision. As options, the Applicant shall either purchase treatment capacity in the Consolidated Treatment Facility (CTF) and provide land and improvements to construct storage and spray fields plus any distribution pipes and pump stations necessary to deliver recycled water from the Lathrop CTF to the disposal sites, to allow treatment and disposal of adequate sewer capacity to serve the new and existing parcels, or shall pay \$75/gallon of capacity and the City will acquire or provide facilities to serve the subdivision. Since the new parcels will use the wastewater pump station to send wastewater into the City collection system, the existing wastewater treatment facility must be decommissioned and removed with the first parcel map.
6. Storm Drainage: prior to parcel map approval, the applicant shall prepare, for review and approval by Public Works, a storm drain plan to determine the necessary storm drain infrastructure for that development, including collection and conveyance systems, storage basins and connection to the Crossroads Storm Drainage System, and shall pay the required connection fee to that storm drainage system for all new and existing lots, since the storm drainage storage and disposal system for the existing parcels will no longer be functional.

The plan shall include all necessary private easements and maintenance agreements for all lines that cross another parcel. The on-site storm drainage detention basin shall be private. Construction of the private storm drainage system shall be identified in the Subdivision Improvement Agreement and shall be guaranteed with standard subdivision bonds.

7. Final maps may be filed in two phases. The first phase will include all parcels and public street dedications and improvements east of Cambridge Drive, but will also provide the eastbound deceleration right turn lane approach to Cambridge, and will guarantee landscape screening of existing truck parking west of Cambridge. This first phase map will designate the land west of Cambridge as a designated remainder, and so it will not be subdivided. The second phase will include all small parcels west of Cambridge in the designated remainder, and will include all remaining public improvements and street dedications in that area.
8. Each final map shall “stand alone” and be self-sufficient regarding adequate site access, on-site circulation, physical infrastructure, fire protection methods and land use patterns. The Director of Public Works, in discussion with the Fire Chief of the Lathrop-Manteca Fire Protection District, shall approve any and all changes in the phasing plan. Approval of a revised phasing plan may include the requirement for construction of additional site improvements.
9. Future improvements within the VTPM area shall comply with applicable water conservation techniques included in the City’s Urban Water Management plan.
10. The Applicant shall enter into a Subdivision Improvement Agreement with the City for all public improvements, including any required on-site detention pond and offsite storm drainage, wastewater or roadway improvements needed to serve the subdivision that have not been bonded with another Subdivision Improvement Agreement. Public Improvements shall include dedication of a 64-foot half street (measured from the northerly side of the median island) plus additional right of way for right turn deceleration lanes, plus a 10 foot PUE beyond the right of way, plus design and construction of street lighting and fire hydrants, a landscaped and irrigated 16-foot wide raised median, a 13-foot number 1 lane, and 12-foot number 2 lane, an 8-foot breakdown/bicycle lane, curb and gutter, and 6 ½ foot landscape strip adjacent to the curb that includes street trees, and space for a future 7 foot wide detached sidewalk, unless these dimensions are modified by City Council. Construction of sidewalks is not required, because the City of Lathrop agreed to fund a future sidewalk along the south side of Louise Avenue in exchange for the prior owner of this property funding sidewalks along the north side of Louise Avenue.
11. The Applicant shall obtain an encroachment permit for all offsite work.
12. The development is also responsible to pay one half the cost of undergrounding all overhead electric, phone and cable TV lines along either side of Louise along the project frontage. This requirement can be funded prior to final map approval, or can be deferred with a Deferred Frontage Improvement Agreement to guarantee their share of this cost in the future when these overhead lines are placed underground.
13. The Developer shall provide 100 percent of the total estimated cost of the improvements to be performed as a performance bond, and 50 percent of the total estimated cost of the improvements to be performed as a labor and materials bond as security to guarantee the subdivision improvements. The City Engineer shall approve the proposed security prior to the execution of the Subdivision Improvement Agreement and approval of the parcel map.
14. All water meters shall be located within the public right-of-way or a public utility easement (PUE) unless the Director of Public Works specifically approves exceptions. The City shall not maintain water and sewer system lines beyond existing main line stub outs or on private property.

15. Prior to approval of a final map, applicant(s) shall dedicate or otherwise convey to the City all groundwater rights underlying the project area.
16. Development under this approval shall be subject to State water conservation measures.
17. The applicant shall comply with the Transportation and Circulation measures as well as the Utilities measures as detailed in the North Crossroads Business Center Project Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan (MMRP).
18. Prior to approval of a final map or the issuance of the first building permit, applicant shall make provision for funding the maintenance of public infrastructure, including street lights and public landscaping. Such maintenance may be funded through the creation of a Community Facilities District or through an alternative means subject to the approval by the Public Works Director.
19. Prior to Building Permit issuance, Applicant shall pay Capital Facilities Fees (CFF) for East Lathrop in effect at the time of permit issuance, plus annual Engineering News Record Cost Construction Index, Consumer Price Index, or other reasonable measure of change in the cost of providing the facilities, improvements, or services that the fees are intended to fund.
20. Applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for construction activities and file a Notice of Intent (NOI) with the State Water Resources Control Board if applicable.
21. Applicant shall install as part of their onsite improvement all necessary Best Management Practices (BMP's) for post construction in accordance with City guidelines and standards. The BMP's must be in place prior to final occupancy.
22. The project shall comply with the Multi-Agency Post Construction Stormwater Standards Manual.
23. The Applicant shall execute a maintenance agreement for all onsite storm water quality treatment devices, swales and/or ponds.
24. Applicant shall provide driveway access and on-site circulation capable of safely accommodating an STAA size truck for development which includes truck parking.
25. A geotechnical report shall be submitted for the project which includes groundwater elevations, percolation rates for retention basins, soil compaction requirements, and recommendations for asphalt paving.
26. Grading and other construction activities that may cause dust shall be watered to control dust at the City Engineer's direction. A water vehicle shall be available for dust control operations at all times during grading operations. The adjacent public street shall be kept free and clean of any project dirt, mud, materials, and debris.
27. Solid waste service will be required for the project. Applicant shall construct roofed trash enclosures that consist of three (3) solid walls and gated fourth wall, which is plumbed with a sanitary sewer drain.
28. As part of the Building Permit application, all existing survey monuments and markers of record within the area of work shall be researched and identified on an existing conditions or demolition plan sheet. The project surveyor shall be required to submit a pre and post construction certification that all monuments have been preserved or reset with appropriate documentation. The City Surveyor may require a corner record or record of survey be prepared if any survey monuments have the potential to be disturbed.

29. Any existing groundwater wells on site shall be abandoned under a permit from San Joaquin County prior to connecting to municipal water.
30. The Applicant is relieved of the requirement to construct a 10 foot wide Class I bicycle path, and the City Council is asked to reflect this change in the Bicycle Masterplan when the General Plan is amended. The reason is because that proposed bicycle path was intended to connect to Class I bicycle paths going north and south along the Union Pacific Railroad right of way, and UPRR has informed the City that they will not allow a Class I bicycle path on their right of way that includes an active rail line.

LATHROP-MANTECA FIRE DISTRICT (LMFD)

1. The project must conform to the appropriate edition of the California Fire Code (currently the 2016 edition) and all related standards.
2. Permits shall be obtained from the fire code official. Permit(s) and fees, shall be paid prior to issuance of any and/or all permits. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. (Permits are to be renewed on an annual basis).
3. Approved automatic sprinkler systems shall be provided as required in 2016 California Fire Code §903.2. Tenant/Occupant/Owner shall have the responsibility to ensure that the correct fire suppression system is added/modified/tested and accepted by the (AHJ) Fire District. Fire suppression system plans shall be modified under separate fire permit and shall be submitted by a licensed contractor, to the (AHJ) Fire District for review and approval prior to modification. Deferred submittal accepted.
4. Approved fire alarm systems shall be installed in accordance with 2016 CFC §907.2 and 2013 NFPA 72.
5. Fire Department Development Fees for all new buildings must be paid in accordance with the City of Lathrop's Ordinance and Resolutions adopting the fee schedule.
6. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to commencing construction beyond the foundation stage, or as soon as combustible material arrives on the site.
7. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
8. The Fire Department Fire Access Roads shall meet the requirements established by the San Joaquin County Fire Chief's Association.
9. An on-site fire hydrant system capable of supplying the required fire flow for fire protection shall be provided in compliance with 2016 California Fire Code, Appendix C.
10. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box is required to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. In addition to key box(es), any automatic gates shall have Opticom access ability to provide necessary access for emergency apparatus.

11. Other fire & life safety requirements may be required at time of building plan review.
12. Final approval is subject to field inspections. Minimum 48 hour notice required prior to any life-safety fire inspections. Other conditions may apply at time of inspections and are subject to correction.

LATHROP POLICE SERVICES (LPS)

1. Prior to occupancy, the applicant shall install roof top address, subject to review and approval by LPS. The numbers shall be at least 3' tall, 2' wide, 9" apart, with 6" brush stroke with a color that contrast the roof top. The number shall be oriented to be read from west to east.
2. Applicant shall install dedicated lights in the parking lot that are properly maintained.
3. Applicant shall install recording security camera system that is maintained and accessible to LPS with camera views covering all ingress and egress to buildings and parking areas.
4. Landscaping shall conform to standard CPTED measurements:
 - a. Maintain natural visible surveillance to building from parking lot and street.
 - b. Plants taller than 8 feet shall be trimmed up 4 feet from ground.
 - c. Plants under 8 feet shall be trimmed to allow ground level surveillance.

ADMINISTRATIVE SERVICES

By exercising this approval, the applicant hereby agrees to indemnify, hold harmless and defend the City, its officers, agents, elected and appointed officials, and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this Tentative Parcel Map and Site Plan Review to the fullest extent permitted by law.

PACIFIC GAS & ELECTRIC

See attached memo dated March 9, 2018.

SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION & OPEN SPACE PLAN

See attached memo dated March 9, 2018.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

See attached memo dated March 12, 2018.



March 9, 2018

Rick Caguiat
Senior Planner
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Ref: Gas and Electric Transmission and Distribution

Dear Rick Caguiat,

Thank you for submitting SPR-18-17 & TPM-18-18 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)



Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities to be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for



proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



S J C O G , I n c .

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Rick Caguiat, City of Lathrop, Community Development

From: Laurel Boyd, SJCOG, Inc.

Date: March 9, 2018

-Local Jurisdiction Project Title: North Crossroads Business Park Site Plan Review & Tentative Parcel Map

Assessor Parcel Number(s): 198-120-08

Local Jurisdiction Project Number: SPR-18-17, TPM-18-18

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Urban and Agricultural Habitat Land (City of Lathrop Compensation Map)

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Caguiat:

SJCOG, Inc. has reviewed the project referral for the North Crossroads Business Park Site Plan Review & Tentative Parcel Map. This project proposes to construct 7 new industrial building for a warehouse and manufacturing use totaling approximately 1 million square feet. The project also proposes to create eleven (11) individual lots ranging in size from 1 to 24 +/- acres. The project proposes to extend public utilities such as water and sewer to the site and includes an on-site storm water detention basin. The project will include various improvements such as parking, landscaping and lighting. The project site is located at the former Pilkington Glass Plant on Louise Avenue just east of Interstate 5, Lathrop (APN/Address: 198-120-08; 500 E. Louise Avenue, Lathrop).

The City of Lathrop is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:

- a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
- b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
- c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.



MAR 12 2018

RECEIVED

MAR 15 2018

Rick Caguiat
City of Lathrop
Community Development Department
390 Towne Centre Drive
Lathrop, CA 95330

CITY OF LATHROP
COM. DEV. DEPT.

Project: North Crossroads Business Park Site Plan Review & Tentative Parcel Map (SPR-18-17 & TPM-18-18)

District CEQA Reference No: 20180242

Dear Mr. Caguiat:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Site Plan Review and Tentative Parcel Map for the North Crossroads Business Park. The proposed project consists of constructing 7 new industrial buildings for warehouse and manufacturing use totaling approximately 1 million square feet and create 11 individual lots ranging in size from 1 to 24 acres (Project). The District offers the following comments:

Emissions Analysis

1) At the federal level for the National Ambient Air Quality Standards (NAAQS), the District is currently designated as extreme nonattainment for the 8-hour ozone standards; nonattainment for the PM2.5 standards; and attainment for the 1-Hour ozone, PM10 and CO standards. At the state level, the District is currently designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 California Ambient Air Quality Standards (CAAQS). The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:

- a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separately from operational emissions. For reference, the District's annual criteria thresholds of significance for construction are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).
- *Recommended Mitigation Measure if needed:* To reduce impacts from construction related exhaust emissions, the District recommends feasible mitigation for the project to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier III emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.
- ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. For reference, the annual criteria thresholds of significance for operation of permitted and non-permitted sources each are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).
- *Recommended Mitigation Measure if needed:* Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce construction exhaust related emissions. However, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level. Another example of a feasible mitigation measure is the mitigation of project emissions through a Voluntary Emission Reduction Agreement (VERA). The VERA is an instrument by which the project proponent provides monies to the District, which is used by the District to fund emission reduction projects that achieve the reductions required by the lead agency. District staff is available to meet with project proponents to discuss a VERA for specific projects. For more information, or questions concerning this topic, please call District Staff at (559) 230-6000.

- iii) **Recommended Model:** Project related criteria pollutant emissions from construction and operation non-permitted (limited to equipment not subject to District permits) should be identified and quantified. Emissions analysis should be performed using CalEEMod (**California Emission Estimator Model**), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

- b) **Nuisance Odors:** The Project should be evaluated to determine the likelihood that the Project would result in nuisance odors. Nuisance odors are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of Project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.

- c) **Health Risk Screening/Assessment:** A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) (<https://www.arb.ca.gov/toxics/healthval/healthval.htm>) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. Industry specific TACs generated must also be identified and quantified.

The District recommends the Project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed. The prioritization calculator can be found at:
http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.

- ii) The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. It is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be

considered to have a significant health risk if the HRA demonstrates that the Project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the District's website (Modeling Guidance) at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

- d) **Ambient Air Quality Analysis:** An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website www.valleyair.org/ceqa.

- 2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:
- a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the Project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.
 - b) A discussion of the components and phases of the Project and the associated emission projections, including ongoing emissions from each previous phase.
 - c) A discussion of Project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the Project.

- d) A discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at:
<http://valleyair.org/aqinfo/attainment.htm>.

District Rules and Regulations

- 3) The proposed Project may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 4) Based on information provided, the proposed Project would equal or exceed the relevant District Rule 9510 (Indirect Source Review) applicability threshold of 25,000 square feet of light industrial space. Therefore, the District concludes that the proposed Project is subject to District Rule 9510.

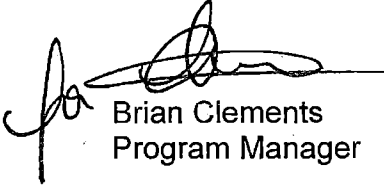
Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at:
<http://www.valleyair.org/ISR/ISRHome.htm>.

- 5) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446. Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the Project proponent. If you have any questions or require further information, please call Carol Flores at (559) 230-5935.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: cf

North Crossroads Business Center Project
Mitigation Monitoring and Reporting Program (MMRP)

**MITIGATION MONITORING
AND
REPORTING PROGRAM**

FOR THE

NORTH CROSSROADS BUSINESS CENTER

Louise Avenue Between Harland Road and Howland Road
City of Lathrop, CA

May 30, 2018

**CITY OF LATHROP
COMMUNITY DEVELOPMENT DEPARTMENT
390 Towne Center Drive
Lathrop, CA 95330
209-941-7260**

1.0 INTRODUCTION

This document is the Mitigation Monitoring/Reporting Program (MMRP) for the North Crossroads Business Center Project. The primary source document for the MMRP is the Initial Study/Mitigated Negative Declaration for the North Crossroads Business Center Project; IS/MND will be adopted by the City at the same time as this document. The proposed project site is located on approximately 58 acres of existing developed industrial land located in an industrial area of the City of Lathrop.

1.1 CEQA REVIEW OF PROPOSED PROJECT

The project applicants, Reynolds & Brown and Jones Development, propose the development of approximately 1,070,000 square feet (sf) of new warehousing/fulfillment and manufacturing buildings, including ancillary office uses, on an approximately 58-acre portion of the former Pilkington float glass facility. The Pilkington site is presently developed with approximately 882,000 square feet of industrial structures associated with the former glass manufacturing facility on the western approximately 64 acres of the site. The project site is located south of Louise Avenue between Harlan Road and Howland Road in Lathrop, California.

As the proposed project involves the potential to result in significant environmental effects as defined by CEQA, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by consultants, subject to the independent review and approval of City of Lathrop staff. The Draft IS/MND identified significant and/or potentially significant environmental effects that could occur in conjunction with the proposed project. The Draft IS/MND also identified mitigation measures, which would reduce the potential environmental effects to a "less than significant" level.

Prior to public and agency review of the Draft IS/MND, the project applicant approved the mitigation measures included in the IS/MND, which will be attached to the proposed project as binding conditions of approval.

The IS/MND was circulated for agency and public review in May 2018. Minor comments were received and did not result in changes to the environmental effects or mitigation measures identified in the IS/MND. It is anticipated that a final version of the Public Review Draft IS/MND dated May 2018 will be adopted by the City, in conjunction with this document, prior to taking action on the project.

1.2 CEQA REQUIREMENTS REGARDING MITIGATION MONITORING AND REPORTING

To ensure that mitigation measures included in a Mitigated Negative Declaration are actually implemented, CEQA requires the adoption of a mitigation monitoring or reporting program (CEQA Guidelines Section 15074). Specifically, the Guidelines require that the lead agency:

" . . . adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects."

These requirements are met collectively by the Mitigation Monitoring/Reporting Table shown in Section 2.0 of this document. The table lists all of the potential environmental effects of the project that were identified in the IS/MND, identifies all of the mitigation measures that address these effects, and identifies the entities that would be responsible for implementing, and monitoring implementation of, the mitigation measures.

2.0 MITIGATION MONITORING/REPORTING PROGRAM AND CEQA FINDINGS

The following table summarizes the environmental effects that could result from approval of the proposed project. The table identifies 1) each environmental effect and its significance prior to mitigation, 2) how each significant environmental effect would be mitigated, 3) the responsibility for implementation of each mitigation measure, 4) the responsibility for monitoring of the mitigation measures, if the project is approved, and 5) the source of the information supporting the significance of the potential effect after mitigation. The table follows the same sequence as the impact analysis in the IS/MND. Below are acronyms and their definitions that were used throughout the IS/MND and in the attached table;

ODS- Owners Developers and Successor's in Interest

CDD- Community Development Department

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
3.1 AESTHETICS			
The IS/MND does not identify significant effects or mitigation measures in this resource area.			
3.2 AGRICULTURE RESOURCES			
The IS/MND does not identify significant effects or mitigation measures in this resource area.			
3.3 AIR QUALITY			
The IS/MND does not identify significant effects or mitigation measures in this resource area.			
3.4 BIOLOGICAL RESOURCES			
Potential Impacts on Special-Status Species. Potentially significant impact.			
BIO-1: The developer shall mitigate for the proportionate loss of potential wildlife habitat from the project site by applying for coverage and implementing Incidental Take Minimization Measures (ITMMs) as required by the adopted San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP).	The ODS will be responsible for completing the application, obtaining SJMSCP coverage and observing ITMM requirements.	The Lathrop Community Development Department (CDD) will be responsible for ensuring that SJMSCP coverage has been obtained prior to issuing construction permits.	IS/MND, Section 3.4
Potential Impacts on Fish and Wildlife Movement. Potentially significant impact.			
BIO-2: In the event trees need to be removed or trimmed to facilitate the project, they should be felled or trimmed outside of the general bird nesting season (February 1 through August 31). If not, the developer shall have a nesting bird survey conducted immediately prior to tree trimming or removal. If active nests are found, tree felling or trimming shall be delayed until the young have fledged.	The ODS will be responsible for observing these requirements.	The Lathrop CDD will be responsible for ensuring that tree removal and trimming and survey requirements are observed.	IS/MND, Section 3.4
3.5 CULTURAL RESOURCES			
Potential Impacts on Historical Resources. Potentially significant impact.			
See TCR-1, TCR-2, and TCR-3	The ODS will be responsible for contracting a qualified cultural resources professional to evaluate archeological materials if found, to recommend cultural resource protection controls and to implement controls.	The Lathrop CDD will be responsible for review and approval of the cultural resources professional evaluation reports and recommendations, and for overseeing any cultural resource follow up work that may be required.	IS/MND, Section 3.5
Potential Impacts on Paleontological Resources/Unique Geologic Features. Potentially significant impact.			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
<p>CULT-1: All construction personnel shall receive brief "tailgate" training by a qualified archaeologist in the identification of paleontological resources, buried cultural resources, including human remains, and protocol for notification should such resources be discovered during construction work.</p> <p>CULT-2: If any subsurface historical or paleontological resources are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist, or paleontologist as appropriate, can examine these materials, make a determination of their significance and, if significant, recommend further measures that would reduce potential effects to a less than significant level, consistent with the requirements of CEQA. The Lathrop CDD shall be notified in the event of a discovery, and the ODS shall be responsible for retaining qualified professionals, implementing recommended mitigation measures and documenting mitigation efforts in written reports to the CDD, consistent with the requirements of the CEQA Guidelines.</p>	<p>The ODS will be responsible for contracting a qualified archaeologist or paleontological resources professional to conduct the worker awareness training, evaluate archeological materials if found, to recommend cultural resource protection controls and to implement controls.</p>	<p>The Lathrop CDD will be responsible for review and approval of the archaeologist or paleontological resources professional evaluation reports and recommendations, and for overseeing any cultural resource follow up work that may be required.</p>	<p>IS/MND, Section 3.5</p>
<p>Potential Impacts on Human Burials. Potentially significant impact.</p>			
<p>See TCR-1, TCR-2, and TCR-3</p>	<p>The ODS will be responsible for notifying the City and for contacting a qualified cultural resources professional to evaluate materials if found, to recommend and implement cultural resource protection controls. The City will be required to notify the Coroner and to oversee implementation of CEQA requirements applicable to human remains.</p>	<p>The Lathrop CDD will be responsible for ensuring that the Coroner is notified and that a cultural resources professional evaluates remains, makes and reports recommendations, and oversees any cultural resource follow up work that may be required.</p>	<p>IS/MND, Section 3.5</p>
<p>3.6 GEOLOGY AND SOILS</p>			
<p>Potential Impacts from Seismic Hazards and Liquefaction. Potentially significant impact.</p>			
<p>GEO-1: The City of Lathrop Engineer shall review and approve a site-specific, design-level geotechnical study for the project, if appropriate the study completed for the site by Berloger, Stevens & Associates, prior to issuing a grading and building permit. All geotechnical engineering and design recommendations included in the approved study shall be implemented during project design and prior to construction.</p>	<p>The ODS will be responsible for preparing and submitting the geotechnical study for the project.</p>	<p>The Lathrop City Engineer will be responsible for review and approval of the geotechnical study.</p>	<p>IS/MND, Section 3.6</p>
<p>Potential Impacts from Soil Erosion. Potentially significant impact.</p>			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
<p>GEO-2: Prior to issuance of a grading permit, the project contractor shall submit, for the review and approval of the Public Works Department, an erosion control plan that complies with the City's Storm Water Development Standards and utilizes Best Management Practices (BMPs) to limit the erosion effects during construction of the proposed project. Measures could include, but are not limited to:</p> <ul style="list-style-type: none"> • Hydro-seeding • Placement of erosion control measures within drainage ways and ahead of drop inlets • The temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric) • The placement of straw wattles along slope contours and back-of-curb prior to installation of landscaping • Directing subcontractors to a single designated "wash-out" location (as opposed to allowing them to wash-out in any location they desire) • The use of siltation fences; and • The use of sediment basins and dust palliatives. 	<p>The ODS will be responsible for preparing and submitting storm water quality plans for City's review and approval.</p>	<p>The Lathrop Public Works Department will be responsible for review and approval of storm water quality and drainage plans.</p>	<p>IS/MND, Section 3.6</p>
<p>3.7 GREENHOUSE GAS EMISSIONS</p>			
<p>Potential Impacts from GHG Emissions and Consistency with GHG Reduction Plans. Potentially significant impact.</p>			
<p>GHG-1: The ODS shall, in cooperation with the City, SJVAPCD and SJCOG, prepare and implement a Transportation Demand Management (TDM) Plan for the project that includes consideration of preferential vanpool and carpool parking spaces, on-site amenities that encourage alternative transportation modes such as locker and shower, secure bicycle parking, on-site services that reduce mid-day trips, telecommuting options and provision of information regarding these and other trip-reducing measures available to employees. The plan shall be subject to City review and approval prior to issuance of the first building permit for building construction in the project area.</p>	<p>The ODS will be responsible for preparing and implementing the TDM Plan.</p>	<p>The Lathrop CDD will be responsible for ensuring that this requirement is met prior to issuing construction permits for the project.</p>	<p>IS/MND, Section 3.7</p>
<p>3.8 HAZARDS AND HAZARDOUS MATERIALS</p>			
<p>Potential Impacts from Use and Transportation of Hazards. Potentially significant impact.</p>			
<p>HAZ-1: Demolition of existing above-ground structures shall be conducted in accordance with a City demolition permit and applicable conditions. Demolition procedures, safety requirements and environmental protections shall be defined in a demolition plan prepared by the applicant and subject to the approval of the Building Official and City Engineer. The demolition plan shall define the required qualifications of demolition contractors. Preparation of the demolition plan shall include testing as required to define potential environmental hazards and mitigation needed during demolition to protect worker and public health and safety. The demolition plan shall identify waste materials to be produced and their disposition.</p>	<p>The ODS will be responsible for retaining a qualified hazardous materials professional to conduct required testing and address any potential health and environmental related risks.</p>	<p>The Lathrop CDD will be responsible for ensuring that this requirement is met prior to issuing demolition permits for the project.</p>	<p>IS/MND, Section 3.8</p>

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
<p>HAZ-2: Prior to grading activities, the ODS or its contractor shall retain a qualified professional to collect and analyze soil samples as required to determine whether pesticide residues or other contaminants are present and, if present, whether they pose a health risk to construction workers or an environmental contamination risk. If so, the ODS shall prepare and implement a risk reduction plan that will reduce risk to construction workers.</p> <p>HAZ-3: Planned industrial development in the vicinity of existing hazardous waste cleanup monitoring wells shall be restricted as required to permit the continuing inspection, maintenance and operation of groundwater extraction equipment until the operation is closed by the agency with jurisdiction.</p>			
<p>3.9 HYDROLOGY AND WATER QUALITY</p>			
<p>Potential Impacts on Erosion, Sediment, and Water Quality. Potentially significant impact.</p>			
<p>HYDRO-1: The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project in accordance with the Construction General Permit. The developer shall incorporate an Erosion Control Plan consistent with all applicable provisions of the SWPPP within the site development plans. The SWPPP shall be available on the construction site at all times. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity, and shall submit the SWRCB Waste Discharger's Identification Number (WDID) to the City prior to approval of development or grading plans.</p> <p>HYDRO-2: The ODS shall obtain an MS4 permit from the City which would describe post-construction BMPs required to reduce pollutant loads in stormwater discharges to acceptable levels, including compliance with the adopted Multi-Agency Post-Construction Stormwater Standards Manual and the City's Storm Water Development Standards.</p>	<p>The ODS will be responsible for preparing and submitting storm water quality and drainage plans for the City's review and approval.</p>	<p>The Lathrop Public Works Department will be responsible for review and approval of storm water quality and drainage plans.</p>	<p>IS/MND, Section 3.9</p>
<p>Potential Impacts on Drainage, Erosion, and Runoff. Potentially significant impact.</p>			
<p>HYDRO 1 and HYDRO-2</p>	<p>The ODS will be responsible for preparing and submitting storm water quality and drainage plans for the City's review and approval.</p>	<p>The Lathrop Public Works Department will be responsible for review and approval of storm water quality and drainage plans.</p>	<p>IS/MND, Section 3.9</p>
<p>3.10 LAND USE</p>			
<p>The IS/MND does not identify significant effects or mitigation measures in this resource area.</p>			
<p>3.11 MINERAL RESOURCES</p>			
<p>The IS/MND does not identify significant effects or mitigation measures in this resource area.</p>			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
3.12 NOISE			
The IS/MND does not identify significant effects or mitigation measures in this resource area.			
3.13 POPULATION AND HOUSING			
The IS/MND does not identify significant effects or mitigation measures in this resource area.			
3.14 PUBLIC SERVICES			
The IS/MND does not identify significant effects or mitigation measures in this resource area.			
3.15 RECREATION			
The IS/MND does not identify significant effects or mitigation measures in this resource area.			
3.16 TRANSPORTATION			
The IS/MND does not identify significant effects or mitigation measures in this resource area.			
3.17 TRIBAL CULTURAL RESOURCES			
Potential Impacts on Tribal Cultural Resources. Potentially significant impact.			
<p>TCR-1: If the project site is determined to be a sensitive tribal cultural resource, the ODS shall consult with the affected tribe to establish and implement a procedure for monitoring and reporting all earth-moving and grading activities.</p> <p>TCR-2: In the event that construction encounters evidence of human burial or scattered human remains, construction in the vicinity of the encounter shall be immediately halted. The ODS shall immediately notify the County Coroner, the Lathrop Community Development Department, and the tribal representative. The ODS will be responsible for compliance with the requirements of CEQA as to human remains as defined in CEQA Guidelines Section 15064.5, with California Health and Safety Code Section 7050.5, and as directed by the County Coroner. If the human remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), and the NAHC will notify and appoint a Most Likely Descendant. The Most Likely Descendant will work with the archaeologist to decide the proper treatment of the human remains and any associated funerary objects.</p> <p>TCR-3: In the event that other archaeological resources are encountered during project construction, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist and tribal representative can examine the materials and make a determination of their "uniqueness" as defined by CEQA. If the resource is determined to be unique, the archaeologist shall recommend avoidance, minimization or mitigation</p>	<p>The ODS will be responsible for contracting a qualified tribal cultural resources professional to evaluate sensitive tribal cultural resources if found, to recommend tribal cultural resource protection controls and to implement controls.</p>	<p>The Lathrop CDD will be responsible for review and approval of the tribal cultural resources professional evaluation reports and recommendations, and for overseeing any tribal cultural resource follow up work that may be required.</p>	<p>IS/MND, Section 3.17</p>

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
measures that will reduce potential effects to a less than significant level. The ODS will be responsible for retaining the archaeologist and tribal representative and for implementing the recommendations of the archaeologist, including submittal of a written report to the Lathrop Community Development Department and tribal representative documenting the find and its treatment.			
3.18 UTILITIES AND SERVICES			
Potential Effects on Wastewater Systems. Potentially significant impact.			
UTIL-1: Prior to the issuance of building permits, the ODS shall quantify the need for Individual Sewer Units (ISUs) related to the permit to satisfaction of the Lathrop Public Works Department. The project applicant shall purchase additional ISUs as required to provide adequate capacity for the proposed project, subject to the review and approval of the Public Works Department and City Council.	The ODS will be responsible for obtaining required ISUs.	The Lathrop Public Works Department will be responsible for ensuring that the required ISUs have been obtained.	IS/MND, Section 3.18

ATTACHMENT " 4 "



PLANNING DIVISION Vicinity Map



SPR-18-17 & TPM-18-18
Site Plan Review & Tentative Parcel Map
North Crossroads Business Center
500 E. Louise Avenue
APN: 198-120-08 & 198-140-16



NORTH CROSSROADS BUSINESS CENTER TENTATIVE PARCEL MAP

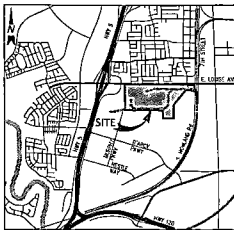
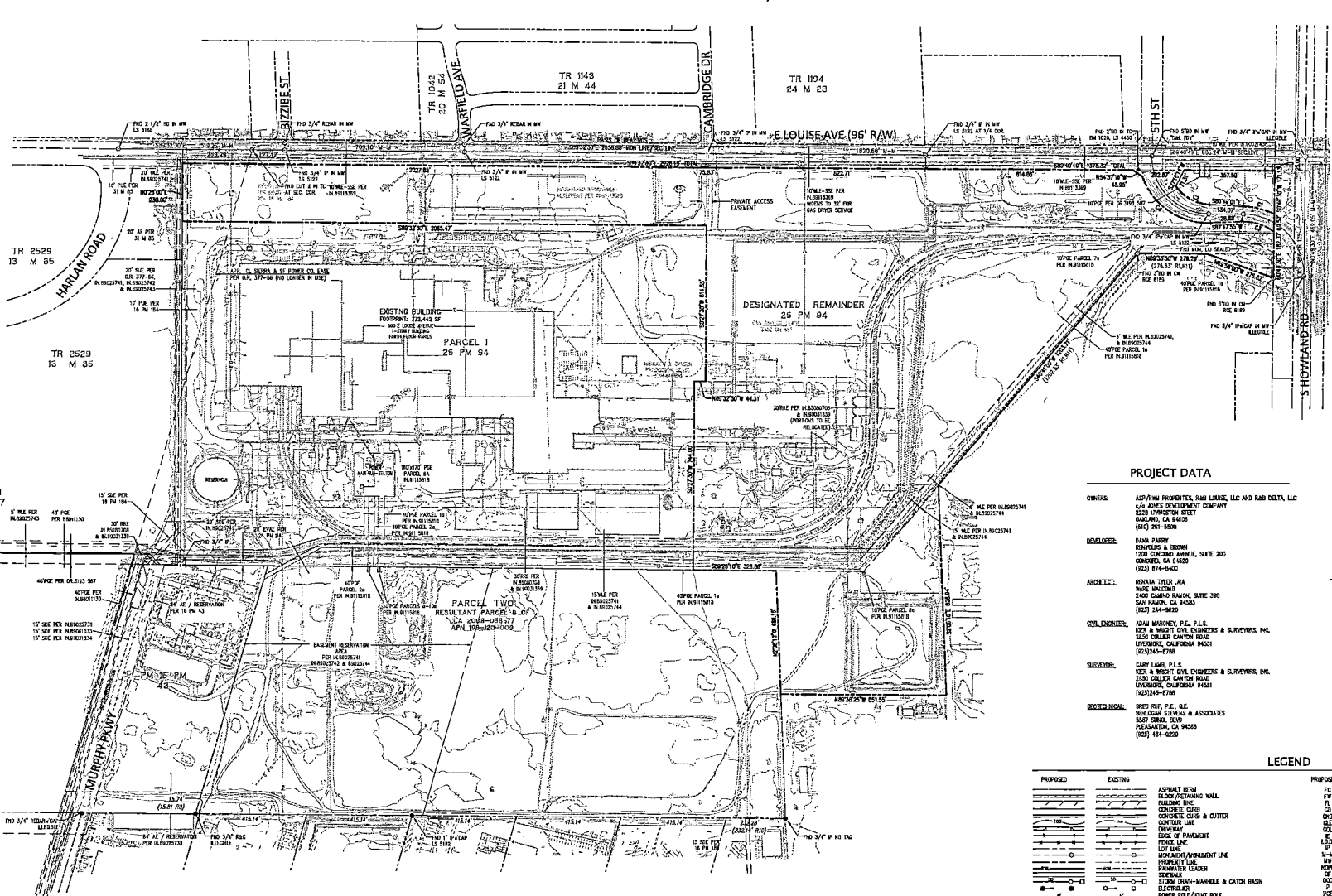
LATHROP

CALIFORNIA

MAY, 2018



Scale 1" = 100 ft



VICINITY MAP NOT TO SCALE

PROJECT NOTES

- 1. THE TERRITORIAL SHOWN ON THESE PLANS WAS COMPILED BY AEA & BEIGHT ON JULY 2013.
2. THIS MAP SHOWS ALL CONTIGUOUS PROPERTY OF THE OWNER.
3. EXISTING STRUCTURES ON THE SUBJECT PROPERTIES ARE SHOWN.
... 11. THIS PARCEL MAP CONSISTS OF 11 SHEETS BEARING FROM 117618 ACRES TO 124831 ACRES WITH AN AVERAGE ACREAGE OF 8.1377 ACRES
... 12. A PRELIMINARY SOIL REPORT FOR THIS SITE WAS PREPARED BY BENJAMIN STEVENS AND ASSOCIATES LIMITED TO REPORT N° 2013-101 NUMBER 2750-200

PROJECT DATA

OWNER: ASP/AM PROPERTIES, RBL LOGS, LLC AND RAD DELTA, LLC
C/O ANNES DEVELOPMENT COMPANY
2323 WASHINGTON STREET
OAKLAND, CA 94612
(510) 531-2000
DEVELOPER: DANA PARRY
REYNOLDS & BROWN
1200 COLLIER GAVEN ROAD
LYONHACK, CALIFORNIA 94501
(925)248-8788

SITE INFORMATION

DISTRICT ZONING: IS (GENERAL INDUSTRIAL)
PROPOSED ZONING: IS (GENERAL INDUSTRIAL)
EXISTING USE: INDUSTRIAL / MANUFACTURING
PROPOSED USE: INDUSTRIAL / MANUFACTURING
BLDG SET BACKS: FRONT STREET = 17'
SIDE = 0'
REAR = 0'
STREET WIDE = 10'
MAXIMUM BUILDING HEIGHT: 7'
MAXIMUM NUMBER OF STORIES: N/A
FLOOR AREA RATIO: NO LIMIT
INFORMATION WAS OBTAINED FROM THE CITY OF LATHROP PLANNING DEPARTMENT ON JANUARY 24, 2018.

LEGEND

Legend table with columns for Proposed and Existing symbols for items like ASPHALT DRIVE, CURB, FENCE, UTILITY POLE, etc.

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF LATHROP, COUNTY OF SAN JOAQUIN, COUNTY OF SAN JOAQUIN, DESCRIBED AS FOLLWS:
BEING THAT CERTAIN PARCELS OF LAND SHOWN AS "DESIGNATED REMAINDER" ON THAT PARCEL MAP RECORDED DECEMBER 10, 2017, IN BOOK 26 OF PARCEL MAPS, AT PAGE 94. OFFICIAL RECORDS SAN JOAQUIN COUNTY.

PROJECT BENCH MARK

BENCHMARK IS: 1006
ELEVATION = 24.17 FEET
DARING CITY OF LATHROP (DADO 1950)
DOTT LOGAN AVENUE FROM I-5, GO EAST ON LOGAN APPROXIMATELY 0.7 MILES TO 1TH STREET / HARBAND ROAD. MONUMENT IS LOCATED AT THE SOUTHWEST CORNER OF INTERSECTION OF LOGAN AVENUE AND 1TH STREET / HARBAND ROAD. IN THE CORNER, 4 FEET EAST OF A PLASTIC SIGNAL POLE AT THE WEST EDGE OF THE HARBAND RAMP.

BASIS OF BEARINGS

THE BEARINGS OF THE 30° 30' 00" ARE TAKEN ON THE CENTER LINE OF LOGAN AVENUE BETWEEN THE MONUMENT AT THE CORNER TO SECTIONS 26, 24, 24, 34, 35 AND THE MONUMENT AT THE QUARTER CORNER TO SECTIONS 29 & 31 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON FEBRUARY 20, 1950, IN BOOK 18 OF PARCEL MAPS AT PAGE 194. OFFICIAL RECORDS OF SAN JOAQUIN COUNTY WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

UTILITY PROVIDERS

WATER: CITY OF LATHROP
SEWER: CITY OF LATHROP
GAS & ELECTRIC: PACIFIC GAS AND ELECTRIC
TELEPHONE: PACIFIC GAS AND ELECTRIC
CABLE TELEVISION: COMCAST CABLE

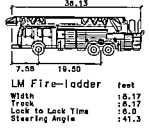
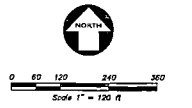
INDEX OF SHEETS

Index of sheets table with columns for Sheet No, Title, and Date.

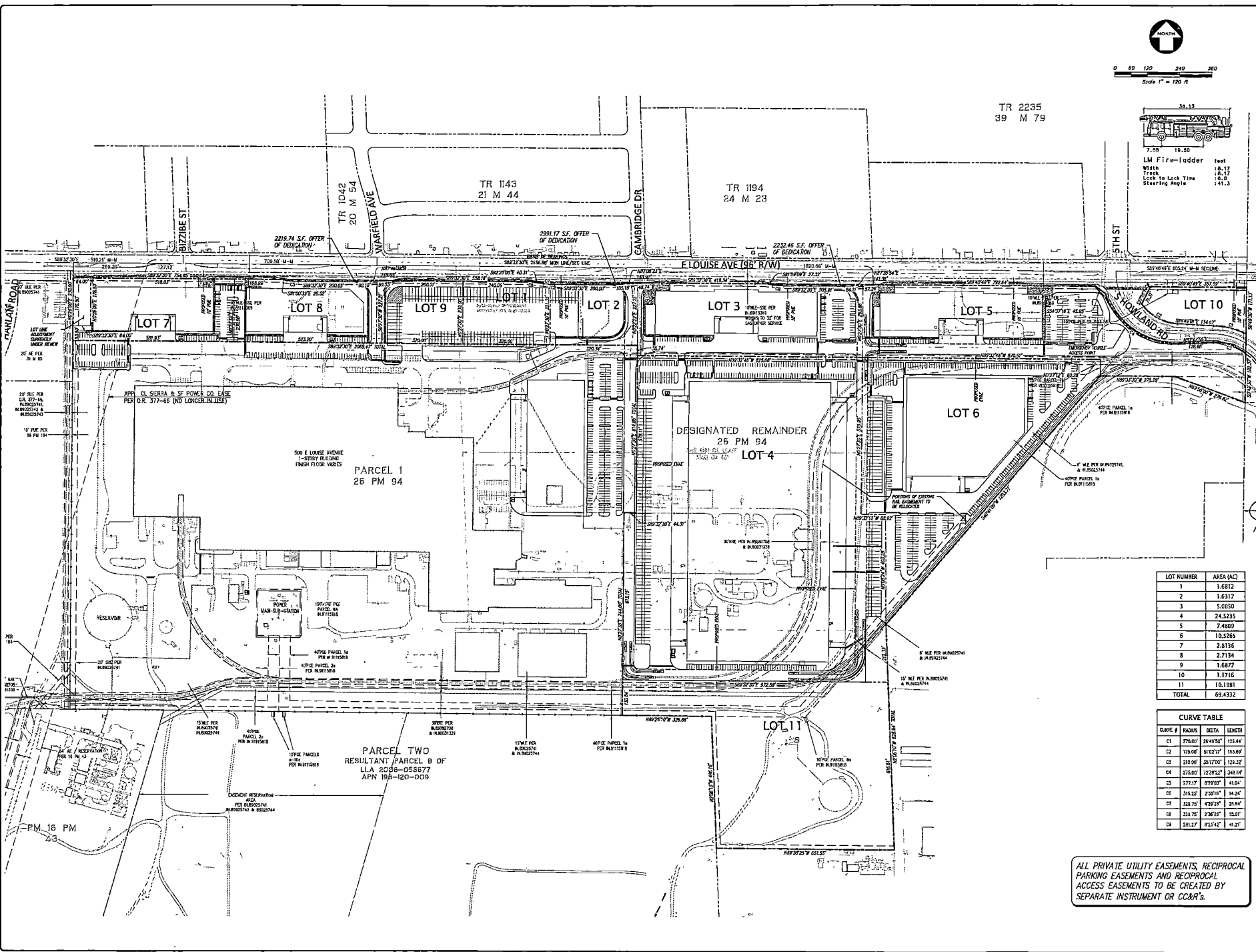
CURVE TABLE

Curve table with columns for Curve #, Radius, Delta, and Length.

Cover plan information including title, scale (1" = 160'), designer (JAM), and sheet number (1 of 9 sheets).



TR 2235
39 M 79



LOT NUMBER	AREA (AC)
1	1.6812
2	1.6317
3	5.0000
4	24.5225
5	7.4869
6	10.5265
7	2.3135
8	2.7134
9	1.6877
10	1.1716
11	10.1981
TOTAL	69.4332

CURVE #	RADIUS	DATA	LENGTH
C1	275.00'	26+49.50'	155.44'
C2	175.00'	51+02.37'	155.89'
C3	210.00'	35+57.00'	129.32'
C4	255.00'	72+38.22'	348.14'
C5	277.17'	87+59.03'	43.04'
C6	315.25'	23+19.16'	14.24'
C7	328.75'	47+28.78'	25.84'
C8	331.75'	23+67.28'	15.01'
C9	281.17'	61+14.42'	41.21'

ALL PRIVATE UTILITY EASEMENTS, RECIPROCAL PARKING EASEMENTS AND RECIPROCAL ACCESS EASEMENTS TO BE CREATED BY SEPARATE INSTRUMENT OR CCA's.

REVISION

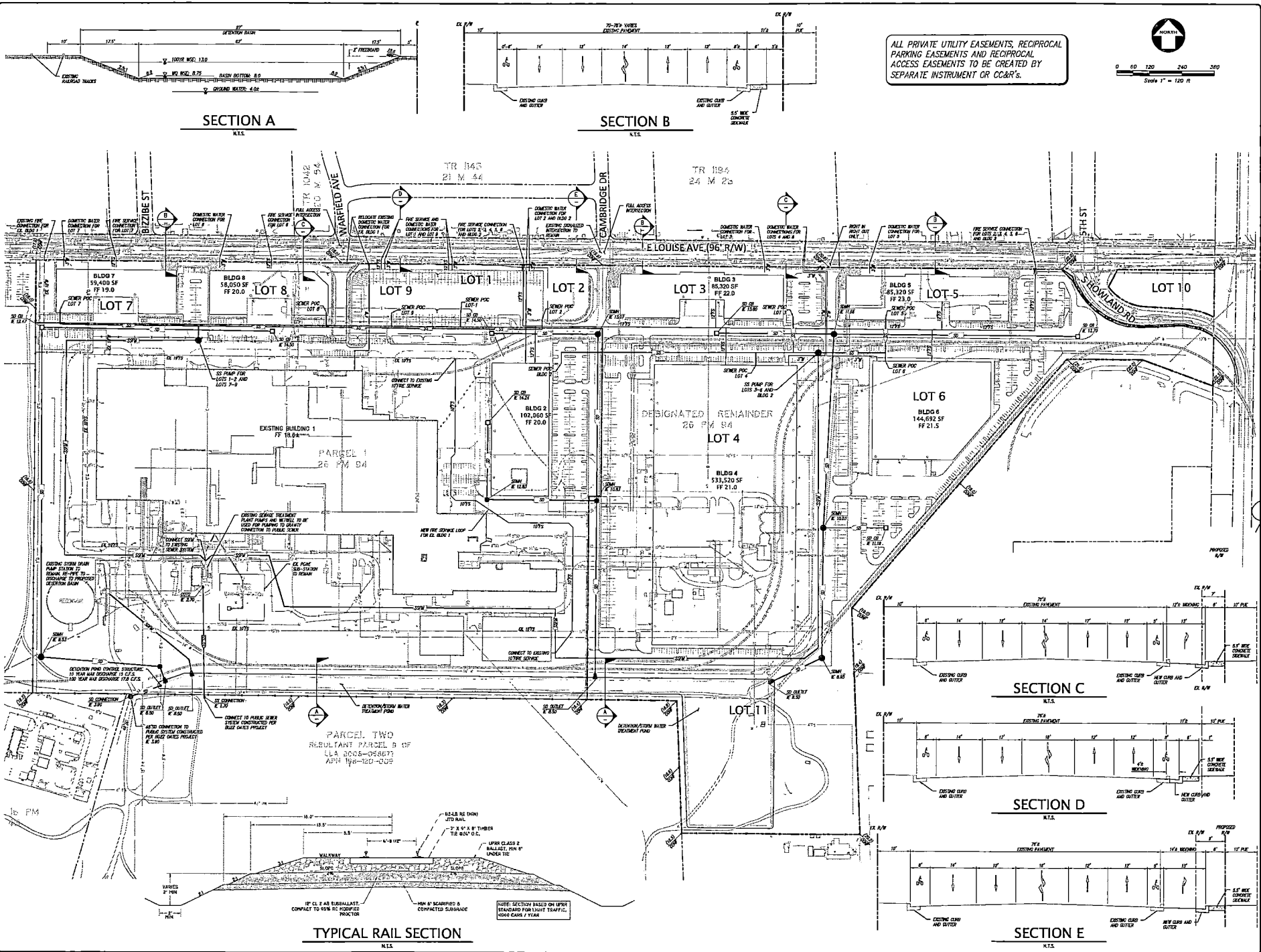
NO.	DATE	DESCRIPTION
1	01-13-2018	2ND CITY SUBMITTAL
2	01-23-2018	3RD CITY SUBMITTAL

KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 2035 Colton Canyon Road
 Livermore, California 94551
 Phone (925) 446-1918
 Fax (925) 446-9794

CALIFORNIA
REYNOLDS & BROWN
 ARCHITECTS
 12500 LATHROP

TENTATIVE MAP
 OF
 NORTH CROSSROADS BUSINESS CENTER
 FOR
 REYNOLDS & BROWN

DATE MAY, 2018
 SCALE 1" = 320'
 DESIGNER JAM
 JOB NO. A14531-11
 SHEET **TM 2.0**
 OF 9 SHEETS



ALL PRIVATE UTILITY EASEMENTS, RECIPROCAL PARKING EASEMENTS AND RECIPROCAL ACCESS EASEMENTS TO BE CREATED BY SEPARATE INSTRUMENT OR CC&R'S.



0 60 120 240 300
Scale 1" = 120 ft

SECTION A
N.T.S.

SECTION B
N.T.S.

SECTION C
N.T.S.

SECTION D
N.T.S.

SECTION E
N.T.S.

TYPICAL RAIL SECTION
N.T.S.

C:\Users\jwagner\appdata\local\temp\MapInfo... 11/25/2018 10:11:34 AM 30-31-B 02018176 18mm

REVISION	NO.	DATE	BY	APP.
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	2	01-22-2018	JAM	

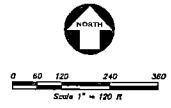
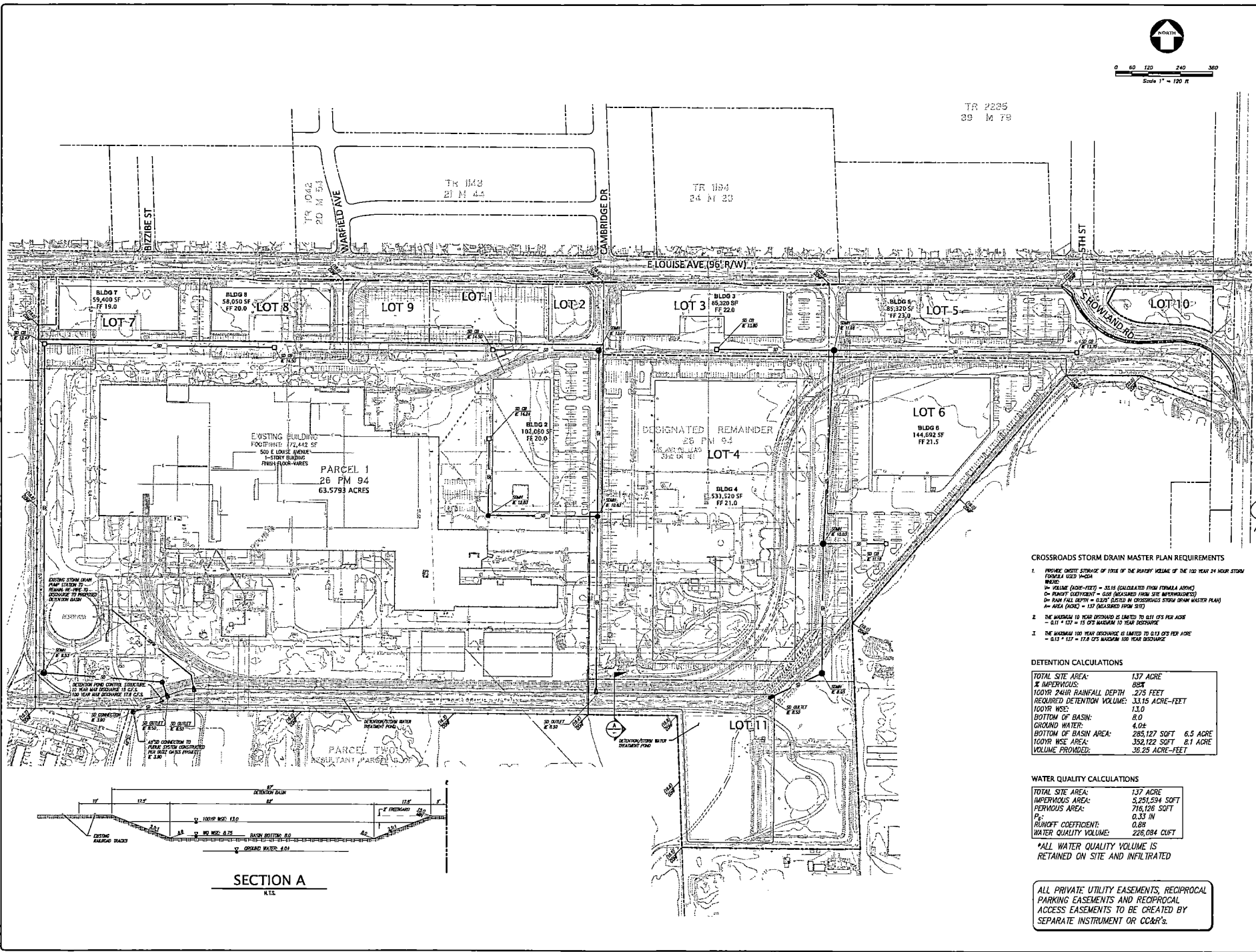
NO.	DATE	BY	APP.
1	01-11-2018	JAM	
2	01-22-2018	JAM	

REVISION: 2ND CITY SUBMITTAL
 310 CITY SUBMITTAL

KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 2895 Collier Canyon Road
 Westminster, California 92683
 Phone (951) 241-9888
 Fax (951) 241-9999

CALIFORNIA
 LATHROP
REYNOLDS & BROWN
 FOR THE
NORTH CROSSROADS BUSINESS CENTER

DATE	MAY, 2018
SCALE	1" = 120'
DESIGNER	JAM
JOB NO.	AT4603-11
SHEET	TM 3.0
OF	9



TR 2235
39 M 73

E LOUISE AVE (96' R/W)

HOWARD RD

BLDG 7
59,400 SF
FF 19.0

BLDG 8
58,050 SF
FF 20.0

LOT 8

LOT 9

LOT 10

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

EXISTING BUILDING
FOOTPRINT: 72,442 SF
540 E LOUISE AVENUE
1-STORY BUILDING
FINISH FLOOR-WARES

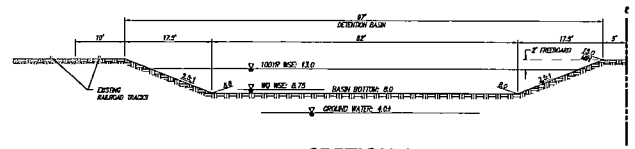
PARCEL 1
26 PM 94
63.5793 ACRES

DESIGNATED REMAINDER
26 PM 94
352 SQ FT

LOT 4

BLDG 4
531,520 SF
FF 21.0

BLDG 6
144,092 SF
FF 21.5



SECTION A
K12

CROSSROADS STORM DRAIN MASTER PLAN REQUIREMENTS

- PROVIDE ON-SITE STORAGE OF 10% OF THE BRATFORD VOLUME OF THE 100 YEAR 24 HOUR STORM FLOW AS USED IN WQVA MODEL.
 $WQVA$ VOLUME (24HR-100Y) = 33.15 (CALCULATED FROM FORMULA ABOVE)
 ON-SITE STORAGE = 3.315 (BASED ON 10% OF WQVA VOLUME)
 $WQVA$ RUNOFF DEPTH = 0.33' (LISTED IN CROSSROADS STORM DRAIN MASTER PLAN)
 $WQVA$ AREA (ACRES) = 137 (BASED ON 100% SITE)
- THE MAXIMUM 100 YEAR DISCHARGE IS LIMITED TO 0.13 CFS PER ACRE
 = 0.13 * 137 = 17.8 CFS MAXIMUM 100 YEAR DISCHARGE

DETENTION CALCULATIONS

TOTAL SITE AREA:	137 ACRE
% IMPERVIOUS:	82%
100YR 24HR RAINFALL DEPTH:	2.75 FEET
REQUIRED DETENTION VOLUME:	33.15 ACRE-FEET
100YR WQV:	13.0
BOTTOM OF BASIN:	8.0
GROUND WATER:	4.04
BOTTOM OF BASIN AREA:	235,127 SQFT 6.5 ACRE
100YR WQV AREA:	352,122 SQFT 8.1 ACRE
VOLUME PROVIDED:	36.25 ACRE-FEET

WATER QUALITY CALCULATIONS

TOTAL SITE AREA:	137 ACRE
IMPERVIOUS AREA:	5,251,594 SQFT
PERVIOUS AREA:	716,126 SQFT
P_{25} :	0.33 IN
RUNOFF COEFFICIENT:	0.88
WATER QUALITY VOLUME:	226,084 CUFT

*ALL WATER QUALITY VOLUME IS RETAINED ON SITE AND INFILTRATED

ALL PRIVATE UTILITY EASEMENTS, RECIPROCAL PARKING EASEMENTS AND RECIPROCAL ACCESS EASEMENTS TO BE CREATED BY SEPARATE INSTRUMENT OR CC&R'S.

CALIFORNIA

REYNOLDS & BROWN

FOR

NORTH CROSSROADS BUSINESS CENTER

OF

STORM WATER QUALITY CONTROL PLAN

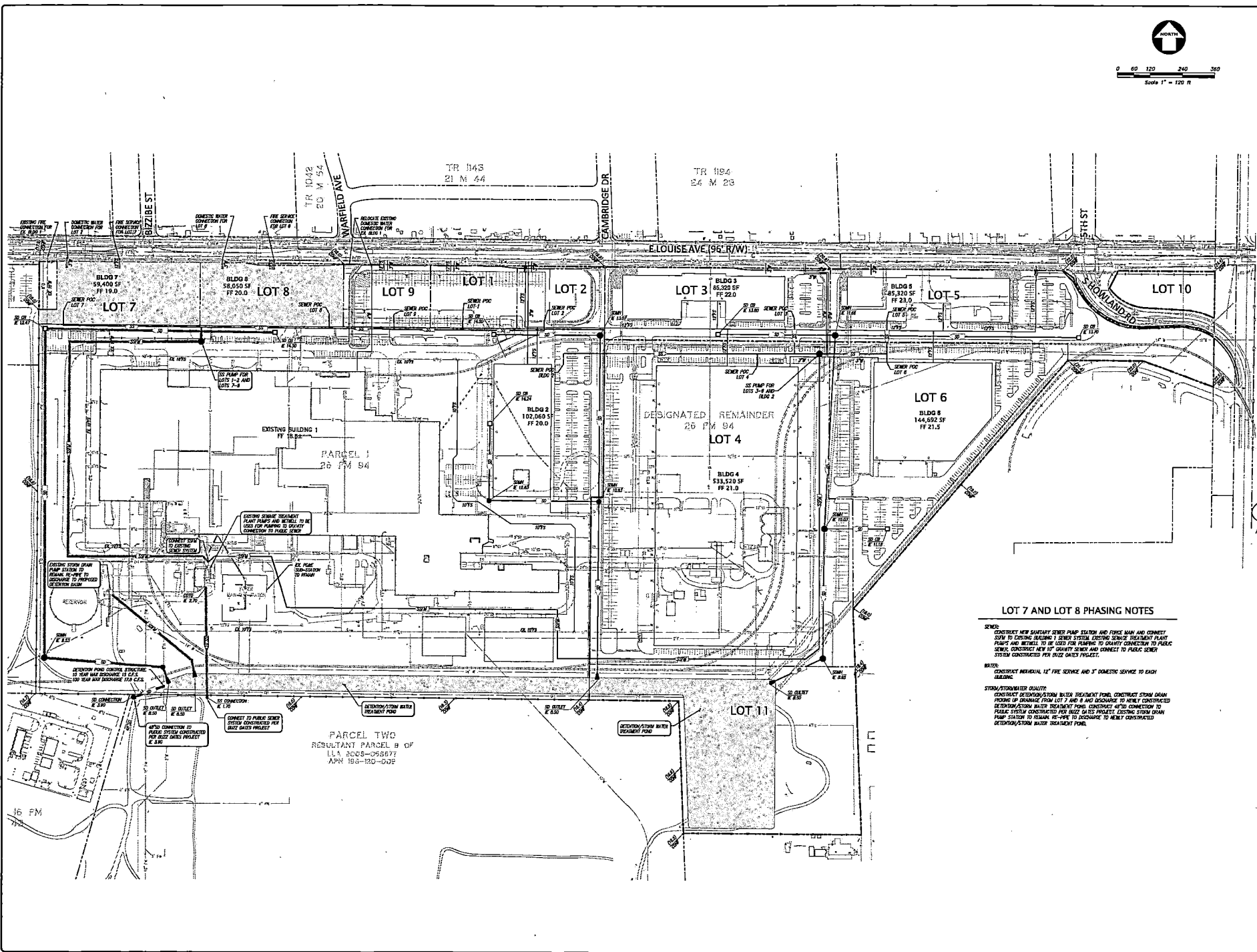
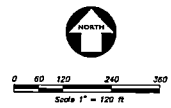
LATHROP

NO.	DATE	BY	FOR
1	03-11-2019	JAM	340 CITY SUBMITTAL
2	03-22-2019	JAM	340 CITY SUBMITTAL

EXISTING
 340 CITY SUBMITTAL
 03-11-2019
 340 CITY SUBMITTAL
 03-22-2019

CIVIL ENGINEERS & SURVEYORS, INC.
 2895 Colton Campus Road
 Livermore, California 94551
 Phone (925) 241-7788
 Fax (925) 241-7799

DATE: MAY, 2018
 SCALE: 1" = 120'
 DESIGNER: JAM
 JOB NO.: A14683-11
 SHEET: TM 4.0
 OF 9 SHEETS



LOT 7 AND LOT 8 PHASING NOTES

- SEWER:**
 CONSTRUCT NEW SANITARY SEWER PUMP STATION AND FORCE MAIN AND CONNECT TO EXISTING BUILDING 1 SEWER SYSTEM. EXISTING SEWER TREATMENT PLANT PUMPS AND RETAIN TO BE USED FOR PHASING TO QUALITY CONNECTION TO PUBLIC SEWER. CONSTRUCT NEW 18" QUANTITY SEWER AND CONNECT TO PUBLIC SEWER SYSTEM CONSTRUCTED PER BUZZ QUAYS PROJECT.
- WATER:**
 CONSTRUCT INDIVIDUAL 12" FIRE SERVICE AND 3" DOMESTIC SERVICE TO EACH BUILDING.
- STORM/STORMWATER QUALITY:**
 CONSTRUCT DETENTION/STORM WATER TREATMENT POND. CONSTRUCT STORM DRAIN PIPING UP THROUGH FROM LOT 7 AND 8 AND DISCHARGE TO NEWLY CONSTRUCTED DETENTION/STORM WATER TREATMENT POND. CONSTRUCT 48" CONNECTION TO PUBLIC SYSTEM CONSTRUCTED PER BUZZ QUAYS PROJECT. EXISTING STORM DRAIN PUMP STATION TO REMAIN IN-SITU TO DISCHARGE TO NEWLY CONSTRUCTED DETENTION/STORM WATER TREATMENT POND.

PARCEL TWO
 RESUBSTANT PARCEL 9 OF
 LLA 2005-056677
 APN 193-120-002

DATE	MAY, 2018
SCALE	1" = 120'
DESIGNER	JAM
JOB NO.	A14683-11
SHEET	TM 5.1
OF	9 SHEETS

REVISIONS:

NO.	DATE	DESCRIPTION
1	01-12-2018	2ND CITY SUBMITTAL
2	02-22-2018	3RD CITY SUBMITTAL

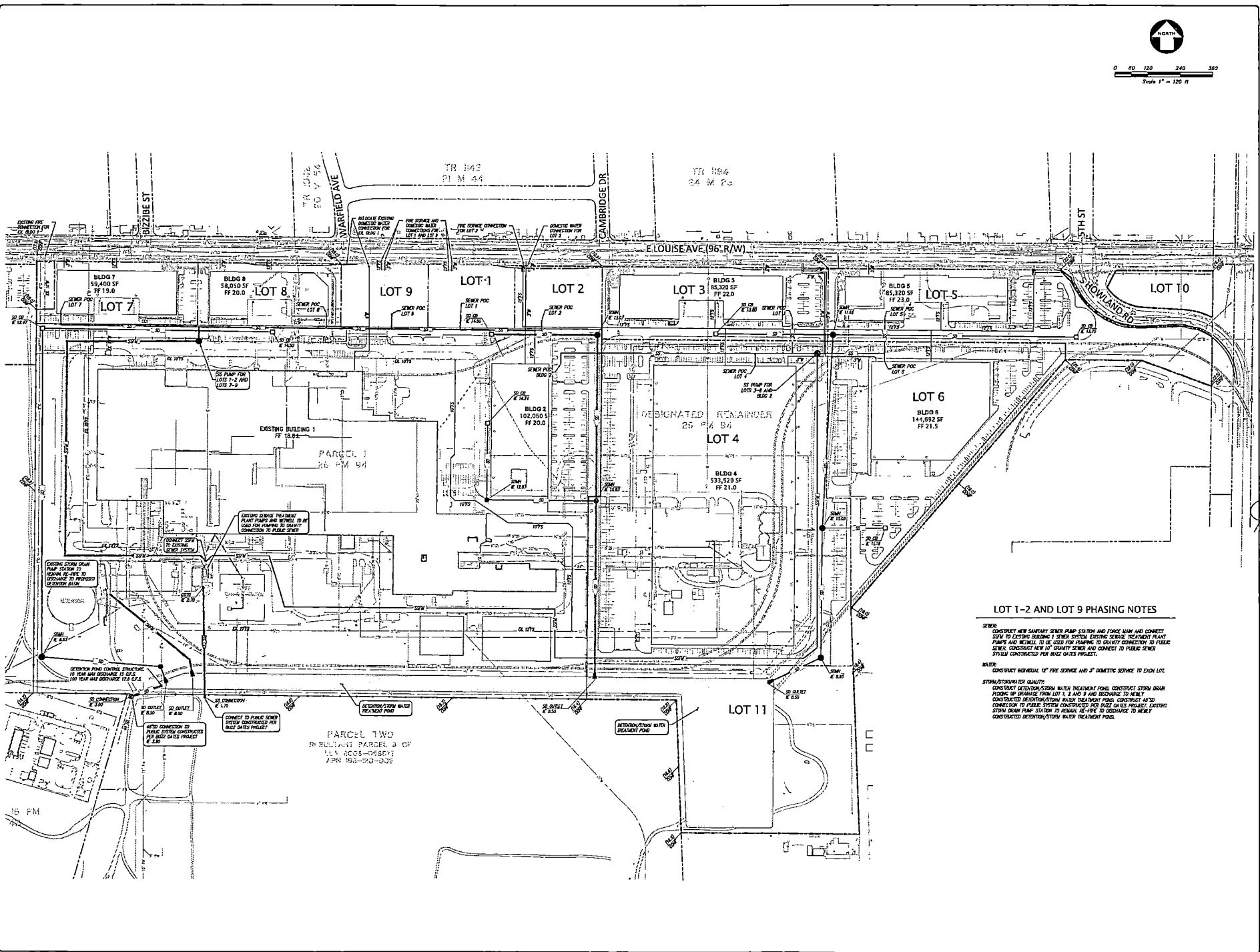
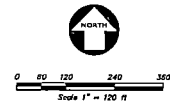
BY: [Signature]

FOR: **REYNOLDS & BROWN**

PROJECT: **UTILITY PHASING PLAN OF NORTH CROSSROADS BUSINESS CENTER**

PREPARED BY: **KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.**
 2815 Citrus Center Road
 Downers Grove, California 94711
 Phone: (925) 244-8888
 Fax: (925) 244-9279

CALIFORNIA
 LICENSED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 License No. 44812



LOT 1-2 AND LOT 9 PHASING NOTES

- SEWER:**
 CONSTRUCT NEW SANITARY SEWER PUMP STATION AND FORCE MAIN AND CONNECT TO EXISTING BUILDING 1 SEWER SYSTEM. EXISTING SEWER TREATMENT PLANT PUMPS AND RETICUL TO BE USED FOR PUMPING TO QUANTITY CONNECTION TO PUBLIC SEWER. CONSTRUCT NEW 10" QUANTITY SEWER AND CONNECT TO PUBLIC SEWER SYSTEM CONSTRUCTED PER BUZZ GATES PROJECT.
- WATER:**
 CONSTRUCT INDIVIDUAL 1" FIRE SERVICE AND 3" DOMESTIC SERVICE TO EACH LOT.
- STORM/STORMWATER QUALITY:**
 CONSTRUCT DETENTION/STORM WATER TREATMENT POND. CONSTRUCT STORM DRAIN PIPING UP DRAINAGE FROM LOT 1, 2 AND 9 AND RECONNECT TO NEWLY CONSTRUCTED DETENTION/STORM WATER TREATMENT POND. CONSTRUCT 48" DETENTION/STORM WATER TREATMENT POND. CONSTRUCT 48" DETENTION/STORM WATER TREATMENT POND. CONSTRUCT 48" DETENTION/STORM WATER TREATMENT POND. CONSTRUCT 48" DETENTION/STORM WATER TREATMENT POND. CONSTRUCT 48" DETENTION/STORM WATER TREATMENT POND.

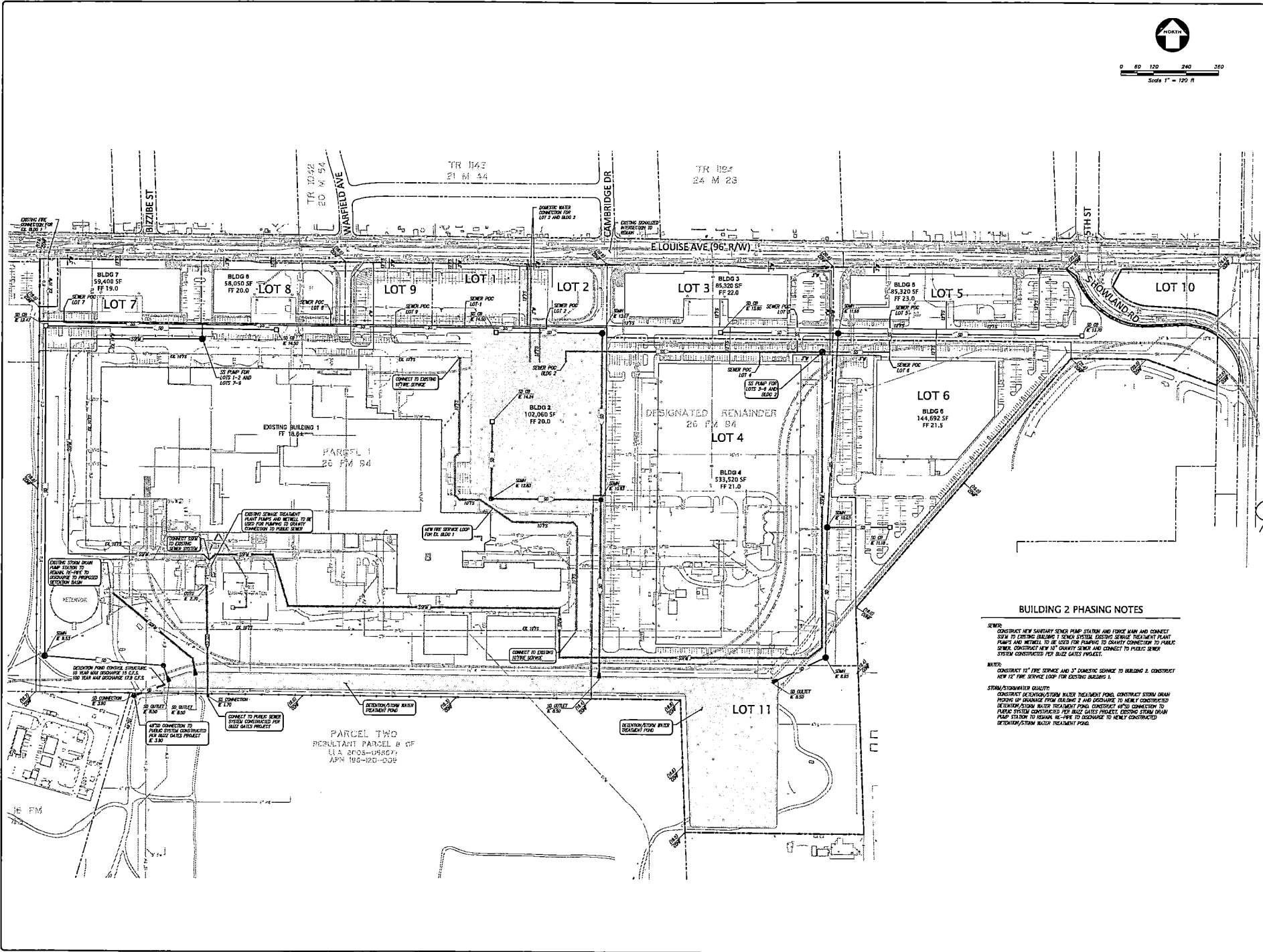
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1	ISSUE FOR PERMIT	08-11-2018	JAM
2	ISSUE FOR PERMIT	02-22-2019	JAM

KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 1400 S. GARDEN ST., SUITE 100
 ANAHEIM, CALIFORNIA 92805
 PH: 714.944.5151

CALIFORNIA
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 No. 45892

UTILITY PHASING PLAN
 OF
NORTH CROSSROADS BUSINESS CENTER
 FOR
REYNOLDS & BROWN

DATE: MAY, 2018
 SCALE: 1" = 120'
 DESIGNED BY: JAM
 JOB NO.: A14563-11
 SHEET: **TM 5.2**
 OF 9 SHEETS



BUILDING 2 PHASING NOTES

- SEWER:**
 CONSTRUCT NEW SANITARY SEWER PUMP STATION AND FORCE MAIN AND CONNECT
 SEWER TO EXISTING BUILDING 1 SEWER SYSTEM. EXISTING SEWER TREATMENT PLANT
 PUMPS AND METRELL TO BE USED FOR PUMPING TO GRAVITY CONNECTION TO PUBLIC
 SEWER. CONSTRUCT NEW 18" GRAVITY SEWER AND CONNECT TO PUBLIC SEWER
 SYSTEM CONSTRUCTED BY BUIZ GATES PROJECT.
- RAINFALL:**
 CONSTRUCT 18" FIRE SPONGE AND 3" DRAINAGE SONGS TO BUILDING 2. CONSTRUCT
 NEW 12" FIRE SERVICE LOOP FOR EXISTING BUILDING 1.
- STORM/STORMWATER QUALITY:**
 CONSTRUCT DELAYED/STORM WATER TREATMENT POND. CONSTRUCT STORM DRAIN
 SYSTEM OF 18" DRAINAGE FROM BUILDING 1 AND DISCHARGE TO NEWLY CONSTRUCTED
 DELAYED/STORM WATER TREATMENT POND. CONSTRUCT 48" TO CONNECTION TO
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UTILITY PHASING PLAN
 OF
 NORTH CROSSROADS BUSINESS CENTER
 FOR
 REYNOLDS & BROWN

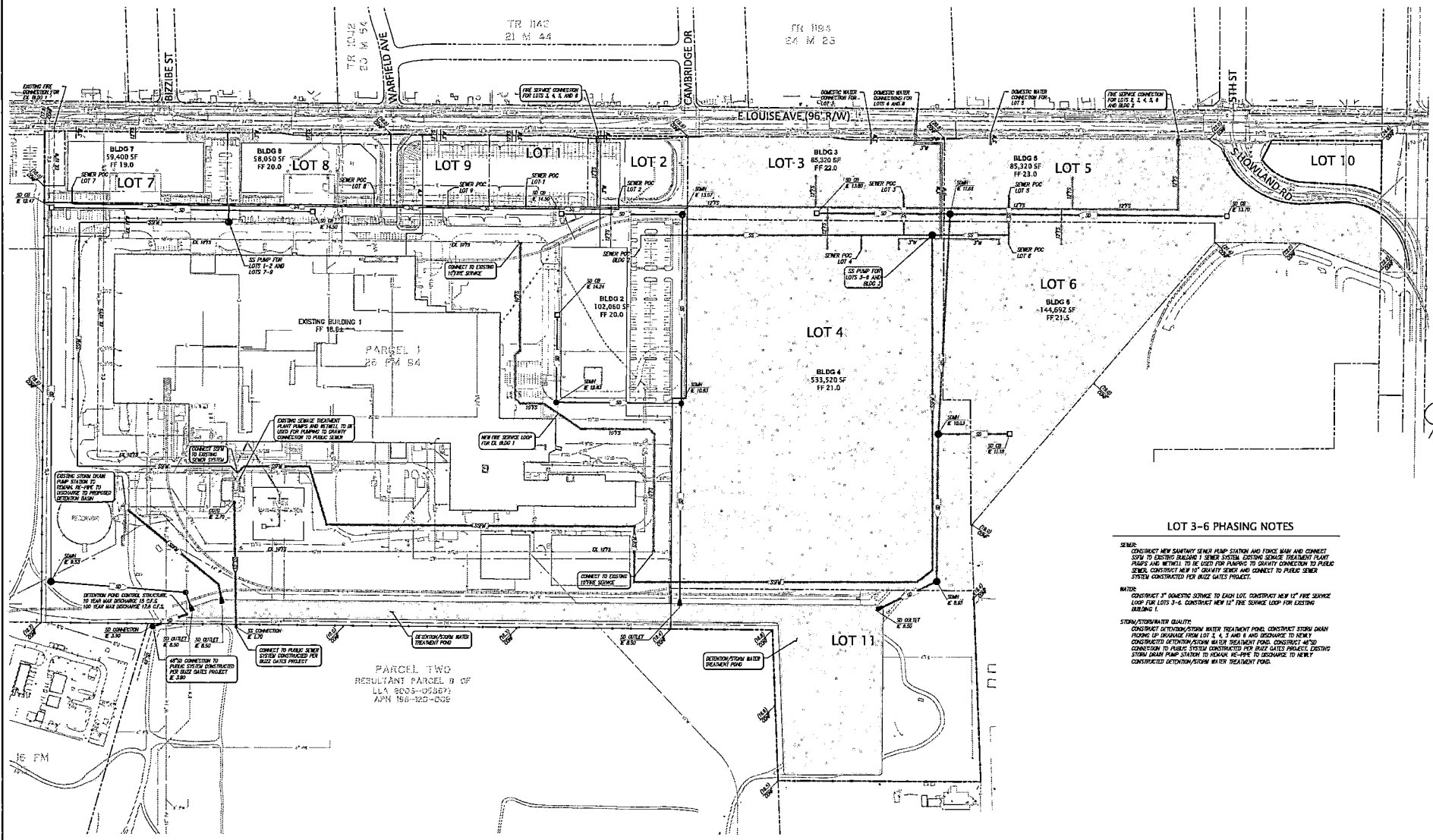
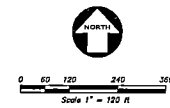
DATE: MAY 2014
 SCALE: 1" = 120'
 DESIGNER: JMB
 JOB NO.: A1453-11
 SHEET: TM 5.3
 OF 9 SHEETS

NO.	REVISION
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KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 2635 Colton Center Road
 Sacramento, California 95831
 Phone: (916) 344-8888
 Fax: (916) 344-9999

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LOT 3-6 PHASING NOTES

- SEWER:**
 CONSTRUCT NEW SANITARY SEWER PUMP STATION AND FORCE MAIN AND CONNECT SAME TO EXISTING BUILDING 1 SEWER SYSTEM. EXISTING SEWER TREATMENT PLANT PUMPS AND RETAIN TO BE LEFT FOR PUMPING TO GRAVITY CONNECTION TO PUBLIC SEWER. CONSTRUCT NEW 12" GRAVITY SEWER AND CONNECT TO PUBLIC SEWER SYSTEM. CONSTRUCT FOR WAZE GATES PROJECT.
- WATER:**
 CONSTRUCT 3" DOMESTIC SERVICE TO EACH LOT. CONSTRUCT NEW 12" FIRE SERVICE LOOP FOR LOTS 3-6. CONSTRUCT NEW 12" FIRE SERVICE LOOP FOR EXISTING BUILDING 1.
- STORM/STORMWATER QUALITY:**
 CONSTRUCT ATTENTION/STORM WATER TREATMENT POND. CONSTRUCT STORM DRAIN PUMPING UP STORMWATER FROM LOT 1, 4, 5 AND 8 AND DISCHARGE TO SEWER. CONSTRUCT ATTENTION/STORM WATER TREATMENT POND. CONSTRUCT 48" ID CONNECTION TO PUBLIC SYSTEM. CONSTRUCT FOR WAZE GATES PROJECT. EXISTING STORM DRAIN PUMP STATION TO REMAIN. RE-PIPE TO DISCHARGE TO NEWLY CONSTRUCTED ATTENTION/STORM WATER TREATMENT POND.

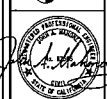
PARCEL TWO
 RESULTANT PARCEL B OF
 LLA 2003-05567;
 APN 168-120-006

**UTILITY PHASING PLAN
 OF
 NORTH CROSSROADS BUSINESS CENTER
 FOR
 REYNOLDS & BROWN**

DATE	MAY, 2014
SCALE	1" = 120'
DRAWN BY	JAN
JOB NO.	A14683-11
SHEET	TM 5.4
OF	9 SHEETS

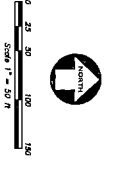
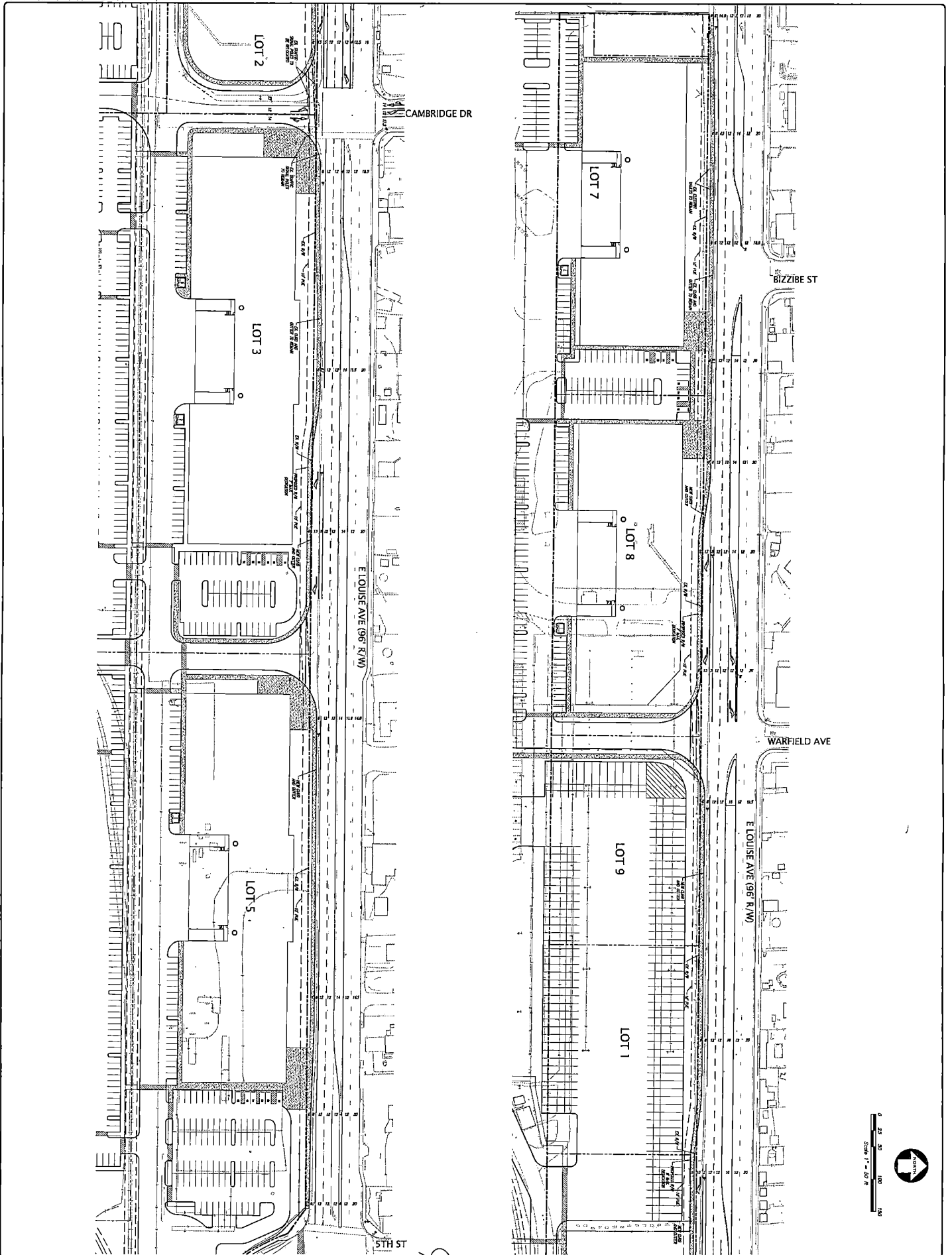
NO.	DATE	DESCRIPTION
1	01-15-2014	2ND CITY SUBMITTAL
2	02-10-2014	2ND CITY SUBMITTAL

KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 2435 Colton Canyon Road
 Sacramento, California 95831
 Phone: (916) 344-7000
 Fax: (916) 344-0900



CALIFORNIA

LATHROP



STRIPING PLAN
 OF
NORTH CROSSROADS BUSINESS CENTER
 FOR
REYNOLDS & BROWN
 LATHROP
 CALIFORNIA


KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 2850 Collier Canyon Road Phone (925) 245-8788
 Livermore, California 94551 Fax (925) 245-8796

NO.	REVISION	BY	NO.	REVISION	BY
1	2ND CITY SUBMITTAL	JAM	03-15-2018		
2	3RD CITY SUBMITTAL	JAM	05-22-2018		
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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL MEETING**

ITEM: **PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER GENERAL PLAN AMENDMENT AND ZONING MAP AMENDMENT FOR THE LBA NORTH PROJECT**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Adopt a Resolution adopting the Initial Study and Negative Declaration for the LBA North Project.**
- 3. Adopt a Resolution approving the General Plan Map Amendment from Freeway Commercial to General Industrial for the LBA North Project (GPA-18-22).**
- 4. Introduction and first reading of an Ordinance approving a Zoning Map Amendment from Highway Commercial to General Industrial for the LBA North Project (REZ-18-23).**

SUMMARY:

The applicant is requesting approval to amend the General Plan land use map designation of the subject property from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The project is referred to as the LBA North project and is located in the Crossroads Commerce Center. The primary purpose is to modify the type of uses that will be allowed to occupy the previously approved industrial building.

BACKGROUND:

The subject site is located in the Crossroads Commerce Center (formerly referred to as Crossroads Industrial Park). The subject site was included in the environmental analysis that was performed for the Crossroads Industrial Park Environmental Impact Report (EIR) in 1989 and Supplemental EIR, prepared in 2001. The approximately 528-acre Crossroads Industrial Park project includes industrial and commercial uses, as well as a wastewater treatment facility. To date, approximately 90 percent of the Crossroads project is built out.

In 1993, the subject site received approval as Phase II of the 335,000 square foot Big Valley Factory Outlet Mall (Development Plan No. DP-93-05). Phase I of the Outlet Mall consisted of 135,000 square feet of commercial space and was constructed in 1995. Unfortunately, the Outlet Mall concept did not succeed and Phase II was never constructed. Today, the Phase I buildings are now called the Lathrop Business Park and mostly occupied by professional office uses.

**CITY MANAGERS REPORT
JULY 11, 2018 CITY COUNCIL MEETING
LBA NORTH GENERAL PLAN AMENDMENT & REZONE**

PAGE 2

In 2009, the applicant proposed a similar request to amend the property's General Plan and Zoning designation from commercial to industrial. The project received opposition from the adjacent Lathrop Business Park ownership, concerns were related to aesthetics and circulation of vehicles and truck traffic generated by the project. The project received a favorable recommendation from the Planning Commission, but did not receive formal action from the City Council.

On June 15, 2016, the City approved Development Plan No. DP-16-49 for the LBA North Project to construct a 382,000 square foot building containing 32,000 square feet of retail commercial supported by the remaining square footage as an on-site warehouse. The Crossroads Development Agreement established a project review procedure called "Development Plan Review" by which all site specific project development proposals within Crossroads are reviewed and considered administratively by the Planning Division/City staff. The applicant did not propose to amend the property's General Plan and Zoning so Planning Commission and City Council action were not required; instead, the project approval only limited future uses that are allowed in the Commercial Highway Zone.

To address the original concerns regarding aesthetics, the applicant designed the building frontage facing Harlan Road to incorporate office commercial elements such as high windows, metal canopy, decorative light fixtures and enhanced building paint. In regards to circulation and traffic, the project was conditioned to re-route all truck traffic towards the southeast corner of the property with access from Murphy Parkway. The project also included extensive landscaping to provide screening and visual buffer between the project and the adjacent Lathrop Business Park. City staff reached out to the owners of the adjacent Lathrop Business Park regarding the proposed project and they appreciated that the City responded to their concerns and imposed conditions on the project as it relates to truck traffic, access and site circulation.

On May 30, 2018, the Planning Commission held a public hearing on the proposed project. Following Planning Commissioners' deliberation on the item, a member of the public spoke in opposition of the proposed General Plan Amendment and Rezone of the project site. Concerns were expressed on rezoning the site to IG, General Industrial as the uses permitted in the IG Zoning District, such as manufacturing and food processing, if developed, may conflict with the existing commercial uses to the west. At the conclusion of the public hearing, the Planning Commission voted unanimously (4-0) (Torres-O'Callaghan Absent) to recommend the City Council adopt the Initial Study and Negative Declaration and approve the request for a General Plan Amendment, and Rezone for the LBA North Project.

ANALYSIS:

General Plan Map Amendment

As previously stated, the applicant is requesting approval to amend the General Plan land use map designation of the subject property from Freeway Commercial (FC) to General Industrial (GI), and Zoning Map amendment from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to modify the type of uses that will be allowed to occupy the proposed industrial building. It is important to point out that all of the Conditions of Approval for DP-16-49 will remain in full force. This means that they will be required to implement the approved design of the building, proposed landscaping, and restrict truck access to the site via Murphy Parkway. In the event that the existing Development Plan approval expires, or the applicant proposes to redesign the project, the City will require a new Site Plan approval and have an opportunity to address all the concerns as it relates to aesthetics, site circulation and truck access. A Site Plan review application requires approval from the Planning Commission.

The applicant believes the General Plan land use map designation change to General Industrial is the most appropriate designation for this site as it would be an extension of the existing General Industrial designations directly to the east and south. The requested land use designation change is consistent with all existing General Plan Goals, Policies and Implementation strategies and would not require any amendments to the text of the existing General Plan. A written communication from the applicant, dated March 14, 2018 has been provided in support of the proposed project (Attachment 6).

In addition, the proposed General Plan Amendment and Rezone will implement the following policies contained in the General Plan in support of industrial land use designations:

- a) *"Areas designated for industrial use are intended to take advantage of rail and freeway access".* Although the project does not have rail access, it is located within 1,000 feet from Interstate 5.
- b) *"Areas designated for industrial use are to assure that there will be sufficient long-term availability of industrial land to expand the City's economic base".* The City has experience a significant increase in demand for manufacturing and distribution due to its location and proximity to interstates, rail, airports and a deep water port.
- c) *"Industrial proposals should be located where possible within an industrial park designed for the accommodation of a community of industries that are compatible in terms of operational characteristics, aesthetics qualities, utility service requirements and street circulation".*

**CITY MANAGERS REPORT
JULY 11, 2018 CITY COUNCIL MEETING
LBA NORTH GENERAL PLAN AMENDMENT & REZONE**

PAGE 4

The proposed General Plan land use change to industrial will be compatible and complement the existing adjacent industrial uses and will serve as a transition land use to the existing commercial uses. The project has been conditioned to incorporate office commercial elements along Harlan Road, will provide extensive landscaping to serve as screening and buffer from adjacent commercial uses and will re-route all truck traffic towards the southeast corner of the property with access from Murphy Parkway.

- d) "*Industries are to be developed and operated in such manner as to avoid damage, destruction or degradation of the environment*". Development of the project has been properly conditioned to minimize impact on the environment. Prior to building permit issuance, the project is required to obtain approvals from various county and state agencies such as: San Joaquin Valley Air Pollution District to mitigate air related impacts, San Joaquin County Multi-Species Habitat Conservation and Open Space Plan to mitigate impacts on biological resources, State Water Resources Control Board to prevent storm water pollution related to construction activities.

Zoning Map Amendment

The applicant is requesting approval to Rezone the subject property from Highway Commercial (CH) to General Industrial (IG). Rezoning of the property will allow a variety of industrial related uses to occupy the building. City staff supports the project and believes the proposed zoning designation will be compatible and complement the existing adjacent industrial uses and will serve as a transition land use to the existing commercial uses.

According to the Lathrop Municipal Code, amendments to the zoning map must be reviewed by the Planning Commission and forwarded to the City Council for approval. Before any recommendation to approve by the Planning Commission, or final approval by the City Council, the following finding must be made:

1. *That the proposed amendment will be consistent with applicable provisions of the General Plan.*

The applicant has filed for both a General Plan Amendment and a Rezoning. If the General Plan land use map designation is approved, the rezoning would be consistent with the City General Plan.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on June 1, 2018. Staff also mailed the public hearing notice on May 31, 2018 to notify property owners located within a 300-foot radius from the project site. In addition, staff sent a formal notification to the Northern Valley Yokut Tribe and the Buena Vista Rancheria Me-Wuk Indians to determine if a consult is needed for the General Plan Amendment request, as required by Government Code Section 65352.3.

**CITY MANAGERS REPORT
JULY 11, 2018 CITY COUNCIL MEETING
LBA NORTH GENERAL PLAN AMENDMENT & REZONE**

PAGE 5

The meeting agenda was also posted at our designated posting locations in the City. As of the writing of this report, no comments were received in favor or against the proposed project.

CEQA Review

In accordance with Public Resource Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated an Initial Study and Negative Declaration for a 20-day public review period beginning April 30, 2018 and ending May 21, 2018, that evaluated the potential environmental effects of the proposed project. One comment was received from the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP) stating the SJMSCP rules, regulations and contact information. No response is required as SJMSCP is stating their rules and regulations. It was determined that the proposed project could not have a significant effect on the environment. No significant impacts are anticipated and no mitigation measures are required.

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, take the following actions:

Adopt the Initial Study and Negative Declaration as the environmental document for the project pursuant to CEQA, and approve the request for the proposed General Plan Amendment and Rezone for the LBA North Project.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

The proposed project promotes Economic Growth by supporting and encouraging development, and promotes Team Work between the public, Council and City staff by working together to share the same vision.

FISCAL IMPACT:

All application processing fees and costs are charged to the applicant. The request has no fiscal impact to the City.

**CITY MANAGERS REPORT
JULY 11, 2018 CITY COUNCIL MEETING
LBA NORTH GENERAL PLAN AMENDMENT & REZONE**

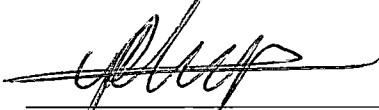
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ATTACHMENTS:

1. Resolution for Initial Study and Negative Declaration
2. Resolution for General Plan Map Amendment
3. Ordinance for Zoning Map Amendment
4. Vicinity Map
5. General Plan and Zoning Exhibit
6. Letter to City and Project Description
7. DP-16-49 Conditions of Approval
8. Initial Study and Negative Declaration
9. Planning Commission Resolution No. 18-11

**CITY MANAGERS REPORT
JULY 11, 2018 CITY COUNCIL MEETING
LBA NORTH GENERAL PLAN AMENDMENT & REZONE**

APPROVALS:



Rick Caguiat
Senior Planner

6-4-18

Date



Mark Meissner
Assistant Community Development Director

6-4-18

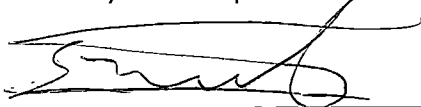
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Rebecca Schmidt
Community Development Director

6-4-18

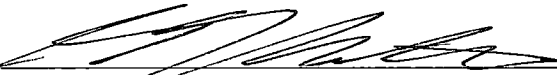
Date



Salvador Navarrete
City Attorney

6-4-18

Date



Stephen J. Salvatore
City Manager

6.5.18

Date

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING THE INITIAL STUDY/NEGATIVE DECLARATION FOR THE LBA NORTH PROJECT (GPA-18-22 & REZ-18-23)

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public meeting on May 30, 2018, at which they adopted PC Resolution No. 18-11 recommending the City Council approve the General Plan Land Use Map Amendment and Zoning Map Amendment request pursuant to the Lathrop Municipal Code; and

WHEREAS, the subject parcels currently have a Freeway Commercial (FC) General Plan designation, and are located within the Highway Commercial (HC) Zoning District; and

WHEREAS, the request is for a General Plan Land Use Map Amendment to General Industrial (GI); Zoning Map Amendment to General Industrial (IG); and

WHEREAS the property is located at 16825 Murphy Parkway (APN's: 198-210-14, -19 & -21); and

WHEREAS, in accordance with Public Resource Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated an Initial Study and Negative Declaration for a 20-day public review period beginning April 30, 2018 and ending May 21, 2018, that evaluated the potential environmental effects of the proposed project; and

WHEREAS, the City Council has independently reviewed the information contained in the Initial Study/Negative Declaration for the project and any comments received during the public review period; and

WHEREAS, the City Council has utilized its own independent judgment in adopting the Initial Study/Negative Declaration; and

WHEREAS, on the basis of the whole record before the City Council, which is documented in the project files of the City of Lathrop Community Development Department, there is no substantial evidence that the project will have a significant effect on the environment; and

WHEREAS, proper notice of this public meeting 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, hereby adopts the Initial Study and Negative Declaration attached and incorporated by reference herein (Attachment 8 of the Staff Report), as the appropriate environmental document for the LBA North Project pursuant to CEQA.

PASSED AND ADOPTED by the City Council of the City of Lathrop at a regular meeting on the 11th day of June, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

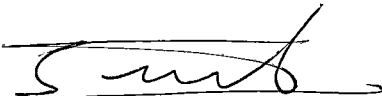
ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RESOLUTION NO. 18-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING A GENERAL PLAN LAND USE MAP AMENDMENT FOR THE LBA NORTH PROJECT (GPA-18-22)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public meeting on May 30, 2018, at which they adopted PC Resolution No. 18-11 recommending the City Council approve the General Plan Land Use Map Amendment and Zoning Map Amendment request pursuant to the Lathrop Municipal Code; and

WHEREAS, the subject parcels currently have a Freeway Commercial (FC) General Plan designation, and are located within the Highway Commercial (HC) Zoning District; and

WHEREAS, the request is for a General Plan Land Use Map Amendment to General Industrial (GI); Zoning Map Amendment to General Industrial (IG); and

WHEREAS the property is located at 16825 Murphy Parkway (APN's: 198-210-14, -19 & -21); and

WHEREAS, in accordance with Public Resource Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated an Initial Study and Negative Declaration for a 20-day public review period beginning April 30, 2018 and ending May 21, 2018, that evaluated the potential environmental effects of the proposed project; and

WHEREAS, State Planning Law require the Planning Commission to provide a recommendation for a General Plan amendment to the City Council by resolution; and

WHEREAS, the proposed General Plan Land Use Map Amendment will implement the following policies contained in the General Plan in support of industrial land use designations:

- a) *"Areas designated for industrial use are intended to take advantage of rail and freeway access"*. Although the project does not have rail access, it is located within 1,000 feet from Interstate 5.
- b) *"Areas designated for industrial use are to assure that there will be sufficient long-term availability of industrial land to expand the City's economic base"*. The City has experience a significant increase in demand for manufacturing and distribution due to its location and proximity to interstates, rail, airports and a deep water port.

- c) *"Industrial proposals should be located where possible within an industrial park designed for the accommodation of a community of industries that are compatible in terms of operational characteristics, aesthetics qualities, utility service requirements and street circulation"*. The proposed General Plan land use change to industrial will be compatible and complement the existing adjacent industrial uses and will serve as a transition land use to the existing commercial uses. The project has been conditioned to incorporate office commercial elements along Harlan Road, will provide extensive landscaping to serve as screening and buffer from adjacent commercial uses and will re-route all truck traffic towards the southeast corner of the property with access from Murphy Parkway.
- d) *"Industries are to be developed and operated in such manner as to avoid damage, destruction or degradation of the environment"*. Development of the project has been properly conditioned to minimize impact on the environment. Prior to building permit issuance, the project is required to obtain approvals from various county and state agencies such as: San Joaquin Valley Air Pollution District to mitigate air related impacts, San Joaquin County Multi-Species Habitat Conservation and Open Space Plan to mitigate impacts on biological resources, State Water Resources Control Board to prevent storm water pollution related to construction activities.

WHEREAS, the proposed amendment will be consistent with applicable provisions of the General Plan. The proposed General Plan Land Use Map Amendment to General Industrial and Zoning Map Amendment to General Industrial would provide consistency between the General Plan & Zoning and would further General Plan goals & policies; and

WHEREAS, the City Council finds that the proposed project is consistent with the land use goals and policies of the City of Lathrop General Plan, and complies with all applicable provisions and standards of the Zoning Ordinance; and

WHEREAS, proper notice of this public meeting 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, hereby approves the General Plan Land Use Map Amendment as shown in Exhibit A for the LBA North Project.

PASSED AND ADOPTED by the City Council of the City of Lathrop at a regular meeting on the 11th day of June, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

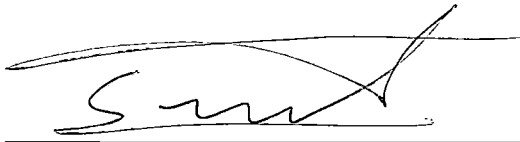
ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

Attachments:

Exhibit A – General Plan Land Use Map Amendment



General Plan Land Use Map Amendment

	<p>EXHIBIT A GPA-18-22 LBA North Project General Plan Land Use Map Amendment 16825 Murphy Parkway APN's: 198-210-14, -19 & -21</p>	<p>N</p> <p>(Not to Scale)</p>
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ORDINANCE NO. 18-**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING A ZONING MAP AMENDMENT FOR THE LBA NORTH PROJECT (REZ-18-23)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public meeting on May 30, 2018, at which they adopted PC Resolution No. 18-11 recommending the City Council approve the General Plan Land Use Map Amendment and Zoning Map Amendment request pursuant to the Lathrop Municipal Code; and

WHEREAS, the subject parcels currently have a Freeway Commercial (FC) General Plan designation, and are located within the Highway Commercial (HC) Zoning District; and

WHEREAS, the request is for a General Plan Land Use Map Amendment to General Industrial (GI); Zoning Map Amendment to General Industrial (IG); and

WHEREAS, the property is located at 16825 Murphy Parkway (APN's: 198-210-14, -19 & -21); 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, in accordance with Public Resource Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated an Initial Study and Negative Declaration for a 20-day public review period beginning April 30, 2018 and ending May 21, 2018, that evaluated the potential environmental effects of the proposed project;

WHEREAS, the City Council finds that the proposed Zoning Map change is consistent with applicable provisions of the Lathrop General Plan; 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, hereby approve the Zoning Map Amendment for the LBA North Project as shown in the attached Exhibit A, incorporated by reference herein.

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

Section 1. The Zoning Map of the City of Lathrop is hereby amended as shown in the attached Exhibit A, 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 provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

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 11th day of June 2018, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on the 9th day of July 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

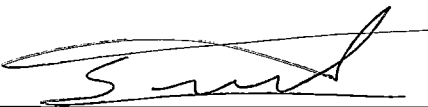
ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

Attachments:

Exhibit A - Zoning Map Amendment



Zoning Map Amendment

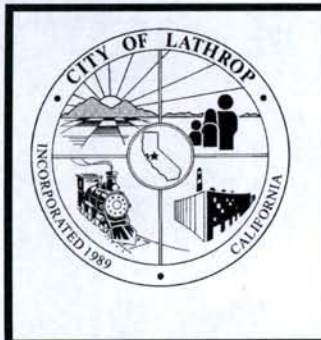
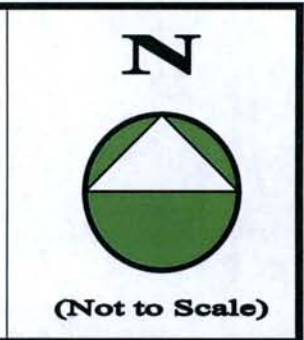


EXHIBIT A
REZ-18-23
LBA North Project
Zoning Map Amendment
16825 Murphy Parkway
APN's: 198-210-14, -19 & -21





PLANNING DIVISION
Vicinity Map



GPA-18-22 & REZ-18-23
General Plan Amendment & Rezone
LBA North
16825 Murphy Parkway
APN: 198-210-14, -19 & -21



(Not to Scale)

General Plan

Current General Plan:
Freeway Commercial



Proposed General Plan:
General Industrial



Rezone

Current Zoning:
Highway Commercial



Proposed Zoning:
General Industrial



development net co

March 14, 2018

ATTACHMENT "6"

City of Lathrop
Attn: Ricardo Caguiat
390 Towne Centre Drive
Lathrop, CA 95330

Subject: Harlan Road-North rezoning request

As previously discussed, the zoning request submitted is for an approved building to be located at 16825 Murphy Parkway; it is a 350,560 sqft. dual use commercial/industrial warehouse zoned for Freeway Commercial, we are requesting it to be rezoned General Industrial District (IG). This request for rezoning is to better match all the adjacent properties on Murphy Parkway and surrounding area.

Prior to acquiring the real estate, it had been intended by the original developer to be a 2nd phase for an outlet retail mall. The 1st phase of the mall was developed and never occupied due to the city of Tracy developing a similar retail center. The 1st phase was instead converted to an institution of education, ITT was a major tenant before they went bankrupt and the building is now vacant. The 2nd phase was never developed and our goal is to develop the approved building on this site.

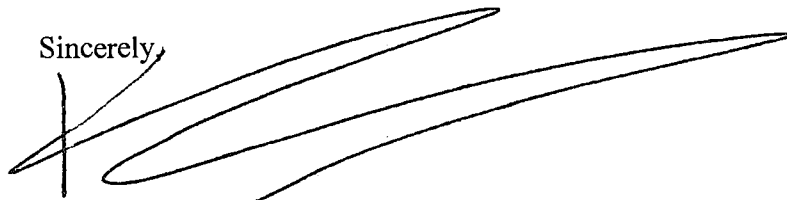
With the rezoning approved for IG use it will allow the building to be marketed to a larger range of users like Tesla and businesses of that nature for an industrial park.

And as you know there has been an 800,000 sqft. industrial building approved next to us and other buildings on the former glass plant site; as well as added square footage to the carpenter building all of which are zoned IG.

We respectfully request your consideration and approval to rezone this property and produce a building to bring a tax paying business to your community.

Should you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,



Kevin A. Coleman

KAC:klw

Cc: Bob Kubichek, LBA Realty

City of



ATTACHMENT " 7 "

**Community Development Department
Planning Division**

390 Towne Centre Drive-- Lathrop, CA 95330
Phone (209) 941-7290 -- Fax (209) 941-7268
www.ci.lathrop.ca.us

June 15, 2016

Michael DeArney
LBA Realty, Inc.
17901 Von Karman, Suite 950
Irvine, CA 92614

Re: Development Plan (DP-16-4⁹); LBA North, 16825 Murphy Parkway (APN: 198-210-19)

Dear Mr. DeArney:

On this date, the City of Lathrop Community Development Department hereby approves Development Plan No. DP-16-42 for the construction of a new 382,722 square foot building in the Commercial Highway Zone, which includes approximately 32,000 square feet of retail commercial sales on site with their product, supported by onsite warehousing, on a 18.70-acre site located within the Crossroads Commerce Center. The building is designed to accommodate an automobile and farm equipment sales and supply store, which is a permitted use in the Commercial Highway Zone.

This project has been determined to be in conformance with the Crossroads Commerce Center Development Standards and associated Development Agreement. A stamped approved copy of the approved plans and consolidated conditions of approval dated June 15, 2016 are enclosed for your records. The decision of the Community Development Director is subject to appeal within 10 days of the date of this letter pursuant to Lathrop Municipal Code Section 17.108.050.

The City of Lathrop greatly appreciates the development investment that you and your company are making in our community and we look forward to seeing the proposed project constructed.

If you have any questions please do not hesitate to contact me directly at (209) 941-7267.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Willis", is written over the typed name.

Rebecca Willis
Community Development Director

Encl: Conditions of Approval, dated June 15, 2016
Stamped Approved Plans

Cc: Crossroads Commerce Center Owner's Association
Pacific Edge Development, Attn Schyler Eto



Community Development Department – Planning Division

Consolidated Conditions of Approval

June 15, 2016

Project Name: LBA North
File Number: Development Plan No. DP-16-4~~8~~⁹
Project Address: 16825 Murphy Parkway (APN: 198-210-19)

The following list of conditions shall be incorporated into the final construction plans and development phases of the project. The list of conditions are not intended to be all-inclusive or a comprehensive listing of all City or district regulations. Please note that additional comments and/or conditions may be added pending the response to the comments noted below and/or changes to the proposed project. The following comments and conditions of approval are based on the application and diagrams received April 25, 2016 and dated approved June 15, 2016.

PLANNING

1. The granting of this Development Plan Review authorizes the construction of a new 382,722 square foot building in the Commercial Highway Zone, which includes approximately 32,000 square feet of retail commercial sales on-site with their product, supported by onsite warehousing, on a 18.70-acre site located within the Crossroads Commerce Center. The building is designed to accommodate an automobile and farm equipment sales and supply store, which is a permitted use in the Commercial Highway Zone. The project includes 194 vehicle parking stalls (including 8 accessible stalls) and 47 truck parking stalls with related site work including landscaping, lighting, and continuation of the sidewalk along Harlan Road.
2. This approval only applies to uses that are allowed in the Commercial Highway Zone.
3. Stand-alone warehousing or industrial use of the building is not allowed in the Commercial Highway Zone.
4. The warehouse component shall utilize the 16825 Murphy Parkway address to direct all of its related trucking to access the site via Murphy Parkway.
5. Truck access associated with the warehouse component shall be prohibited from utilizing the existing shared driveway on Harlan Road. In order to enforce this requirement, the following measures shall be included in the development of the site and the operation of the business:
 - a. The applicant shall install signage at its Harlan Road drive approaches to prohibit truck access and directing trucks to Murphy Parkway.
 - b. The applicant shall obtain an encroachment permit and install signage in the median to prohibit truck access to the shared driveway on Harlan Road.
 - c. The site plan shall include breakaway gates to prevent trucks from accessing the dock door areas from the passenger vehicle parking lots at the front of the site on Harlan Road, with

the exception of fire trucks and other emergency responders. The gates shall be locked and secured to prevent violations of this condition.

- d. Security cameras shall include monitoring of the shared driveway on Harlan Road to ensure compliance with conditions.
6. The applicant shall submit a title report along with the plan check drawings to identify the easement holders that have rights on the subject property.
7. The applicant shall provide fence and gate at the Murphy Parkway entrance.
8. The project shall comply with all applicable site development provisions as required by the Lathrop Municipal Code (LMC) including but not limited to parking, lighting, landscaping, etc.
9. The project shall submit plans for architectural review and approval by the Crossroads Commerce Center Owner's Association as required in the CC&Rs.
10. Prior to any ground disturbance, the project shall consult with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for biological coverage, mitigation and participation in the plan. Participation in the SJMSCP satisfies requirements of both the State and Federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA).
11. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. Final site plan, elevation, landscaping and irrigation, exterior lighting and site improvement plans and details, etc. shall be reviewed and approved by the Planning Division. Any significant change or modification to the approved plan is subject to review and approval by the Community Development Director.
12. Landscaping and irrigation must be consistent with the City's Water Conservation Requirements (LMC 17.92.060) and the State Water Efficient Landscape Ordinance (AB 1881).
13. The entire site including landscaping areas shall be maintained in a healthy, weed free condition.
14. The trash enclosure shall include but not limited to a covered roof, metal gate, and sewer drain. Details and/or alternative designs shall be subject to review and approval of the Planning, Building and Public Works Department. The trash enclosure design, material and color shall match or compliment the main building.
15. Any building or parking area illumination including security lighting, shall be arranged to reflect away from adjoining properties.
16. A final site lighting photometric plan and information with detail specifications on fixtures, site poles, and wall packs as well as a manufacture's catalogue containing photometric data, shall be submitted with the Building Permit for City review and approval. A minimum level of 1 foot-candle of lighting shall be provided in all parking areas from dusk until dawn.
17. Sign Design Permit for any exterior signs shall be submitted to the Planning Division for review and approval prior to installation. All signage must be in accordance with the applicable standards of the Lathrop Municipal Code.
18. Bicycle parking shall be installed consistent with Chapter 17.76.120 of the LMC.
19. Roof-mounted mechanical equipment shall be screened and not visible from the public right-of-way. Screening materials shall be compatible with the architectural style, materials and color of the building upon which the equipment is located, subject to the approval of the Community Development Director.

20. Unless otherwise specified, all conditions of approval shall be complied with prior to the issuance of any Building Permits.
21. The development for which a Development Plan has been approved pursuant to Chapter 17.100 of the Lathrop Municipal Code (LMC) shall commence within thirty (36) months of the granting of the minor site plan approval. Prior to the expiration, a building permit must be issued and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. The approval may be extended for an additional period not to exceed twelve (12) months upon written application to the City prior to the expiration of the first approval date.
22. The City of Lathrop may conduct annual and or spot inspections to ensure that required site improvements and conditions are being complied with and maintained.

BUILDING

1. All construction shall comply with the most recent adopted City and State building codes:
 - 2013 California Building Code
 - 2013 California Residential Code
 - 2013 California Electrical Code
 - 2013 California Mechanical Code
 - 2013 California Plumbing Code
 - 2013 California Fire Code
 - 2013 California Green Code
2. Special Inspections – As indicated by California Building Code Section 1704, the owner shall employ one or more special inspectors who shall provide special inspections when required by CBC section 1704. Please contact the Building Division at time of plan submittal to obtain application for special inspections.
3. The Title Sheet of the plans shall include:
 - Occupancy Group
 - Occupant Load
 - Description of Use
 - Type of Construction
 - Height of Building
 - Floor area of building(s) and/or occupancy group
4. School impact fees shall be paid prior to permit issuance.
5. Dimensioned building setbacks and property lines, street centerlines and between buildings or other structures shall be designed on plot plan.
6. All property lines and easements must be shown on plot plan. A statement that such lines and easements are shown is required.
7. The project design will conform with energy conservation measures articulated in Title 24 of the California Code of Regulations and address measures to reduce energy consumption such as flow restrictors for toilets, low consumptions light fixtures, and insulation and shall use to the extent feasible draught landscaping.

8. A design professional will be required at time of construction drawings, to prepare plans for proposed improvements per the Business and Professions' Code.
9. Public and private site improvements shall be designed in accordance with the Americans with Disabilities Act and Chapter 11 of the California Building Code. Site plan shall include a site accessibility plan identifying exterior routes of travel and detailing running slope, cross slope, width, pedestrian ramp, curb ramps, handrails, signage and truncated domes. Path of travel shall be provided from the public right of way and accessible parking to building. The design professional shall ensure that the site accessibility plan is compliance with the latest Federal and State regulations.

PUBLIC WORKS

1. Applicant shall to retain the services of a California licensed civil engineer to design the utility plans for sewer, water and storm drain lines.
2. The project shall adhere to Multi-Agency Post-Construction Stormwater Standards Manual. The Applicant is responsible for providing stormwater quality treatments as required by the post-construction manual. Prior to the issuance of a Grading Permit a water quality drainage and treatment plan shall be submitted to and approved by the City
3. The project shall adhere to the Crossroads Storm Drain Master Plan. Prior to the issuance of a Grading Permit the Applicant shall submit hydrology and hydraulic calculations to the City for review and approval.
4. The project site cumulatively has 10,275 gallons per day(gpd) of wastewater capacity between the three project parcels, APN 198-210-14, -019 & -021. The Applicant shall provide verification of the capacity assignment by Richland Communities. Prior to the issuance of a Grading Permit the Applicant shall verify that this capacity is sufficient for the proposed project. If the existing capacity is not sufficient the Applicant shall secure additional sewer capacity and have it assigned to the parcel as needed.
5. Prior to the issuance of a Building Permit all assigned wastewater capacity shall be paid for by the Applicant at the cost identified in the master fee schedule at the time of building permit submittal.
6. Applicant shall enter into encroachment permit agreement and bond for all offsite improvements and/or wet utility connections within City right-of-way or the public utility easement.
7. Applicant shall insure that all offsite and onsite improvements comply with City Standards.
8. The Applicant shall be required to install full street frontage improvements on Harlan Road, including but not limited to curb, gutter, sidewalk, hydrants, paving and striping. The extent of paving shall include a 2 inch AC grind and overlay across one half street width to the center line of Harlan Road. The City Engineer shall have the authority to defer construction of street improvements with a Deferred Frontage Improvement Agreement.
9. The Applicant shall demonstrate the truck traffic access from Murphy Parkway is in compliance with all of the easements that share or cross the path of access.
10. Applicant shall provide a 10-foot public utility easement along the frontage of Harlan Road unless the easement has already been provided.
11. Applicant shall provide driveway access to the site as well as onsite circulation capable of safely accommodating an STAA size truck.

12. If a gate will be installed at any of the access points to the Applicant shall design site such that all truck stacking occurs on site and not in City right of way.
13. As part of the Building Permit application all existing survey monuments and markers within the area of work shall be researched and identified on an existing conditions or demolition plan sheet. The City Surveyor may require a corner record or record of survey be prepared if any survey monuments have the potential to be disturbed.
14. Applicant shall install as part of their onsite improvement all necessary Best Management Practices (BMP's) for post construction in accordance with City guidelines and standards. The BMP's must be in place prior to final occupancy.
15. Applicant shall underground all overhead utilities in compliance with the Lathrop Municipal Code. Overhead power lines in excess of 34.5 KVA are not required to be undergrounded.
16. The Applicant shall provide for an engineering analysis of the following items. The analysis shall be performed in a manner, and provided in a form acceptable to the City Engineer. At the discretion of the City Engineer the Applicant shall mitigate any deficiencies identified in the analysis.
 - a. Street improvements required to provide adequate access to the project from Murphy Parkway.
 - b. Impacts to the signalized intersection at Harlan Rd and the ITT driveway.
17. Prior to the issuance of a Building Permit the Applicant shall pay all appropriate fees including but not limited to Capital Facilities Fees, Plan Check and Inspection Fees. Capital Facility Fees include but are not limited to Municipal Service Facilities, Storm Drainage and Local Transportation Fees
18. The applicant shall provide an erosion and sediment control plan with the Building Permit application.

LATHROP-MANTECA FIRE DISTRICT

1. The project must conform to the appropriate edition of the California Fire Code (currently the 2013 edition) and all related standards.
2. Permits shall be obtained from the fire code official. Permit(s) and fees, shall be paid prior to issuance of any and/or all permits. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. (Permits are to be renewed on an annual basis)
3. Approved automatic sprinkler systems shall be provided as required in 2013 California Fire Code §903.2. Tenant/Occupant/Owner shall have the responsibility to ensure that the correct fire suppression system is added/modified/tested and accepted by the (AHJ) Fire District. Fire suppression system plans shall be modified under separate fire permit and shall be submitted by a licensed contractor, to the (AHJ) Fire District for review and approval prior to modification. Deferred submittal accepted.
4. Approved fire alarm systems shall be installed in accordance with 2013 CFC §907.2 and 2013 NFPA 72.
5. Fire Department Development Fees for all new buildings must be paid in accordance with the City of Lathrop's Ordinance and Resolutions adopting the fee schedule.

6. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to commencing construction beyond the foundation stage, or as soon as combustible material arrives on the site.
7. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
8. The Fire Department Fire Access Roads shall meet the requirements established by the San Joaquin County Fire Chief's Association.
9. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box is required to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. In addition to key box(es), any automatic gates shall have Opticom access ability to provide necessary access for emergency apparatus.
10. Other fire & life safety requirements may be required at time of building plan review.
11. Final approval is subject to field inspections. Minimum 48 hour notice required prior to any life-safety fire inspections. Other conditions may apply at time of inspections and are subject to correction.

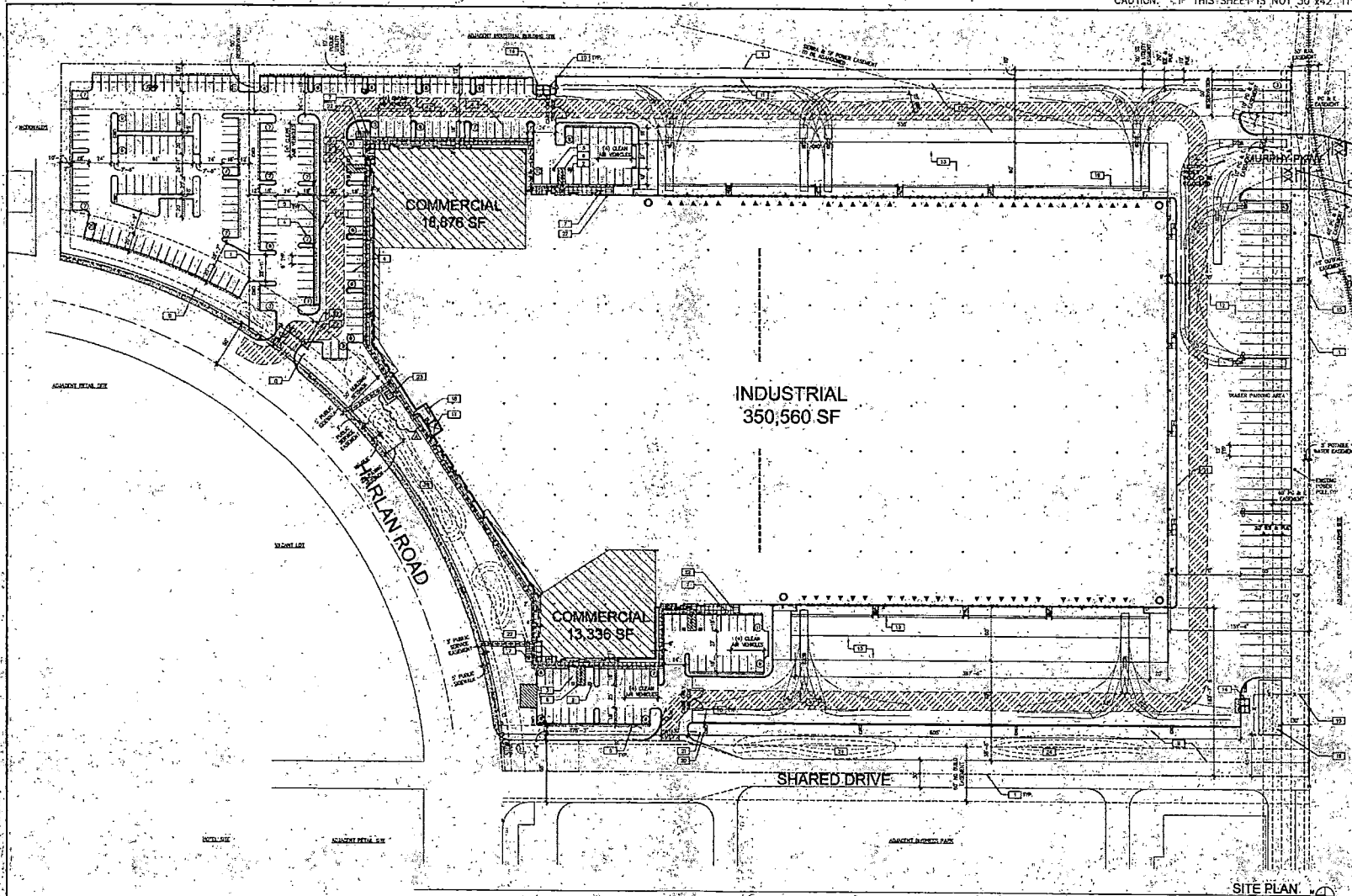
LATHROP POLICE SERVICES

1. All conditions are subject to approval by both the Police Chief and Fire Chief collaboratively.
2. Install dedicated lighting in the drive Access and properly maintained. All lighting must comply with minimum average 6Ft. Candlepower at 30" from ground.
3. Roof top address visible 2000' from fixed wing airplane . The numbers shall be at least 3' tall, 2' wide, 9" apart, with 6" brush stroke with a color that contrast the roof top.
4. EVA may be required to allow adequate space for emergency vehicles.
5. All landscaping must comply with standard CPTED recommendations:
 - a. Maintain natural visible surveillance to building from parking lot and street.
 - b. Plants taller than 8 feet shall be trimmed up 4 feet from ground.
 - c. Plants under 8 feet shall be trimmed to allow ground level surveillance.
6. Install recording security camera system that is maintained and accessible to LPS. (for all commercial buildings). If a tenant is not identified at the time of building completion, the applicant shall coordinate with Lathrop Police Services regarding installation of security cameras that is accessible for investigation purposes at such time when the tenant of the building is identified.

ADMINISTRATIVE SERVICES

1. By exercising this Permit, the applicant hereby agrees to indemnify, hold harmless and defend the City, its officers, agents, elected and appointed officials, and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this Development Plan Review.

CAUTION: IF THIS SHEET IS NOT 30"x42" IT IS A REDUCED PRINT



WARE MALCOMB
 LARCHER DESIGN & COMMERCIAL REAL ESTATE
 ARCHITECTS
 1000 UNIVERSITY AVENUE, SUITE 1000
 BERKELEY, CALIFORNIA 94702
 (415) 841-1100
 WWW.MALCOMBWARE.COM

HARLAN ROAD NORTH
 18825 MURPHY PARKWAY
 LATHROP, CALIFORNIA 95330
 SHELL PERMIT ONLY



SITE PLAN
 SCALE: 1" = 30'

PROJECT DATA

SITE AREA: 1610 AC (16.1453 ST)
 TOTAL PARKING AREA: 10,000 ST
 PAVED: 4000 ST
 ASPHALT: 6000 ST
 GRAVEL: 4000 ST
 ACCESSIBLE PARKING: 100 ST
 MAILING: 100 ST
 LANDSCAPE: 100 ST
 PARKING: 100 ST
 RETAINMENT WALL: 100 ST
 DRIVEWAY: 100 ST
 FENCE: 100 ST
 SIGNAGE: 100 ST
 LIGHTING: 100 ST
 UTILITY: 100 ST
 DEMONSTRATION: 100 ST
 PAVED AREA (TOTAL, EXCEPT SIGNAGE): 10,000 ST
 LIGHTING: 100 ST
 SIGNAGE: 100 ST

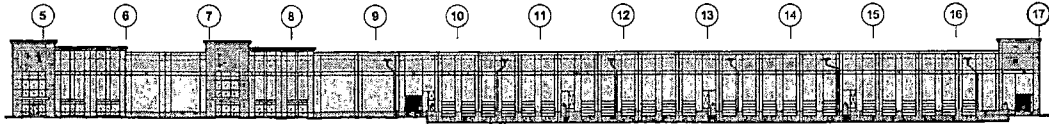
SITE LEGEND

▲ SOAK PIT TRACK DOOR
 ○ SPACE LEVEL TRACK DOOR
 ○ PAVEMENT LIGHT FIXTURE
 ○ WALKWAY LIGHT FIXTURE
 ○ PARKING STALL LIGHT FIXTURE
 ○ FIRE LANE ENTRANCE
 ○ FIRE LANE ENTRANCE (SEE CITY DRAWING)

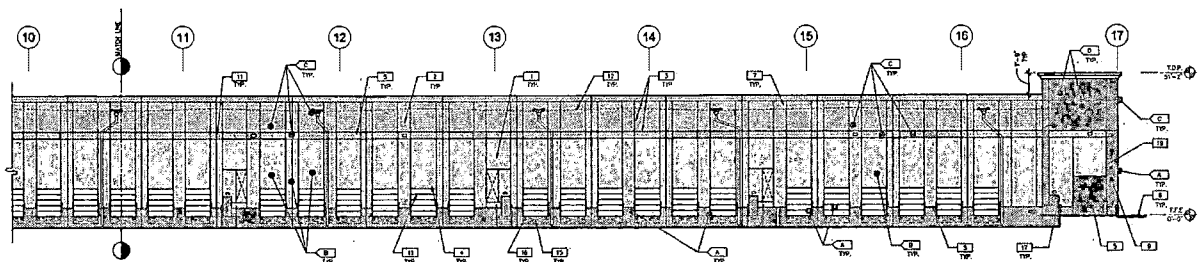
SITE PLAN NOTES

- 1. PROPERTY LINE
- 2. ACCESSIBLE PARKING STALL WITH SIGNAGE
- 3. MAIN ACCESSIBLE PARKING STALL WITH SIGNAGE
- 4. PAVED PARKING STALL PER CITY STANDARDS
- 5. ASPHALT PARKING STALL
- 6. GRAVEL PARKING STALL
- 7. ACCESSIBLE PARKING STALL WITH SIGNAGE, ON BAL. CROSS SECTION
- 8. DRIVEWAY
- 9. DRIVEWAY ENTRANCE
- 10. DRIVEWAY ENTRANCE
- 11. DRIVEWAY ENTRANCE
- 12. DRIVEWAY ENTRANCE
- 13. DRIVEWAY ENTRANCE
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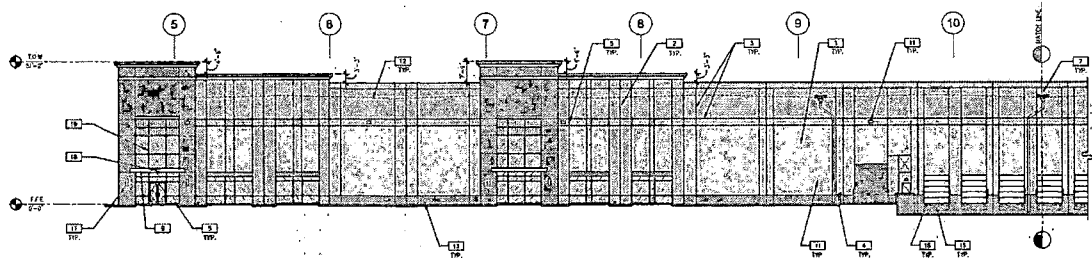
A11



OVERALL WEST EXTERIOR ELEVATION
SCALE: 1/4"=1'-0"



WEST EXTERIOR ELEVATION
SCALE: 1/16"=1'-0"



LEGEND

- 1 HIGH GLASS SPECIALTY GLASS PANEL, 1" BEARING LIFT TO SIDE-TIA, SIKING OBTAINING 23, U-VALUE: .29
- 2 WINDOW GLASS: OPAID-COAT COATING, COLOR MATCHED TO BLACK FRAME
- 3 TINTED GLASS
- 4 BLUE COLOR PEPPER GRAZE PAINTS
- 5 BACKGROUND COLOR: BAKENDUM PAINTS
- 6 ACCENT COLOR: HORGARD PLANTS PAINTS
- 7 ACCENT COLOR: SONG PORCELAIN PAINTS

ELEVATION NOTES

- SEE SHEET A0.2 FOR GENERAL NOTES
- 1 CONCRETE WALL PANEL
 - 2 CONCRETE WALL JOINT
 - 3 1/2" W-ROOF
 - 4 BRUSH-ON FIBRE FUTURE LEADER
 - 5 ALUMINUM CROWDOWN SYSTEM DARK BRONZE ANODIZED WITH 1" INSULATED GLASS
 - 6 FINISH INSIDE WALLS: SEE DETAIL, BRONZE
 - 7 DOWNSPOUT PAINTED TO MATCH BRADING
 - 8 TUBE STEEL FRAME
 - 9 METAL CANOPY - PAINTED
 - 10 BUILDING ADDRESS SHALL BE PROVIDED ON THE BUILDING BY SIGN I POSITION AND TO BE PLACED 18" ABOVE AND 18" FROM THE STREET FOR LOCAL IDENTIFICATION
 - 11 WALL ANODIZED BRONZE, PAINTED BRONZE TO MATCH ADJACENT WALL
 - 12 ROOF LINE DETAIL
 - 13 6" GFCI LEADER TERMINATION THROUGH WALL
 - 14 1/2" x 1/2" EXTERIOR ALUMINUM LEADER PAINT TO MATCH ADJACENT WALL COLOR
 - 15 BRUSH-ON FOR FUTURE LEADER
 - 16 FINISH LEADER
 - 17 OCCUPY THE LIGHT FIXTURE
 - 18 CONCRETE FINISHES
 - 19 ALUMINUM CROWN WALL SYSTEM DARK BRONZE ANODIZED WITH 1" INSULATED GLASS

WARE MALCOMB
Leading Design for Commercial Real Estate

Architect
Interior Design
Mechanical Engineering
Electrical Engineering
Structural Engineering
Process Engineering
PRACTICE

HARLAN ROAD NORTH
18925 MURPHY PARKWAY
LATHROP, CALIFORNIA 95330
SHELL PERMIT ONLY

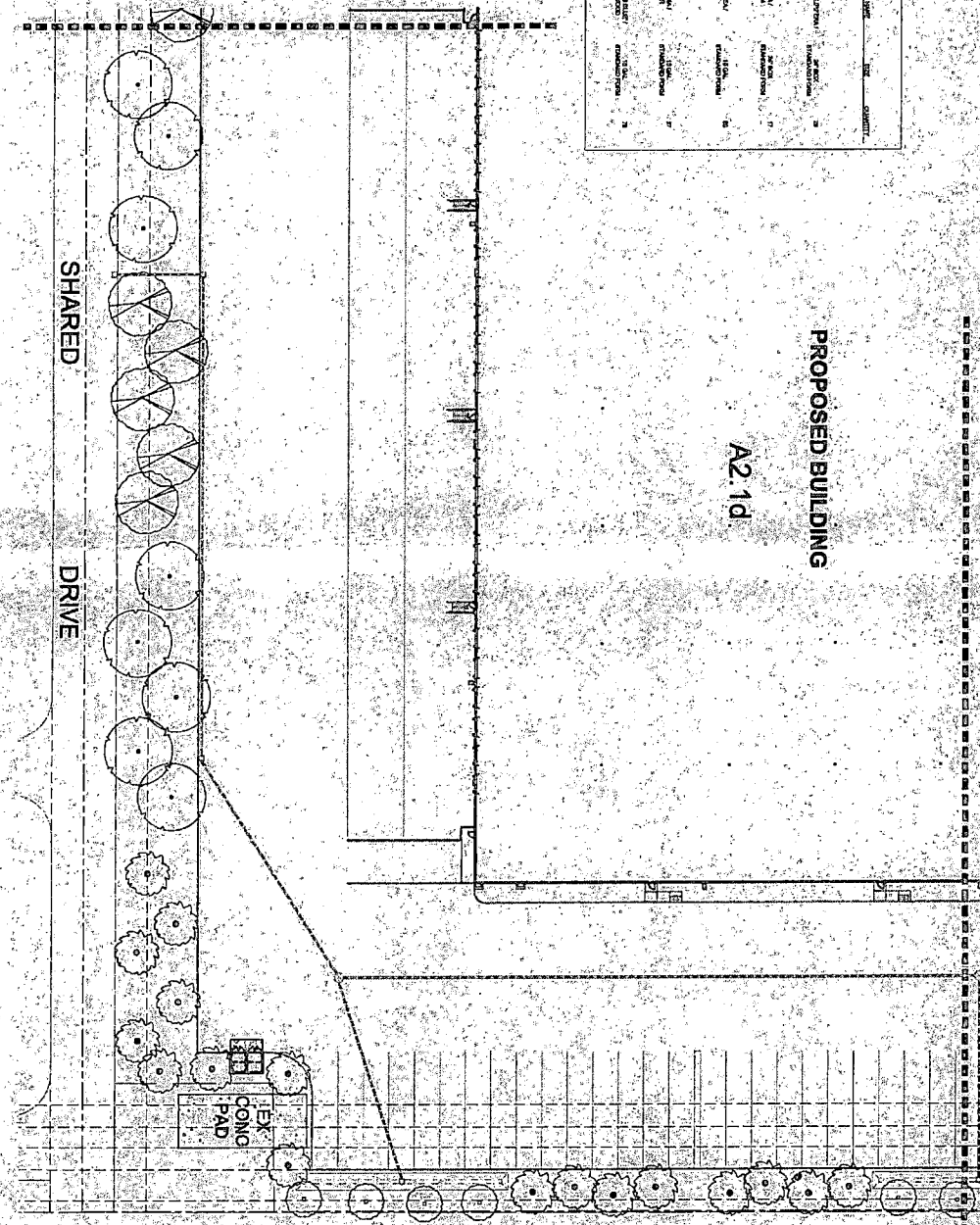
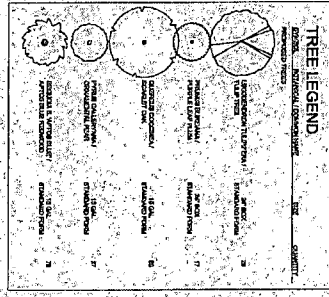
L.B.A.

EXTERIOR ELEVATIONS		
NO.	DATE	REVISION

DESIGNED BY	A. DING
DRAWN BY	B.T.
CHECKED BY	
DATE	04/13/2021-02

A4.2

LANDSCAPE ARCHITECT
 WARE MALCOMB
 16825 MURPHY PARKWAY
 LATHROP, CALIFORNIA 95330
 TEL: 916-437-2200
 FAX: 916-437-2201
 WWW.WAREMALCOMB.COM



NOTES:

1. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA TREE TRIMMING AND REMOVAL ACT (CALIFORNIA PUBLIC RESOURCES CODE, CHAPTER 4, DIVISION 2).
2. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA TREE TRIMMING AND REMOVAL ACT (CALIFORNIA PUBLIC RESOURCES CODE, CHAPTER 4, DIVISION 2).
3. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA TREE TRIMMING AND REMOVAL ACT (CALIFORNIA PUBLIC RESOURCES CODE, CHAPTER 4, DIVISION 2).
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9. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA TREE TRIMMING AND REMOVAL ACT (CALIFORNIA PUBLIC RESOURCES CODE, CHAPTER 4, DIVISION 2).
10. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA TREE TRIMMING AND REMOVAL ACT (CALIFORNIA PUBLIC RESOURCES CODE, CHAPTER 4, DIVISION 2).

PLANTING SPECIFICATIONS:

ALL PLANTING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA TREE TRIMMING AND REMOVAL ACT (CALIFORNIA PUBLIC RESOURCES CODE, CHAPTER 4, DIVISION 2).



LANDSCAPE TREE PLANTING PLAN

NO.	SYMBOL	SPECIES	QUANTITY	DATE
1	Symbol 1	Species 1	1	1/1/20
2	Symbol 2	Species 2	1	1/1/20
3	Symbol 3	Species 3	1	1/1/20
4	Symbol 4	Species 4	1	1/1/20
5	Symbol 5	Species 5	1	1/1/20
6	Symbol 6	Species 6	1	1/1/20
7	Symbol 7	Species 7	1	1/1/20
8	Symbol 8	Species 8	1	1/1/20
9	Symbol 9	Species 9	1	1/1/20
10	Symbol 10	Species 10	1	1/1/20
11	Symbol 11	Species 11	1	1/1/20
12	Symbol 12	Species 12	1	1/1/20
13	Symbol 13	Species 13	1	1/1/20
14	Symbol 14	Species 14	1	1/1/20
15	Symbol 15	Species 15	1	1/1/20
16	Symbol 16	Species 16	1	1/1/20
17	Symbol 17	Species 17	1	1/1/20
18	Symbol 18	Species 18	1	1/1/20
19	Symbol 19	Species 19	1	1/1/20
20	Symbol 20	Species 20	1	1/1/20

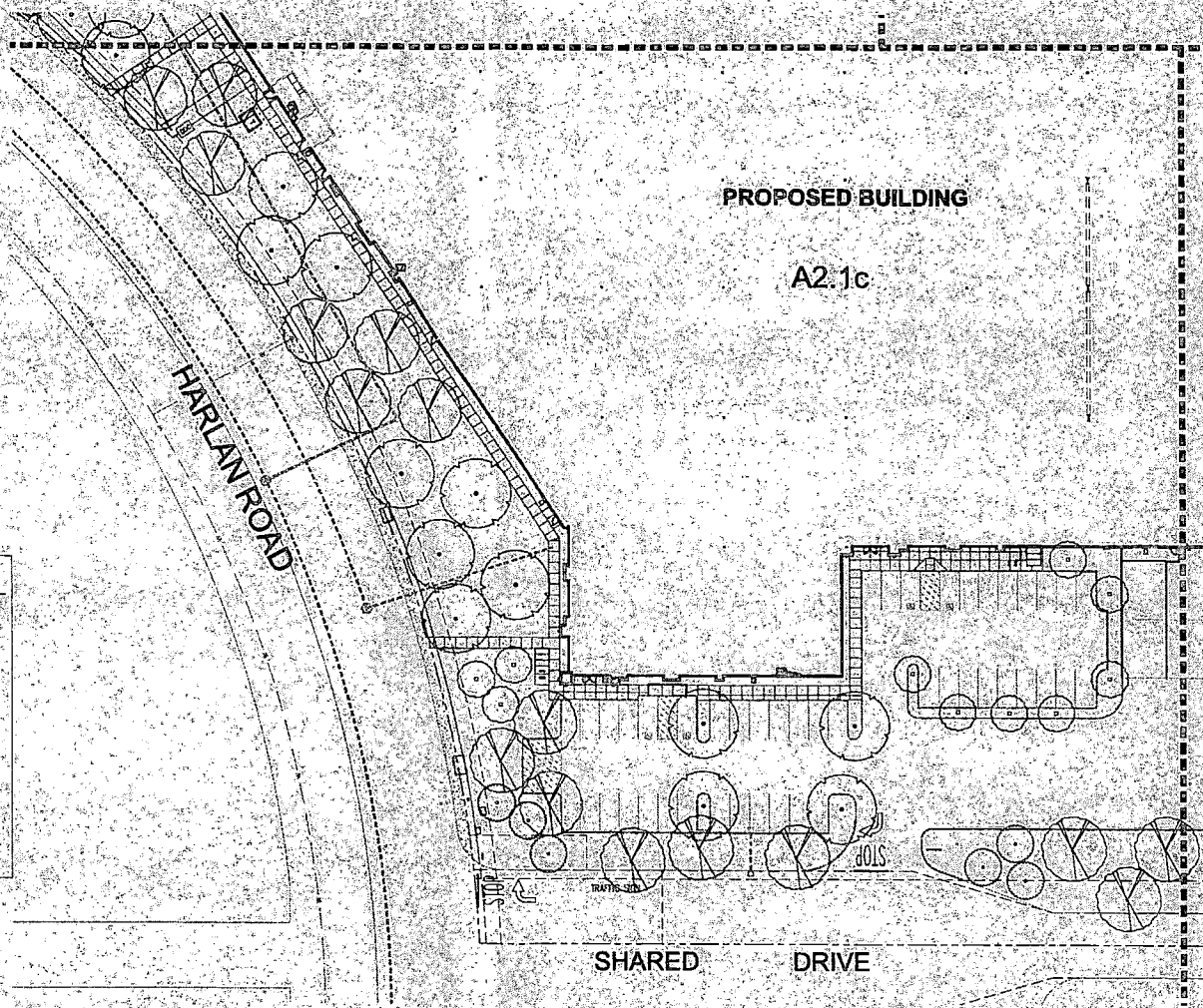
HARLAN ROAD NORTH
 16825 MURPHY PARKWAY
 LATHROP, CALIFORNIA 95330
 SHELL PERMIT ONLY

WARE MALCOMB
 Landscape Architecture
 16825 Murphy Parkway
 Lathrop, California 95330
 Tel: 916-437-2200
 Fax: 916-437-2201
 www.waremalcomb.com

WARE MALCOMB
 Leading Design for Environmental and Social Change

CAUTION: THIS SHEET IS NOT TO BE USED FOR CONSTRUCTION. THIS IS A REDUCED PRINT.

SYMBOL	BOTANICAL (COMMON NAME)	SIZE	QUANTITY
	LEUCODENDRON TILLOFFII / SLIP TREE	18" DBH, STANDARD FORM	11
	FRAXINUS BLENZANA / PURPLE LEAF PLUM	18" DBH, STANDARD FORM	17
	QUERCUS DOUGLASSII / SCARLET OAK	18" DBH, STANDARD FORM	10
	PIRUS CALLERNA / SPANISH PRUNE	18" DBH, STANDARD FORM	27
	QUERCUS S. V. SPINOSA / WHITE BELL / AUTUMN BLUE REDWOOD	18" DBH, STANDARD FORM	19



NOTES:

1. CHECK FOR SPACED NOTES ON THE PLANT LEGEND FOR PROBLEMS OVER PLANT CODES OR SYMBOLS MISSING OR TO CORRECT.
2. CONTRACTOR TO SUBMIT SOIL INVESTIGATION AND BACONAL INVESTIGATION TO LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL AT LEAST FOURTEEN (14) DAYS PRIOR TO INSTALLATION OF SOIL PREPARATION OR PLANT MATERIALS.
3. SOIL PREPARATION AND BACKFILL ADJUSTMENTS PER SPECIFICATION AS RECOMMENDED BY AGRICULTURE SOIL TEST REPORT.
4. A. PROVIDE CLEAR ROOT BARRIERS TO ALL TREES WITHIN 5' OF FOUNDATION. B. FURNISH 18" DEEP ROOT BARRIERS TO ALL TREES WITHIN 5' OF FOUNDATION. C. ALL TREES WITHIN 5' OF FOUNDATION SHALL BE PROTECTED BY ROOT BARRIERS. D. CONTRACTOR SHALL VERIFY BARRIERS PRIOR TO INSTALLATION. BARRIERS SHALL NOT BE APPLIED TO BACONALS OR TUBS AHEAD.

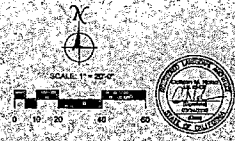
GENERAL CONTRACTOR:

- 1. INDICATE BEEHIVE LOCATION (TOTAL) - REFER TO PLANNING NOTES, ITEM N, SHEET L4 FOR ADDITIONAL INFORMATION.

CONTRACTOR TO VERIFY:

- 1. FIRM PLANT MATERIALS
- 2. FIRM PLANT MATERIALS
- 3. FIRM PLANT MATERIALS
- 4. FIRM PLANT MATERIALS
- 5. FIRM PLANT MATERIALS
- 6. FIRM PLANT MATERIALS
- 7. FIRM PLANT MATERIALS
- 8. FIRM PLANT MATERIALS
- 9. FIRM PLANT MATERIALS
- 10. FIRM PLANT MATERIALS

ALL TREES WITHIN 5' OF FOUNDATION SHALL BE PROTECTED BY ROOT BARRIERS. CONTRACTOR SHALL VERIFY BARRIERS PRIOR TO INSTALLATION. BARRIERS SHALL NOT BE APPLIED TO BACONALS OR TUBS AHEAD.



UNDERGROUND SIGNAGE
CALL: TUL TREE
1-800-227-2600
THE NUMBER ABOVE SHOULD BE 900 900

WARE MALGOMB
Landscape Architects for Commercial and Public

18825 MURPHY PARKWAY
LATHROP, CALIFORNIA 95330
TEL: 916-437-1100
FAX: 916-437-1101
WWW.WAREMALGOMB.COM

HARLAN ROAD NORTH
18825 MURPHY PARKWAY
LATHROP, CALIFORNIA 95330
SHELL PERMIT ONLY

LANDSCAPE TREE PLANTING PLAN

DATE: 10/15/2010
PROJECT: HARLAN ROAD NORTH
SHEET: L-5

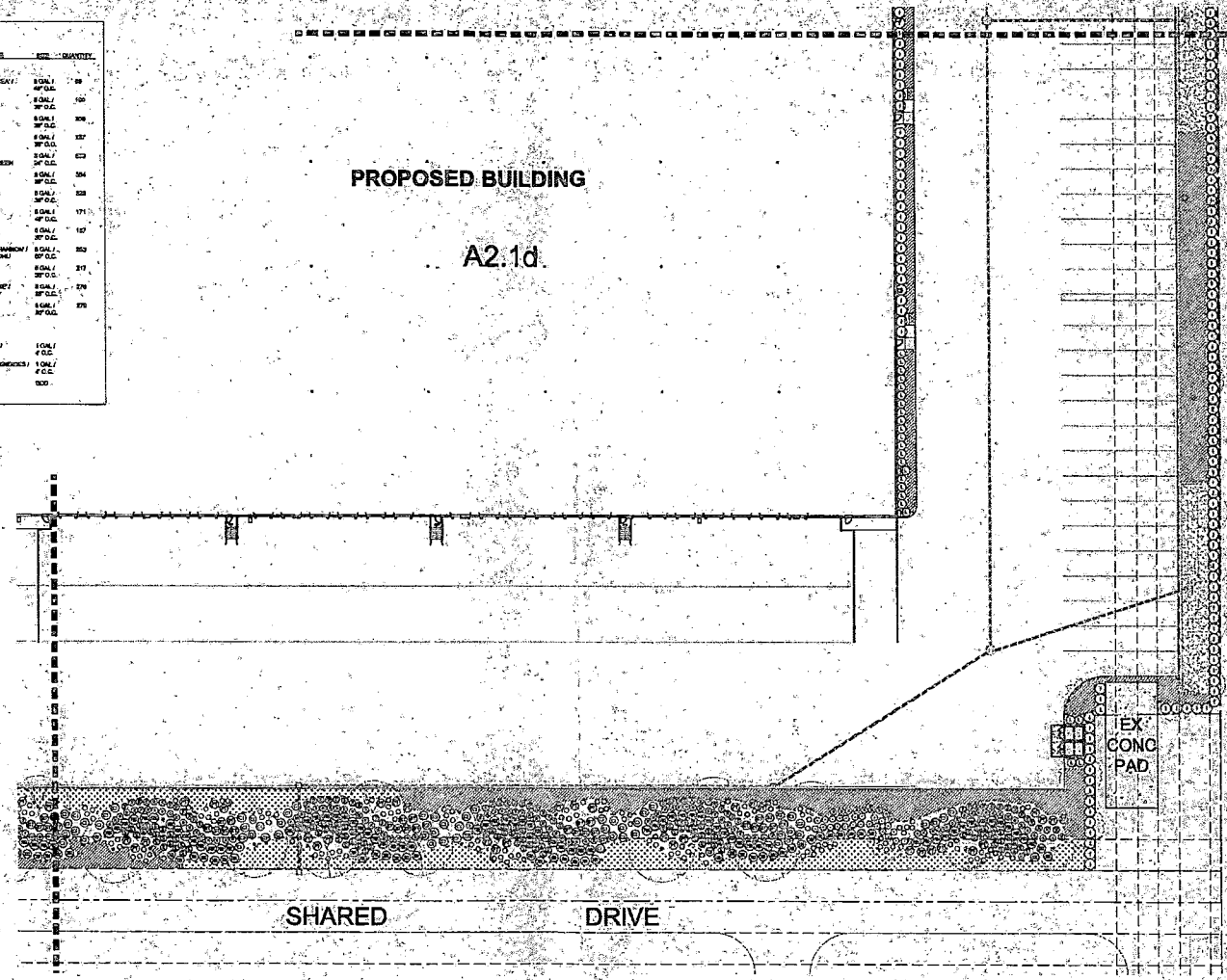
PREP BY: C. MALGOMB
CHECKED BY: C. MALGOMB
JOB NO.: 2010-022-03

SHEET
L-5

CAUTION: IF THIS SHEET IS NOT 30"x42" IT IS A REDUCED PRINT.

SHRUB LEGEND		
SYMBOL	BOTANICAL / COMMON NAME	SIZE - QUANTITY
⊙	ROSEOLA / NIPPONSPURGEUM	8 GAL / 88
⊙	PARROT MIMOSA	4" O.C. / 100
⊙	CESTRUM PLUMIFOLIUM	8 GAL / 100
⊙	PARROT MIMOSA	8" O.C. / 100
⊙	DIPTEROCARPUS	8 GAL / 100
⊙	PORTULACIA	3" O.C. / 100
⊙	ESCALONIA COMPACTA	8 GAL / 100
⊙	COMPACT ESCALONIA	8" O.C. / 100
⊙	HEMIBECCARIA SP.	8 GAL / 100
⊙	MORNING GLORY / SPOONSHRUB	8" O.C. / 100
⊙	LEUCOPHYLLON / TROPICANER	8 GAL / 100
⊙	TOULIP TREE	8" O.C. / 100
⊙	MICANTHUS & SQUAMIFOLIUS	8 GAL / 100
⊙	DRUMM MIMOSA	8" O.C. / 100
⊙	FRONTSIA / TROPICANER	8 GAL / 100
⊙	RED FOUR O'CLOCK	8" O.C. / 100
⊙	PHORADENDRON / BANGALAY	8 GAL / 100
⊙	BANGALAY	8" O.C. / 100
⊙	PHYTOLIPHYLLON / BANGALAY	8 GAL / 100
⊙	PHYTOLIPHYLLON / BANGALAY	8" O.C. / 100
⊙	ROSA / CAFFREY	8 GAL / 100
⊙	RED CAFFREY	8" O.C. / 100
⊙	NEISSERA / TROPICANER	8 GAL / 100
⊙	UPRIGHT ROSEMARY	8" O.C. / 100
⊙	ROSEMARY	8" O.C. / 100
⊙	MEDIUM BUSH	8" O.C. / 100
PROPOSED BOUNDARIES & NOTES		
⊙	HYPOPHORBEA / BANGALAY	8 GAL / 100
⊙	NON	4" O.C. / 100
⊙	TRIALS / COMMON MIMOSA	8 GAL / 100
⊙	STAR PLANT	8" O.C. / 100
⊙	PERITICA / BANGALAY	8 GAL / 100
⊙	ORANGE BANGALAY	8" O.C. / 100

PROPOSED BUILDING
A2.1d



SHARED DRIVE

TEX CONC PAD

NOTES:
1. DIMENSIONS SHOWN ON THIS PLAN TAKE PRECEDENCE OVER PLANT COUNTS OR SYMBOLS SHOWN ON THIS PLAN.
2. CONTRACTOR TO VERIFY SOIL INCORPORATION AND BANGALAY DISTRIBUTION TO LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL AT LEAST 10 DAYS PRIOR TO INSTALLATION OF SOIL PREPARATION OR PLANT MATERIALS.
3. SOIL INCORPORATION AND BANGALAY DISTRIBUTION FOR SPECIFICATION AS REQUIRED BY APPROVED SOIL TEST REPORT.
4. PROVIDE LANDSCAPE SERVICES TO ALL THESE MATERIALS OF VARIETY & AMOUNT AS APPROVED BY ARCHITECT TO ALL PLANTED AND HELDLY AREAS. SIZE OF BANGALAY NOT TO EXCEED 3" - 1" IF ANY DIMENSIONS. CONTRACTOR SHALL VERIFY BANGALAY PRIOR TO INSTALLATION. BANGALAY SHALL NOT BE APPLIED TO BANGALAY OR TRIP AREAS.



WARE MALCOMB
Landscape Architects & Planners

18255 AURURY PARKWAY
LATHROP, CALIFORNIA 95330
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WWW.WAREMALCOMB.COM

HARLAN ROAD NORTH
18255 AURURY PARKWAY
LATHROP, CALIFORNIA 95330
SHELL PERMIT ONLY

LANDSCAPE SHRUB PLANTING PLAN

DATE: 10/15/2010	BY: C. MALLIN
SCALE: AS SHOWN	APP: C. MALLIN
PROJECT: HARLAN ROAD NORTH	DATE: 10/15/2010

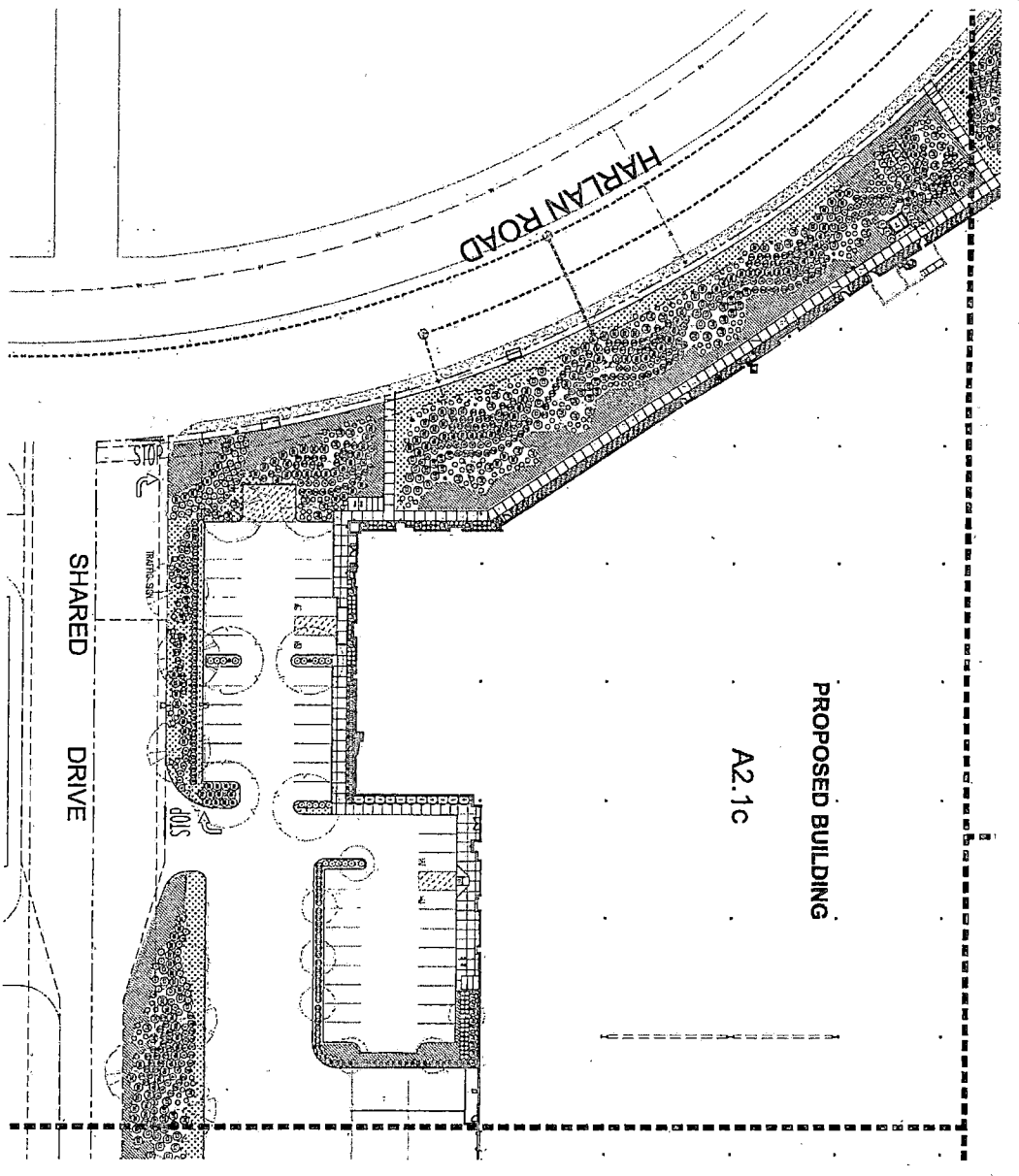
SHEET
L-8

LANDSCAPE SERVICE
CALL: (916) 438-1111
1-800-227-2600
THE BANGALAY BANGALAY

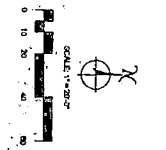
LANDSCAPE SHRUB PLANTING PLAN
 CALL TREE PLANT
 SEE SHEET A2.10 FOR TREE PLANTING PLAN

SHRUB LEGEND

SYMBOL	PLANT SPECIES	SIZE	QUANTITY
①	SPRING BURNING BUSH	1.5M / 5 FT	10
②	SPRING BURNING BUSH	1.5M / 5 FT	10
③	SPRING BURNING BUSH	1.5M / 5 FT	10
④	SPRING BURNING BUSH	1.5M / 5 FT	10
⑤	SPRING BURNING BUSH	1.5M / 5 FT	10
⑥	SPRING BURNING BUSH	1.5M / 5 FT	10
⑦	SPRING BURNING BUSH	1.5M / 5 FT	10
⑧	SPRING BURNING BUSH	1.5M / 5 FT	10
⑨	SPRING BURNING BUSH	1.5M / 5 FT	10
⑩	SPRING BURNING BUSH	1.5M / 5 FT	10
⑪	SPRING BURNING BUSH	1.5M / 5 FT	10
⑫	SPRING BURNING BUSH	1.5M / 5 FT	10
⑬	SPRING BURNING BUSH	1.5M / 5 FT	10
⑭	SPRING BURNING BUSH	1.5M / 5 FT	10
⑮	SPRING BURNING BUSH	1.5M / 5 FT	10
⑯	SPRING BURNING BUSH	1.5M / 5 FT	10
⑰	SPRING BURNING BUSH	1.5M / 5 FT	10
⑱	SPRING BURNING BUSH	1.5M / 5 FT	10
⑲	SPRING BURNING BUSH	1.5M / 5 FT	10
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㊾	SPRING BURNING BUSH	1.5M / 5 FT	10
㊿	SPRING BURNING BUSH	1.5M / 5 FT	10



NOTES:
 1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CALIFORNIA LANDSCAPE ARCHITECTURE BOARD'S (CALIFORNIA LANDSCAPE ARCHITECTURE BOARD) STANDARDS AND SPECIFICATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS.



LANDSCAPE SHRUB PLANTING PLAN

NO.	DESCRIPTION	DATE	REVISIONS
1	ISSUED FOR PERMIT	10/15/2024	
2	REVISED PER PERMIT COMMENTS	10/20/2024	
3	REVISED PER PERMIT COMMENTS	10/25/2024	
4	REVISED PER PERMIT COMMENTS	11/01/2024	
5	REVISED PER PERMIT COMMENTS	11/05/2024	
6	REVISED PER PERMIT COMMENTS	11/10/2024	
7	REVISED PER PERMIT COMMENTS	11/15/2024	
8	REVISED PER PERMIT COMMENTS	11/20/2024	
9	REVISED PER PERMIT COMMENTS	11/25/2024	
10	REVISED PER PERMIT COMMENTS	12/01/2024	



HARLAN ROAD NORTH
 1825 MURPHY PARKWAY
 LATHROP, CALIFORNIA 95330
 SHELL PERMIT ONLY

Colleen M. Nolan
 Landscape Architect, P200
 1750
 Rancho Santa Margarita, CA 92688
 714.762.7762 ext. 200
 colleen@waremalcomb.com

12/15/2024
 12/15/2024
 12/15/2024
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WARE MALCOMB
 Landscape Architecture
 12/15/2024

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**CITY OF LATHROP
COMMUNITY DEVELOPMENT DEPARTMENT
390 Towne Centre Drive
Lathrop, CA 95330
(209) 941-7260**

NOTICE OF AVAILABILITY AND INTENT TO ADOPT A NEGATIVE DECLARATION

The City of Lathrop (City) (as lead agency) has prepared an Initial Study and Negative Declaration for the project pursuant to the requirements of the California Environmental Quality Act Section 21000 *et seq.* and the State CEQA Guidelines Section 15070 through 15075.

PROJECT TITLE: LBA North General Plan Amendment and Rezone (GPA-18-22 & REZ-18-23)

LOCATION: 16825 Murphy Parkway (APN's: 198-210-14, -19 & -21)

DESCRIPTION: The proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG) for the properties listed above. The primary purpose is to expand the type of uses that will be allowed to occupy the proposed industrial building.

On June 15, 2016, the City approved Development Plan No. DP-16-49 for the LBA North Project to construct a 382,000 square foot building incorporating a 32,000 square feet retail commercial supported by an on-site warehouse. The Development Plan was conditioned to comply with the mitigation measures for the Crossroads Industrial Park Supplemental Environmental Impact Report (SCH No. 1988070516).

COMMENT PERIOD: The Initial Study/Negative Declaration is being circulated for public review and comment for a review period of 20 days starting on April 30, 2018 and closes on May 21, 2018. Please submit comments by 5:00 p.m. on May 21, 2018 to Rick Caguiat, Senior Planner at the address below or e-mail to rcaguiat@ci.lathrop.ca.us

PUBLIC HEARING: The project is tentatively scheduled for the May 30, 2018 Planning Commission Special meeting.

DOCUMENTS: Copies of the Initial Study/Negative Declaration are available for review at the following locations:

City of Lathrop
Community Development Department, Planning Division
390 Towne Centre Drive
Lathrop, CA 95330

Or

City of Lathrop website: <http://www.ci.lathrop.ca.us/lathrop/cdd/documents/>



Environmental Initial Study

Project Title: LBA North General Plan Amendment and Rezone (GPA-18-22 & REZ-18-23)

Lead Agency: City of Lathrop
Community Development Department
390 Towne Center Drive
Lathrop, CA 95330

Contact Person: Rick Caguiat, Senior Planner
(209) 941-7296

Project Location: 16825 Murphy Parkway (APN's: 198-210-14, -19 & -21)

Applicant: Net Development Co.
Attn: Kevin A. Coleman
3130 Airway Avenue
Costa Mesa, CA 92626

Property Owners: LBA Realty Fund III-Company XV, LLC
3347 Michelson Drive #200
Irvine, CA 92612

General Plan: Freeway Commercial (FC)

Zoning: Highway Commercial (HC)

Project Description: The proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG) for the properties listed above. The primary purpose is to expand the type of uses that will be allowed to occupy the proposed industrial building.

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Surrounding Land Uses and Setting: The property is currently vacant and undeveloped, located within a mostly developed commercial and industrial area. Surrounding land uses include: commercial to the north and west, and industrial to the east and south. The project site consists of 3 separate parcels totaling approximately 20-acres in size. The site is relatively flat, with no extraordinary or unusual topographic features.

Other Public Agencies Approval: No other agencies are involved in the approval process.

Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utility/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Tribal Cultural Resources | | |

DETERMINATION: On the basis of this initial evaluation:

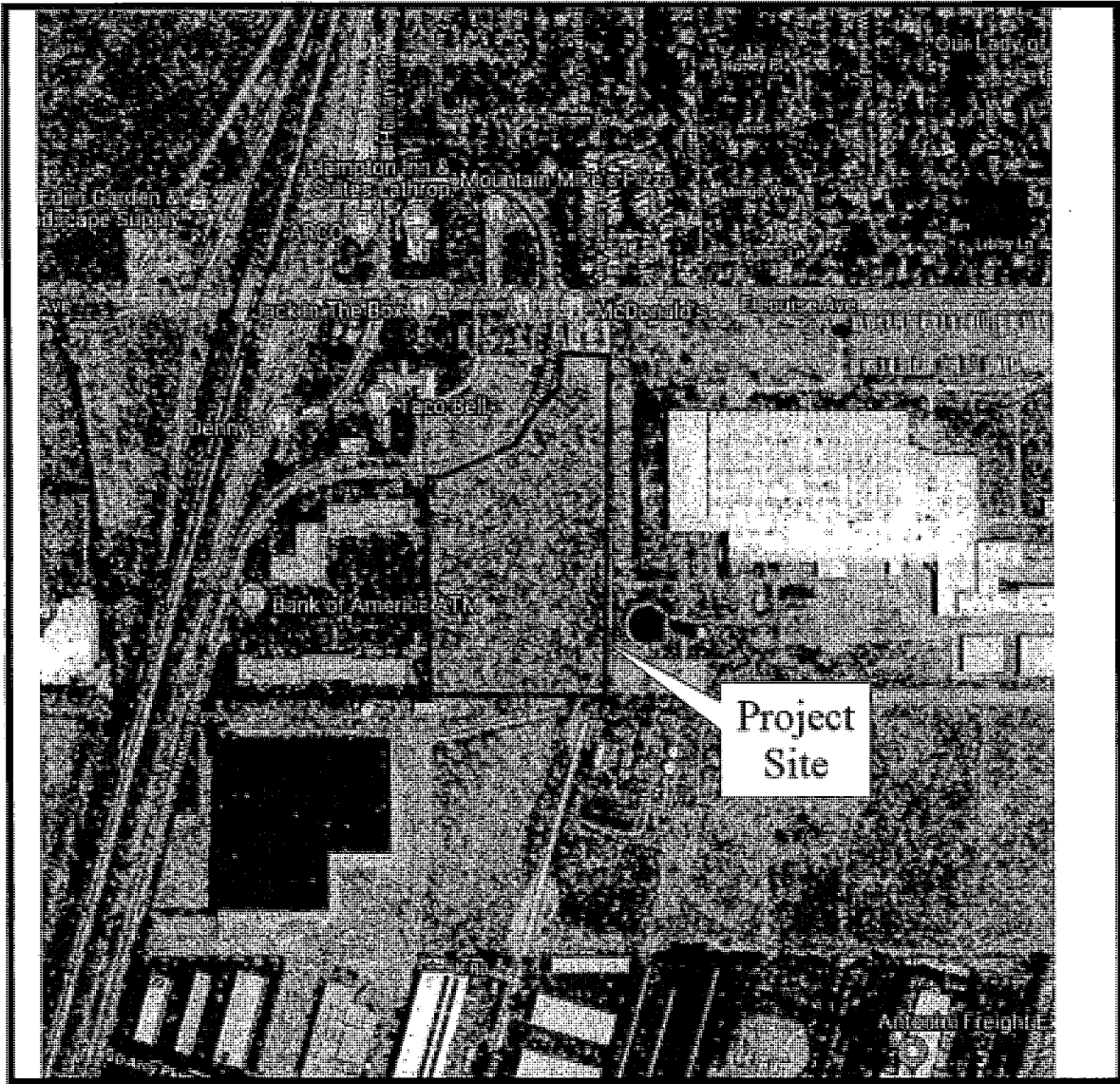
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature 

Date April 30, 2018

Printed name: Rick Caguiat, Senior Planner

Phone: (209) 941-7296



**PLANNING DIVISION
Vicinity Map**



**GPA-18-22 & REZ-18-23
General Plan Amendment & Rezone
LBA North
16825 Murphy Parkway
APN: 198-210-14, -19 & -21**



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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EVALUATION OF ENVIRONMENTAL FACTORS:

I. AESTHETICS - Would the project:

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| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(a-d) The project area is located in an urban setting which is surrounded by mostly developed commercial and industrial zoned land. Lathrop's General Plan does not identify this area as being a scenic vista. Development of the site and area is planned for and anticipated under the City of Lathrop General Plan and Zoning. Development of the site as an industrial use is compatible with the adjacent properties and surrounding area. The light sources will be consistent with the City's lighting standards to minimize light and glare onto adjoining properties but provide sufficient lighting for health and safety. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as it relates to site lighting as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220 (g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-e) The subject property and general area is planned and designated on the Lathrop General Plan Map for commercial use. The project site is located on land that is not being used for agricultural purposes. The project site is identified on the San Joaquin County Important Farmland Map 2014 as Urban and Built-Up land, which has no value as farmland and will not contribute to the loss of agricultural land. The property is not under a Williamson Act contract. The project does not involve the rezoning of a forest land or conversion of a forest land to non-forest use. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is responsible for implementation of measures to control air regional air pollution based on the foregoing state and federal standards, as reflected in the approved regional Air Quality Plan. These controls preliminary affect stationary sources such as industry and power plants. Rules and regulation have been developed by SJVAPCD to control air pollution from a wide range of air pollution sources. In March 2007, an Indirect Source Review (ISR) rule was adopted that controls air pollution from new land developments.

Additionally, the SJVAPCD has developed a Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) which identifies separate thresholds for use in analyzing projects within the San Joaquin Valley area to evaluate potentially significant impacts. The City of Lathrop utilizes the SJVAPCD Guide to determine impact significance based on the following significant criteria:

1. **Construction Emissions of PM:** Construction projects will be found to have a significant impact if they fail to comply with Regulation VIII as listed in the SJVAPCD; however, the size of the project and the proximity to sensitive receptors may warrant additional measures.
2. **Criteria Air Pollutant Emissions:** A significant criteria pollutant impact will occur if the current SJVAPCD criteria construction or operational pollutant emissions standards are exceeded (SJVAPCD applies standards for permitted equipment and activities separately).
3. **Ambient Air Quality:** Emissions that are predicted to cause or contribute to a violation of an ambient air quality would be considered a significant impact. SJVAPCD recommends that dispersion modeling be conducted for construction or operation when on-site emissions exceed 100 pounds per day after implementation of all mitigation measures.
4. **Local CO Concentrations:** Traffic emissions associated with the proposed project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the ambient air quality standards.

	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Potentially Significant Impact			

5. **Toxic Air Contaminants (TACs) or Hazardous Air Pollutants (HAPs):** Exposure to HAPs or TACs would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual would exceed 20 in 1 million or would result in a Hazard Index greater than 1 for non-cancer health effects.
6. **Odors:** Odor impacts associated with the proposed Project would be considered significant if the Project has the potential to frequently expose members of the public to objectionable odors through development of a new odor source or placement of receptors near an existing odor source.

(a-e) The project would result in some air and dust emissions from construction which would be described as "short term" or temporary in duration. Construction activity would temporarily generate emissions of ROG, Nox, and PM10 from site grading, excavation paving, demolition, motor vehicle exhaust associated with construction equipment, construction and employee commute trips, material transport and other construction operations. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards including a mitigation measure requiring compliance with Regulation VIII of the SJVAPCD as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

IV. BIOLOGICAL RESOURCES: - Would the project:

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| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-f) Based on a review of the General Plan and field inspection, the site is not adjacent to wetlands, a creek or natural drainage way. No depressions or vernal pools were observed on the site. The subject site does not contain any native resident or migratory fish or wildlife and will not conflict with any other biological policies or ordinances.

The project area is located within the area covered by the San Joaquin Multi-Species Habitat Conversation and Open Space Plan (SJMSCP). This plan, of which the City is a party to, was developed to minimize and mitigate impacts to plant and wildlife habitat resulting from the conversion of open space to non-open space. Pursuant to the Final EIR/EIS for the SJMSCP, dated November 15, 2000, and certified by the San Joaquin Council of Governments (SJCOG) on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources through various mitigation measures.

The project site is listed as a Category "A" Exempt, No Pay Zone, under the SJMSCP map and would not conflict with the provisions of the other habitat conservation plans. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards including a condition of approval to participate in the SJMSCP and conduct a pre-construction survey prior to ground disturbance as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-d) There are no known archaeological, cultural or historical resource on the subject property. No changes to a historical site or archaeological resource are anticipated. There are no unique paleontological or geologic features present on the site. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-e) The project site including the surrounding area is generally underlain by deposits of Egbert silty clay loam (City of Lathrop Background Reports Page SAFE-11 Soils Map) with shallow groundwater. The site is flat and there is no potential for landslides on or adjacent to the site or for erosion of the soil. The potential for faults within the County to generate moderate to large earthquakes causing strong ground shaking is low. Of the known fault lines in San Joaquin County, none are currently classified by the State Geologist as being active (City of Lathrop Background Reports Pg. SAFE-6). The project will not utilize septic tanks as municipal sewer is available. There are no known unique paleontological or geological features on the project site. All buildings are required to comply with the California Building Code. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

VII. GREENHOUSE GAS EMISSIONS Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has developed a Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) which identifies separate thresholds for use in analyzing projects within the San Joaquin Valley area to evaluate potentially significant impacts related to greenhouse gasses. The SJVAPCD *Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects Under CEQA*, establishes a requirement that land use development projects demonstrate a 29 percent reduction in GHG emissions from Business-As-Usual (BAU).

	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Potentially Significant Impact			

(a) The project will result in a short term increase in greenhouse gas due to construction related activities a result of material processing, emissions produced by onsite construction equipment and emissions arising from traffic delays due to construction. While construction would slightly increase greenhouse gas emissions temporarily during construction, the operation of the project would combine with various measures to reduce greenhouse gas emissions. The project will be subject to the Title 24 and California Green Building Standards which would reduce energy consumption through building design that increase energy efficiency and promotes water conservation. The project will also be required to comply with the City's Water Conservation strategies to reduce water usage.

(b)The project is not located in a community with an adopted qualified GHG Reduction Strategy, so consistency with such a plan cannot be analyzed at this time. GHG emissions associated with the proposed project were analyzed per the SJVAPCD guidance in addressing GHG emission impacts. SJVAPCD thresholds and methodologies take into account implementation of state-wide regulations and plans, such as the AB 32 Scoping Plan, therefore, there would be no impact in relation to consistency with GHG reduction plans. As discussed in Environmental Topic No. III, the proposed project is required to be consistent with SJVAPCD Rules and Regulations as it relates to Air Quality and Greenhouse Gasses. No further Mitigation measures are required.

The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-c) Subject to compliance with local, state and federal law, the proposed General Plan amendment and Rezone will not involve the handling, storage, or other use of any hazardous materials. All construction work will be required to follow the existing City of Lathrop ordinances related to construction related hazards, material usage and disposal. The construction and operation of the proposed Project will not result in the use of any new or increased quantities of any materials or other substances which are otherwise regulated under the City of Lathrop or county of San Joaquin ordinances. Subject to compliance with applicable federal, state and local laws governing the transport of materials via trucks, the proposed Project will not result in any significant hazard to the public or the environment through upset and/or accident conditions involving the release of hazardous materials into the environment.

(d) The Project site is not located on a known or listed hazardous materials site as regulated by the State of California. The Project site does not include any previously discovered hazardous materials according to the Cal/EPA Cortese List as provided by the CA EPA Department of Toxic Substances pursuant to California Government Code Section 65962.5.

(e-f) The nearest public airport to the project site, Stockton Metropolitan Airport, is approximately five miles to the north. The project site is not located within an Airport Safety Zone and is outside the airport's Area of Influence. There are no private airstrips in the vicinity of the project site. No impacts are anticipated.

(g) The proposed project will not result in any substantial conflicts with emergency response or emergency evacuation plans. There is a potential for traffic disruption from normal construction activity which may have a less than significant effect on local roadways, however, all of the local roadways surrounding the project site (Louise Avenue and Harlan Road) have adequate capacity to handle temporary construction impacts. All construction work shall be in compliance with City Ordinances, which include traffic regulations for temporary construction. No impacts are anticipated

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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(h) Equipment used for construction on site shall be properly licensed and operated in accordance with City ordinances. The Project site is located in an industrial area adjacent to public streets with adequate access for fire protection. The Project site plans have been reviewed by the City and Fire Marshal, who have confirmed the adequacy of all site access, turning radius, and emergency vehicle access requirements. No impacts are anticipated.

The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

IX. HYDROLOGY AND WATER QUALITY – Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other food hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-j) The proposed project would not create an adverse impact as it relates to hydrology or water quality impacts. The project would not degrade water quality and would not place structures in a 100 year flood zone, or within risk of flooding as result of a dam failure, mudflow or tsunami. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

X. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-c) The proposed project would not create an adverse impact as it relates to land use and planning. The subject property is located within a mostly developed commercial and industrial area. Surrounding land uses include: commercial to the north and west, and industrial to the east and south. Development of the site is planned for and anticipated under the City of Lathrop General Plan and Zoning. Development of the site as an industrial use is compatible with the adjacent properties and surrounding area. The Project is consistent with the goals and principles set forth by the City of Lathrop General Plan, including policies for Sub-Plan Area #1, including taking advantage of freeway access, and providing "long term availability of industrial land to expand the City's economic base." The proposed Project is consistent with the City General Plan goals related to providing industrial uses "within an industrial park designed for the accommodation of a community of industries that area compatible in terms of operational characteristics, aesthetic qualities, utility service requirements and street circulation".

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

XI. MINERAL RESOURCES - Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(a-b) The City's General Plan does not identify the project area or vicinity as containing known mineral resources, nor is the area designated on any plan as a locally-important mineral resource recovery site. Therefore, no impacts to mineral resources would occur. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

XII. NOISE - Would the project result in:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons of or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above level existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The City of Lathrop has set noise standards in its Noise Ordinance (Lathrop Municipal Code Section 8.20.040). In addition, the Lathrop Municipal Code, Section 8.20.110, prohibits outside construction work within 500 feet of a residential zone between 10:00 pm and 7:00 am weekdays, or between 11:00 pm and 9:00 am Fridays, Saturdays, and legal holidays, unless a permit is obtained from the City.

(a-f) The project will not expose people to excessive ground borne vibration. The nearest residential units are located approximately 300 feet to the north. The proposed Project would generate short-term construction-related noise impacts, as well as long-term (operational) noise associated with increases in traffic, consisting of both passenger vehicles and heavy trucks. The subject property is located within a commercial and industrial area. Development of the site and area is planned for and anticipated under the City of Lathrop General Plan and Zoning. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards and to comply with Noise Standards of Chapter 8.80.110 of the Lathrop Municipal Code as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

XIII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-c) The subject property is currently planned and designated on the City's General Plan for commercial uses. The proposed General Plan Amendment and Rezone will have no impact on population increase or displacement of residential units. The proposed project will not have impact on population or housing and does not conflict with the goal and policies of the Housing Element of the General Plan. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governments) facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Fire protection services within the City of Lathrop are provided by the Lathrop-Manteca Fire Protection District. Along with fire services, the Fire District provides medical emergency response, river rescue, urban search and rescue, and fire prevention services. The Fire District operates four fire stations: Station #31 on J Street, Station #32 on Union Road, Station #33 on Austin Road, and Station #34 in Mossdale Landing.

Police protection services in the City of Lathrop are provided, by a unit known as Lathrop Police Services, through a contract with the San Joaquin County Sheriff's Department. Lathrop Police Services is staffed by deputy sheriffs who work only within the City and receive training specific to City law enforcement issues. The Police Department is located at 15597 South Seventh Street in Lathrop, northwest of the project site.

The project site is within the service boundaries of the Manteca Unified School District. The School District provides school services for grades kindergarten through 12 within the communities of Manteca, Lathrop, Stockton, and French Camp. It operates 19 elementary schools, four high schools, one continuation school, and two community day schools. The nearest school to the project is Lathrop Elementary School, approximately 1 mile away.

The City of Lathrop Parks and Recreation Department operates three community parks and nine neighborhood parks within the City. The Parks and Recreation Department also operates a senior center, a community center, a skate park, and a dog park temporarily located at Mossdale Community Park. The City currently has 68 developed acres of parkland. The nearest park to the project site is Libby Park, approximately half a mile away.

	Less Than Significant			
Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact	

a) The project will not require additional service beyond the existing service provided by the Lathrop Manteca Fire District and Lathrop Police Services. Both Fire and Police will provide the same level of protection as presently provided to the rest of the City. The proposed General Plan Amendment and Rezone will have no impact on schools and parks. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

(a-b) The proposed General Plan Amendment and Rezone does not include any residential component, or housing of residents, which could contribute substantially to use of or impacts to the City of Lathrop park system. The proposed project is not expected to create a demand for recreational facilities such that new or expanded facilities would be required. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

XVI. TRANSPORTATION/TRAFFIC - Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-f) The proposed General Plan Amendment and Rezone would not create an adverse impact as it relates as it relates to transportation. The project will not conflict with any adopted policies, plans or programs supporting alternative transportation, and will have no effect on air traffic patterns or emergency access. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards including traffic related mitigations as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

XVII. TRIBAL CULTURAL RESOURCES Would the project:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) A resource determined by the lead agency, at its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(ai-ii) Pursuant to AB 52, the scope of the evaluation at the project level should include consultation with Native American representatives identified by the Native American Heritage Commission (NAHC) for areas outside of reservations, and with tribal representatives of federally recognized tribes where projects are located near or within lands associated with federally recognized tribes. The purpose of the consultation is to identify tribal cultural resources and ensure that such resources are taken into consideration in the planning process. On February 16, 2018, the City of Lathrop transmitted letters to the Buena Vista Rancheria of Me-Wuk Indians, and the Northern Valley Yokuts Tribe, both of which are traditionally and culturally affiliated with a geographic area within the City of Lathrop's jurisdiction, pursuant to Government Code Section 65352.3 as part of a General Plan Amendment project (90-day consultation). On April 27, 2018, the City of Lathrop transmitted letters to both tribes pursuant to Public Resources Code Section 21080.3.1 subd. (b) for formal notification purposes and determine if consultation is needed.

The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards including a mitigation to stop all work if human remains are encountered during grading and/or construction within the project area as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

XVIII. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-g) The proposed project would not create an adverse impact as it relates to utilities and service systems. The project is not anticipated to create utilities and service systems impacts greater than those already planned for and associated with like development found throughout the community. Municipal sewer and water systems are available on Harlan Road. The project will not require the construction of new water, wastewater, or drainage treatment facilities. Solid waste collection and disposal service is available to the project site. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards including provisions for utilities in the Crossroads area as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIX. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

(a-c) The project does not have the potential to degrade the quality of the environment, reduce the habitat or the population of fish and wildlife species, eliminate plant or animal community, or eliminate important examples of California history or prehistory. The project will not have any impacts that are individually limited but cumulatively considerable or cause substantial adverse effects on human beings, either directly or indirectly. The original project has been appropriately conditioned to comply with the City's General Plan and Zoning standards as part of Development Plan No. DP-16-49. The current proposal is to amend the General Plan designation from Freeway Commercial (FC) to General Industrial (GI), and Zoning from Highway Commercial (HC) to General Industrial (IG). The primary purpose is to expand the type of uses that will be allowed to occupy the approved industrial building. No impacts are anticipated and no mitigations are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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REFERENCES:

1. California, State of, Governor’s Office, Office of Planning and Research, Office of Permit Assistance, *Hazardous waste and Substances Site*, List pursuant to AB 3750, Current Edition.
2. California, State of, Office of Planning and Research, CEQA: *California Environmental Quality Act, Statutes and Guidelines*, Sacramento, California 2003.
3. California, State of, Office of Planning and Research, *State Planning and Zoning Laws*, 2007.
4. The Farmland Mapping and Monitoring Program in the California Resources Agency, Department of Conservation, maintain detailed maps of these and other categories of farmland.
5. City of Lathrop, The Code of Ordinances of Lathrop, *Zoning Ordinance*, current edition.
6. City of Lathrop, Community Development Department, Planning Division, Zone Maps, current edition.
7. Lathrop-Manteca Fire District, Code of Ordinances of Lathrop, Fire Code, current edition.
8. San Joaquin Valley Air Pollution Control District, *Air Basin Significance Thresholds*, current edition.
9. United States Federal Emergency Management Agency, *FIRM Flood Insurance Map, Panel No. 0602990585C*, dated December 16, 2005
10. City of Lathrop, General Plan and EIR for the City of Lathrop adopted December 17, 1991.
11. Section 2081, MOU and Adopted Swainson’s Hawk Habitat Management Plan (HMP) by Sycamore Environmental, 1995 (Tracking No. 2081-1995-083-2).
12. City of Lathrop, *Emergency Evacuation Plan*, 1995.
13. City of Lathrop, *Master Storm Drainage Plan*, 1992.
14. City of Lathrop, *Master Water Plan*, 1992.
15. City of Lathrop, *Master Bicycle Plan Amended*, January 28, 2003.
16. City of Lathrop, *Wastewater Facilities Master Plan*, 1996.
17. City of Lathrop, Water, Wastewater, and Recycled Water Master Plan and EIR, 2001.
18. City of Lathrop, West Lathrop Specific Plan and EIR, February 20, 1996
19. City of Lathrop, Mossdale Landing EIR, January 27, 2003
20. City of Lathrop, River Islands at Lathrop SEIR, January 28, 2003
21. City of Lathrop, West Lathrop Specific Plan Amended, January 28, 2003 City of Lathrop
22. Central Lathrop Specific Plan, October 19, 2004

CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 18-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING CITY COUNCIL ADOPTION OF THE INITIAL STUDY
NEGATIVE DECLARATION FOR THE PROPOSED GENERAL PLAN LAND USE
MAP AMENDMENT AND ZONING MAP AMENDMENT FOR THE LBA NORTH
PROJECT (GPA-18-22 & REZ-18-23)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing to consider the General Plan Land Use Map Amendment and Zoning Map Amendment request pursuant to the Lathrop Municipal Code; and

WHEREAS, the subject parcels currently have a Freeway Commercial (FC) General Plan designation, and are located within the Highway Commercial (HC) Zoning District; and

WHEREAS, the request is for a General Plan Land Use Map Amendment to General Industrial (GI) and Zoning Map Amendment to General Industrial (IG); and

WHEREAS, the property is located at 16825 Murphy Parkway (APN's: 198-210-14, -19 & -21); and

WHEREAS, in accordance with Public Resource Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated an Initial Study and Negative Declaration for a 20-day public review period beginning April 30, 2018 and ending May 21, 2018, that evaluated the potential environmental effects of the proposed project; and

WHEREAS, the Planning Commission has independently reviewed the information contained in the Initial Study/Negative Declaration for the project and any comments received during the public review period; and

WHEREAS, the Planning Commission has utilized its own independent judgment in adopting the Initial Study/Negative Declaration; and

WHEREAS, on the basis of the whole record before the Planning Commission, which is documented in the project files of the City of Lathrop Community Development Department, there is no substantial evidence that the project will have a significant effect on the environment; and

WHEREAS, State Planning Law and the Lathrop Municipal Code require the Planning Commission to provide a recommendation for a General Plan Land Use Map Amendment and Zoning Map Amendment to the City Council by resolution; and

WHEREAS, the proposed General Plan Land Use Map Amendment will implement the following policies contained in the General Plan in support of industrial land use designations:

- a) *"Areas designated for industrial use are intended to take advantage of rail and freeway access"*. Although the project does not have rail access, it is located within 1,000 feet from Interstate 5.
- b) *"Areas designated for industrial use are to assure that there will be sufficient long-term availability of industrial land to expand the City's economic base"*. The City has experience a significant increase in demand for manufacturing and distribution due to its location and proximity to interstates, rail, airports and a deep water port.
- c) *"Industrial proposals should be located where possible within an industrial park designed for the accommodation of a community of industries that are compatible in terms of operational characteristics, aesthetics qualities, utility service requirements and street circulation"*. The proposed General Plan land use change to industrial will be compatible and complement the existing adjacent industrial uses and will serve as a transition land use to the existing commercial uses. The project has been conditioned to incorporate office commercial elements along Harlan Road, will provide extensive landscaping to serve as screening and buffer from adjacent commercial uses and will re-route all truck traffic towards the southeast corner of the property with access from Murphy Parkway.
- d) *"Industries are to be developed and operated in such manner as to avoid damage, destruction or degradation of the environment"*. Development of the project has been properly conditioned to minimize impact on the environment. Prior to building permit issuance, the project is required to obtain approvals from various county and state agencies such as: San Joaquin Valley Air Pollution District to mitigate air related impacts, San Joaquin County Multi-Species Habitat Conservation and Open Space Plan to mitigate impacts on biological resources, State Water Resources Control Board to prevent storm water pollution related to construction activities.

WHEREAS, the proposed amendment will be consistent with applicable provisions of the General Plan. The proposed General Plan Land Use Map Amendment to General Industrial and Zoning Map Amendment to General Industrial would provide consistency between the General Plan & Zoning and would further General Plan goals & policies; and

WHEREAS, the Planning Commission finds that the proposed project is consistent with the land use goals and policies the City of Lathrop General Plan, and complies with all applicable provisions and standards of the Zoning Ordinance; and

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

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission 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 recommend the City Council adopt the Initial Study and Negative Declaration, and approve the General Plan Land Use Map Amendment and Zoning Map Amendment request for the LBA North Project.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Special Meeting on the 30th day of May, 2018 by the following vote:

AYES: Lazard, Ishihara, Freeman, Gatto


NOES: NONE

ABSTAIN: NONE

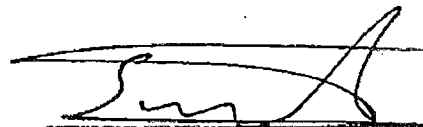
ABSENT: Torres-O'Callaghan


Jennifer Torres-O'Callaghan, Chair

ATTEST:


Rebecca Schmidt, Secretary

APPROVED AS TO FORM:


Salvador Navarrete, City Attorney

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL MEETING**

ITEM: **PUBLIC HEARING TO CONSIDER MUNICIPAL CODE TEXT AMENDMENT NO. TA-18-56.**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Introduce an Ordinance adopting amendments to the Lathrop Municipal Code (LMC) Title 17, the Zoning Code, Chapter 17.84 (Signs) with the specific purpose of establishing "content neutrality" for temporary noncommercial signage.**

SUMMARY:

Staff is proposing text amendments to the Sign Ordinance with the specific purpose of establishing "content neutrality" for temporary noncommercial signage in all zoning districts and associated amendments to various sections of the signage chapter to establish internal consistency. Political signs are one form of temporary noncommercial signage.

BACKGROUND:

Staff recommends municipal code amendments to reflect the opinions from the most recent US Supreme Court cases regarding First Amendment Freedom of Speech involving temporary signs for non-commercial speech.

Temporary non-commercial signs include political signs, campaign signs, community event signs, or opinions on topics. Temporary non-commercial signs do not include traffic signs, real estate signs, commercial advertisements, or commercial banners.

Staff's proposed amendments establish content neutrality, and limit regulations to time, place, and manner, for temporary non-commercial signs. According to recent court cases, one shouldn't have to read the sign to determine which rules apply – *content neutral*, and the rules on how long a sign can be in place –*time*, where the sign can be located –*place*, and the sign's size, height, number –*manner*, must all be consistent no matter the content.

At their regular meeting of May 16, 2018, the Planning Commission voted unanimously (5-0) to recommend the City Council adopt an Ordinance regarding the proposed amendments to the Lathrop Municipal Code. Attached is the Planning Commission Resolution No. 18-10 for reference. (Attachment #3).

ANALYSIS:

The goal is to treat all temporary non-commercial signs the same regardless of content, and to establish equal regulations limited to time, place, and manner. In using this approach we identified several additional amendments necessary to maintain internal consistency within the Sign Ordinance.

The main amendments include the deletion of section 17.84.120 *Political Campaign Signs* and replacement of time, place, and manner standards within an all-encompassing section for temporary non-commercial signs.

All temporary signage references, whether commercial or non-commercial are now consolidated in section 17.84.060 entitled, "Temporary Signs". Temporary signs are now defined as either being commercial or non-commercial. The existing provisions for temporary commercial advertising banners were moved to this section but was not altered. The proposed new temporary non-commercial signage language is as follows:

B. Temporary Noncommercial Signs - Temporary signs with noncommercial messages may be displayed on private property, with the property owner's permission, subject to compliance with the following limitations:

- 1. Noncommercial signage shall be defined as any sign which is intended to convey a noncommercial message including, by way of example and not limitation, commentary on social, political, educational, religious, scientific, artistic, philosophical or charitable subjects. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit concerns, entities or groups.*
- 2. On residential property, up to four single-faced or double-faced signs not exceeding four square feet of surface area per sign face may be displayed for up to 90 days in any calendar year. Such signs shall be limited to a maximum of three feet in height if located in any required setback, or six feet in height if located outside any required setback. No sign shall be placed in a manner that obstructs the Clear Visibility Triangle at intersections and driveways.*
- 3. On nonresidential property, an unlimited number of single-faced or double-faced signs not exceeding 32 square feet per sign face may be displayed for up to 90 days in any calendar year. Such signs shall be limited to a maximum of three feet in height if located in any required setback, or six feet in height if located outside any required setback. No sign shall be placed in a manner that obstructs the Clear Visibility Triangle of intersections or driveways. These signs are allowed in addition to the substitution of noncommercial messages for commercial messages as established in Section 17.84.020 (M).*

4. *Signs shall be removed by the agency, official or person responsible for their erection within seven days after the date of the advertised event or election.*

Staff finds that the above language accomplishes the goal of establishing content neutrality, and equal regulation limited to time, place, and manner. The ordinance separates and defines temporary commercial and non-commercial signage, and establishes clear regulations for temporary non-commercial signage in residential and non-residential zoning districts.

We also find that combined with the following additional amendments, we have strengthened existing laws and eliminated some inconsistencies that may have made enforcement difficult. A few of the more notable proposed amendments are as follows:

Added to the General Provisions section of the sign ordinance to support the City's ability to remove signage from its roadways.

17.84.020 General provisions and exceptions.

L. Signs on City Property. Any sign placed on property owned by the City of Lathrop, or within the right-of-way of a dedicated public street without the permission of the City may be removed by the City without prior notice. This section shall be interpreted consistent with the requirements of the First Amendment to the Constitution of the United States and the free speech clause of Article I of the California Constitution.

Added the underlined language to the purposes and applications section to further the City's support of free speech while protecting the public health, safety, and welfare.

17.84.010 Purposes and applications.

In order to maintain and enhance the attractiveness and orderliness of the city's appearance, and to protect the public safety and general welfare, the location, size, height, illumination and maintenance of signs and outdoor advertising structures are regulated as set forth in this chapter. Additionally these regulations are intended to respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational and other non-communicative aspects of signs, generally for the public health, safety, welfare and specifically to serve the public interests in community aesthetics and traffic and pedestrian safety. To enable the fair, consistent and efficient enforcement of the sign regulations of the City. And to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

Added to the General Provisions section of the sign ordinance exempt signs section because there is currently no definition regulating signage on vehicles.

17.84.020(H)(4) Signs on vehicles, including trailers; provided, that the vehicle/trailer is not parked on public or private property with the intent of being a stationary sign. If found to be parked with the intent of being a stationary sign, the vehicle/trailer is no longer exempt and is subject to the provisions of the sign ordinance.

The remainder of amendments are fairly minor, but were necessary when reorganizing for clarity and intent, establishing internal consistency by renumbering, correcting internal and external references and other typographical errors. The entire sign ordinance is attached for review with deleted text shown with strikethrough, and new text underlined.

Amendment

According to the Lathrop Municipal Code, amendments to the Zoning Code must be reviewed by the Planning Commission and forwarded to the City Council for approval. Before any recommendation to approve by the Planning Commission, or final approval by the City Council, the following finding must be made:

"That the proposed amendment will be consistent with applicable provisions of the General Plan".

Staff and the Planning Commission determined that the proposed code amendments are consistent with the General Plan. The proposed Ordinance includes the required finding.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on May 31, 2018 and the meeting agenda was posted at our designated posting locations in the City. As of the writing of this report, no comments were received in favor or against the proposed amendments.

CEQA REVIEW:

The proposed Zoning Ordinance Text Amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "General Rule" 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. The amendment does not change the zoning designation on any individual property and does not affect existing land use or density. The purpose of the amendment is to modify existing language in the Zoning Ordinance to provide content neutrality for noncommercial signage, and does not propose or require any specific development project.

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, take the following actions.

- Introduce an Ordinance adopting amendments to the Lathrop Municipal Code (LMC) Title 17, the Zoning Code, Chapter 17.84 (Signs) with the specific purpose of establishing "content neutrality" for temporary noncommercial signage in all zoning districts, and associated amendments to various sections of the signage chapter to establish internal consistency. Temporary noncommercial signs includes, but is not limited to, community event signs, political signs, and campaign signs. The proposed amendments establish time, place and manner provisions for noncommercial speech.

FISCAL IMPACT:

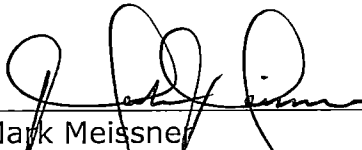
There is no fiscal impact to the City of Lathrop, only staff time to prepare the report.

ATTACHMENTS:

1. Ordinance Approving Municipal Code Amendments
2. Mark up of Chapter 17.84 Signs
3. Planning Commission Resolution No. 18-10

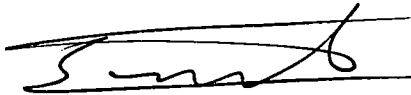
**CITY MANAGERS REPORT
JUNE 11, 2018 CITY COUNCIL MEETING
AMENDMENT TO SIGN REGULATIONS**

APPROVALS:




Mark Meissner
Assistant Community Development Director

6-5-18
Date



Salvador Navarrete
City Attorney

6-5-18
Date



Stephen J. Salvatore
City Manager

6-6-18
Date

ORDINANCE NO. 18-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP
ADOPTING AMENDMENTS TO THE LATHROP MUNICIPAL CODE TITLE 17,
THE ZONING CODE, CHAPTER 17.84 (SIGNS) WITH THE SPECIFIC PURPOSE
OF ESTABLISHING "CONTENT NEUTRALITY" FOR TEMPORARY
NONCOMMERCIAL SIGNAGE.**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a regular meeting on May 16, 2018, at which they adopted PC Resolution No. 18-10 recommending City Council adopt Municipal Code Text Amendment No. TA-18-56 pursuant to the Lathrop Municipal Code; 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 City of Lathrop City Council held a duly noticed public hearing at a regular meeting on June 11, 2018 to review and consider Municipal Code Amendment; and

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

WHEREAS, the proposed code amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "General Rule" 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 amendments establish content neutrality, and equal regulation of temporary non-commercial speech that is limited to time, place, and manner consistent with the requirements of the First Amendment to the Constitution of the United States and the free speech clause of Article I of the California Constitution, while protecting the public, health, safety, and welfare; 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 described in Attachment 2, 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 Attachment "2", 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. The City Clerk shall certify to the adoption of this ordinance and shall publish a summary thereof and post a certified copy of the full ordinance in the office of the City Clerk at least five days prior to the adoption of the proposed ordinance; and within fifteen days after adoption, the City Clerk shall publish a summary of the ordinance with the names of the members of the City of Lathrop City Council voting for and against the same.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 11th day of June 2018, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on 9th day of July, 2018, by the following vote:

AYES:

NOES:

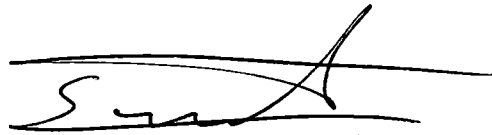
ABSTAIN:

ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:



Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

Chapter 17.84 SIGNS

17.84.010 Purposes and applications.

In order to maintain and enhance the attractiveness and orderliness of the city's appearance, and to protect the public safety and general welfare, the location, size, height, illumination and maintenance of signs and outdoor advertising structures are regulated as set forth in this chapter. (~~Ord. 97-151; Ord. 93-99; Ord. 92-73~~) Additionally these regulations are intended to respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational and other non-communicative aspects of signs, generally for the public health, safety, welfare and specifically to serve the public interests in community aesthetics and traffic and pedestrian safety. To enable the fair, consistent and efficient enforcement of the sign regulations of the City. And to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

17.84.020 General provisions and exceptions.

- A. Application. The provisions set forth in this chapter shall be applicable to all signs permitted by this title.
- B. Computation of Sign Area or Display Surface. For purposes of this chapter, measurements for computing the areas of a given sign shall be made as follows:
1. For signs comprised of individual letters attached to the business structure, including module letters and logographic symbols, the "effective sign area" means any area(s) enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains all extremities of each word and/or logographic symbol of the sign. Each word and/or logographic symbol shall be measured separately in computing total sign area. Shadow box borders and other border trims which are an intrinsic part of the building, either architecturally or structurally, shall not be included in such area computations.
 2. Where the sign consists of module letters only, and such letters are separated a minimum distance of one and one-half times the width of the individual module, the space between such letters shall not be included when computing sign area.
 3. For single unit signs containing letters or logographic symbols on cabinets or panels, the "effective sign area" means the area enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines, which fully contains the perimeter of the cabinet or panel sign.
 4. For projecting signs and freestanding detached signs containing letters and/or logographic symbols, the "effective sign area" means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports and/or ornamental and decorative trim on cabinets or support columns.
 5. For freestanding and projecting signs intended to be read from both sides along a single frontage, both sides of the sign shall be counted in computing the total sign area for that frontage.
 6. The effective sign area of a ball or sphere shall be seventy-five percent (75%) of the surface area of the ball or sphere.

C. Projection and Height.

1. No sign shall project more than fourteen (14) inches beyond the property line, except that a freestanding sign shall not extend beyond the property line. The minimum height clearance for any freestanding sign, projecting building sign or sign located on a building marquee shall be not less than eight feet as measured from ground level to the lowest portion of the sign display area.
2. No sign other than a directional sign shall project more than twelve (12) inches into a required rear yard or interior side yard.
3. In an RCO, UR, RA, R, RM or PO district, a sign attached to a building shall not project above the parapet or roof line, whichever is higher.

D. Number of Freestanding Signs. Not more than one freestanding on-premises sign, or freestanding outdoor advertising structure, may be located on each parcel of property within a zoning district in which a freestanding sign or freestanding outdoor advertising structure is permitted, with the exception of parcels in the UR district which may have no more than two free-standing on premises signs for special events occurring on the site if permitted by the community development director or the city manager's designee.

E. Traffic Hazards.

1. ~~Clear Visibility Triangle. No sign or outdoor advertising structure shall be placed within thirty (30) feet of in a manner that obstructs the intersecting curb lines~~ Clear Visibility Triangle of a street intersection, ~~unless placed on a single pole with a ground clearance of at least ten (10) feet, or unless placed so that the top of the sign and its supporting structure is a maximum of two and one-half feet above the ground- or driveway, (see Section 17.04.080, Definitions.)~~
2. No red, green or amber lights or illuminated signs or outdoor advertising structures, illuminated by or including flashing lights, shall be placed in such position that they reasonably could be expected to interfere with or be confused with any official traffic-control device, traffic signal or official directional guide sign.

F. Movement. A moving sign shall be permitted only in C or I districts; provided, that movement shall be slow (not to exceed ten (10) rpm), and shall not simulate effects obtained by varying the intensity, color, pattern or illumination. Notwithstanding this provision, at no time shall any movement be allowed that violates applicable state or federal law.

G. Utility Lines and Easements. No sign or outdoor advertising structure shall be located within a utility easement, or erected or located in a manner which will reduce the vertical or horizontal clearance from communication lines or energized electric power lines as required by laws, rules and regulations of the state and agencies thereof.

H. ~~Special Signs—~~Exceptions. The following types of signs shall be exempt from the provisions of this chapter; provided, however, that temporary signs shall be removed by the agency, corporation, group or individual responsible for their erection within ~~thirty (30) days after the date of their original erection~~ specified timeframes below, or when the signs become damaged or are no longer intelligible, whichever occurs first:

1. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice shall be removed no less than 7-days after event is over or when it is determined that the notice is no longer necessary;

2. Signs erected or maintained by a public agency or official, or required by law to be displayed by a public utility for directional, warning or informational purposes shall be removed no less than 7-days after event is over or when it is determined that the notice is no longer necessary;

3. Public Utility Signs. Nonadvertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety and welfare of the general public, including, but not limited to, the following: Informational signs for public telephone facilities or marking the location of underground facilities; directional signs for public utility services; and signs notifying the public of danger, emergency, construction and similar conditions. 3. ~~Temporary signs or displays of an emergency, patriotic, religious or community nature, including temporary, nonstructural posters for civic or political campaigns and nonilluminated, non-verbal religious symbols.~~

4. ~~Signs announcing garage or yard sales shall be removed immediately after the completion of the sale.~~

I. ~~Special~~

4. ~~Signs—Prohibition.~~ on vehicles, including trailers; provided, that the vehicle/trailer is not parked on public or private property with the intent of being a stationary sign. If found to be parked with the intent of being a stationary sign, the vehicle/trailer is no longer exempt and is subject to the provisions of the sign ordinance.

I. ~~Animated Signs.~~ Animated signs, the movement of which is simulated by variations in the intensity, color, pattern or illumination of the sign, and, or flashing signs, including, but not limited to: electronic display signs which may contain light emitting diode (LED) technology, shall be prohibited in all districts, subject to the following exceptions unless exempted as follows:

1. ~~A sign changing so as to show~~ Monochromatic Time and/or temperature display;

2. ~~An on-premises Barber pole;~~

3. ~~A sign changing the Monochromatic fuel price of gasoline, diesel or other retail fuel sign~~ in accordance with applicable state law;

4. ~~A~~ An electronic display sign located on a city owned property or facility;

5. ~~A sign,~~ or as approved in accordance with the provisions of Section 17.84.100.

6. ~~Electronic display Standards signs shall be subject to the following standards:~~

a. The sign shall be constructed of quality materials and of similar design and architecture as adjacent uses.

b. The hours or operation, illumination of the sign and changing images on the electronic display will not create a nuisance to surrounding uses, the vicinity or traffic. a. ~~The sign shall be constructed of quality materials and of similar design and architecture as adjacent uses.~~

~~b. The hours of operation, illumination of the sign and changing images on the electronic display will not create a nuisance to surrounding uses, the vicinity or traffic.~~

c. An electronic display sign located on a city-owned property or facility may provide information and announcements of city sponsored events or activities occurring at the subject site and occurring at other locations in the city at the discretion of the city manager or designee.

J. Area Identification Signs. Area identification signs intended to identify a neighborhood, subdivisions, shopping or industrial district, complex or other area composed of multiple ownerships shall be limited to a maximum single surface area of twenty-five (25) square feet, and total sign area not exceeding fifty (50) square feet.

K. Outdoor Advertising Signs. Outdoor advertising signs are signs having part or all of their area devoted to directing attention to a business, profession, commodity, product or service that is not the primary business, profession, commodity, product or service sold, manufactured, conducted or offered on the site on which the sign is located, and shall be subject to the following conditions:

1. Outdoor advertising signs shall not be permitted in the RCO, UR, R, RM, PO, IP or C districts.
2. The maximum single surface area per site of an outdoor advertising structure in the I district shall be five hundred (500) square feet; the maximum aggregate area per site of outdoor advertising signs in the I district shall be one thousand (1,000) square feet. No outdoor advertising signs shall be placed within one thousand (1,000) feet of another such sign on the same side of a street or highway.

~~L. Temporary Advertising Banner Signs—Exempt. Temporary advertising banners signs for grand opening and special sales events for businesses located in any commercial or industrial zoning district shall be exempt from the provisions of this chapter and shall require no fee or application to be displayed, provided the following standards are meet:~~

~~1L. Signs on City Property. Any sign placed on property owned by the City of Lathrop, or within the right-of-way of a dedicated public street without the permission of the City may be removed by the City without prior notice. This section shall be interpreted consistent with the requirements of the First Amendment to the Constitution of the United States and the free speech clause of Article I of the California Constitution.~~

~~M. Substitution of Noncommercial Message. Subject to the owner's consent, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed pursuant to this chapter. Design criteria which may apply to commercial signs, such as color, lettering style or height, and compatibility with other signs on the same parcel or other signs subject to a sign program, do not apply to noncommercial signs even when they are in an area subject to a sign program, master plan or specific plan. No special or additional permit is required to substitute a non-commercial message for any other message on an allowable sign, provided the sign is already permitted or exempt from the permit requirement. When a non-commercial message is substituted for any other message, the sign is still subject to the same location and structure regulations, such as size, height, illumination, duration of display, building and electrical code requirements, as would apply if the sign were used to display a commercial message or some other non-commercial message. This substitution provision shall prevail over any other provision to the contrary, whether more specific or~~

not, in this chapter and applies retroactively to sign programs, master plans and specific plans which were adopted or approved before this chapter was enacted.

~~One banner may be displayed not exceeding sixty (60) square feet in area;~~

~~2. The same banner is not displayed for more than ninety (90) days in a calendar year, either consecutively or cumulatively;~~

~~3. The banner is displayed on the storefront or building of the subject business. No banner may be displayed on or above the building roof;~~

~~4. The banner is securely attached or anchored to the building;~~

~~5. The banner is limited to advertising the business name, event, and products or services available at the subject business location;~~

~~6. The banner is approved for display by the property owner or authorized property owner agent of the subject business location.~~

M. — Temporary Advertising Banner Signs — Not Exempt. Temporary advertising banner signs for grand opening and special sales events for businesses located in any commercial or industrial zoning district, not meeting the exempt provisions of this chapter, may be displayed upon filing and receiving approval of a sign design application by the planning division (no fee shall be required), and provided the following standards are met:

~~1. The banner or banners shall not exceed a total cumulative sign area of two hundred (200) square feet in area. A larger sign area may be considered for approval by the planning division if warranted by site specific circumstances.~~

~~2. The banner or banners are not displayed for more than one hundred twenty (120) days in a calendar year, either consecutively or cumulatively.~~

~~3. The banner or banners are displayed on the storefront or building of the subject business or at an approved location on the subject site. No banners may be displayed on or above the building roof.~~

~~4. The banner or banners are limited to advertising the business name, event, and products or services available at the subject business location.~~

~~5. The banner or banners are approved for display by the property owner or authorized property owner agent for the subject business location. (Ord. 18-384 § 1; Ord. 13-329 § 1; Ord. 10-298 § 1; Ord. 09-287 § 1; Ord. 02-206 § 1; Ord. 92-73; Ord. 93-99; Ord. 97-151)~~

17.84.030 Signs in the RCO, UR, RA, R, RM and PO districts.

No sign of any character shall be permitted in the RCO, UR, RA, R, RM or PO districts, except as follows:

A. One name plate, not directly illuminated, with a maximum of two square feet in area (for example, a name plate having dimensions of one foot by two feet), containing the name or names of occupants of a residence or office;

- B. One identification sign, not directly illuminated, located flat against a wall and not projecting above the roof line, with a single surface area of not more than sixteen (16) square feet pertaining to a permitted or conditional use conducted on the site;
- C. One non-illuminated sign, with a single surface area of not more than eight square feet, pertaining to the sale, lease, rental or display of a structure or site;
- D. Nonilluminated directional signs, with a single surface area of not more than six square feet, pertaining to vehicular or pedestrian traffic directions and located along a driveway or within a parking lot. Arrows painted on pavement are not included in this regulation;
- E. One bulletin board; not directly illuminated, with a single surface area of not more than twenty (20) square feet, located on the site of a church, school, auditorium or other similar place of public assembly;
- F. One nonilluminated temporary construction sign, with a single surface area of not more than sixteen (16) square feet, on the site of a construction project, which shall be removed at the owner's expense at the time of project completion;
- G. One temporary subdivision sales sign, not directly illuminated, with a single surface area of not more than thirty-two (32) square feet, on the site of a residential subdivision.
- H. In the UR district up to two on-premises, freestanding signs of variable size as may be approved by the community development director or the city manager's designee, with the number of signs, their maximum size, and other requirements to be as determined by the community development director or the city manager's designee, provided that the maximum sign area for any single sign may not exceed eight hundred sixty-five (865) square feet. No outdoor advertising signs as defined in Section 17.84.020 shall be permitted in the UR district. (Ord. 10-298 § 1; Ord. 02-206 § 2; Ord. 92-73; Ord. 93-99; Ord. 97-151)

I. Temporary signs (see Section 17.84.060, Special provisions for temporary signs.)

17.84.040 Regulation of signs within the C districts.

- A. Purposes and Application. The purpose of sign regulation within the C districts is to avoid unsightly, inharmonious, competing, cluttered and hazardous location and appearance of signs, and to encourage the replacement of existing nonconforming signs. Sign regulations of this section shall apply to any permitted or conditional use listed within a C district.
- B. Maximum Total Aggregate Area in the CN, CC, CR and CW districts.
 - 1. Primary Frontage. An allowable minimum sign area of up to fifty (50) square feet shall be permitted for each primary building frontage (portion of building occupied by the business and facing a street), regardless of the width of such primary building frontage. A maximum total sign area, not to exceed three hundred sixty (360) square feet, shall be permitted for each primary building frontage based on two square feet of sign area for each lineal foot of primary building frontage occupied by the business, except for those businesses located within the CC district that are within one thousand (1,000) feet of a freeway right-of-way. Such businesses shall be allowed a maximum total sign area of five

hundred (500) square feet for each primary building frontage occupied by the business, based on two square feet of sign area for each lineal foot of primary building frontage occupied by the business.

2. Secondary Frontage. An allowable minimum sign area of up to thirty-six (36) square feet shall be permitted for each secondary building frontage (portion of building occupied by the business and facing an alley, an adjacent building, parking lot, or the like), regardless of the width of such secondary frontage. A maximum total sign area, not to exceed two hundred (200) square feet, shall be permitted for each secondary frontage based on one square foot of secondary building frontage occupied by the business.

C. Maximum Total Aggregate Area in the CS and CH districts.

1. Primary Frontage. An allowable minimum sign area of up to one hundred (100) square feet shall be permitted for each primary business frontage along a street, regardless of the width of such primary business frontage. A maximum total sign area, not to exceed five hundred (500) square feet, shall be permitted for each primary building frontage based on two square feet of sign area for each lineal foot of primary business frontage occupied by the business.

2. Secondary Frontage. An allowable minimum sign area of up to fifty (50) square feet shall be permitted for each secondary business frontage, regardless of the width of such secondary frontage occupied by the business. A maximum total sign area, not to exceed, two hundred (200) square feet shall be permitted for each secondary business frontage based on two square feet of sign area for each lineal foot of secondary business frontage occupied by the business.

D. Directional Signs. Directional signs for off-street parking and off-street loading facilities shall not exceed six square feet of each sign; parking lot identification signs shall not exceed six square feet per face of sign; provided that no directional sign shall exceed three feet in height, as measured from finished grade. Higher directional signs shall be allowed only when such a sign is setback a sufficient distance from the public right-of-way and driveways as to not impede the clear sight of any vehicle utilizing the driveway for ingress and egress.

E. Sale, Lease and Rental Signs. Signs pertaining to the sale, lease, rental or display of a structure or land shall not exceed thirty-two (32) square feet per single face of sign.

F. Projecting Signs. No sign, other than a directional sign, shall project more than twenty-four (24) inches into a required rear yard or required interior side yard. No sign, other than a sign required by law or a marquee sign, shall project more than fourteen (14) inches into a public right-of-way.

G. Signs Attached to Buildings. Signs attached to buildings shall be installed parallel with the building, with no more than a fourteen (14)-inch projection from the wall, except where permitted under subsection H below and/or attached directly to the vertical or sloped face of the marquee.

H. Marquee or Canopy Signs. Signs attached below the marquee or canopy shall not exceed six square feet per face of sign, and shall have a minimum ground clearance of eight feet above the sidewalk grade in order not to impede or interfere with pedestrian traffic and safety. Where the marquee or canopy is attached at an angle from a building, signs may be affixed to the sloped portion above the horizontal extension of the marquee or canopy as an integral part of the facade.

I. Painted Wall Signs. Within each of the C districts, signs painted upon a wall exterior surface shall be included when computing the allowable sign area.

J. Freestanding Signs.

1. New freestanding signs shall have a permanently landscaped area at their bases, and shall be maintained with live plant materials around the base of such signs equal to at least ten percent (10%) of the total sign area, and with a minimum landscaped area of ten (10) square feet, or be located within a landscaped planter at least five feet in width.

2. Freestanding area identification signs displaying the name and/or logographic symbol of a shopping center and/or the names of other groupings of businesses, offices, services or combinations thereof shall not exceed a total sign area of five hundred (500) square feet.

3. No more than one freestanding pole or pylon sign shall be permitted for a single business or for a grouping of businesses on a single site, except that two freestanding pole or pylon signs shall be permitted for a grouping of ten (10) or more businesses on a single site.

4. No more than one monument sign (a sign located flush on finished grade) shall be permitted for a single business or for a grouping of businesses on a single site; provided, that any monument sign does not exceed eight feet in height and no more than fifty (50) square feet of total surface area for each sign face. Any proposed monument sign may be located within a setback area; provided, that it does not interfere with the clear sight of vehicles at driveway locations. Any monument sign over three feet in height shall also meet the requirements of subsection P of this section.

~~K. Temporary Signs. Temporary signs, including official notices, campaign posters and posters advertising community functions or events, shall be removed by the agency, official or person responsible for their erection within seven days after the date of the advertised event or election. In the CN, CC, CR and CW districts, such temporary signs shall be permitted only on special structures which may be provided at various locations, such as public bulletin boards, kiosks and other authorized informational centers.~~

~~K. Temporary signs (see Section 17.84.060, Special provisions for temporary signs.)~~

L. Announcement and Bulletin Boards. Announcement and bulletin boards or structures for any public, philanthropic, civic, religious or charitable organization or agency, nonilluminated or illuminated by indirect lighting only, may not exceed thirty-two (32) square feet in area in any district when appurtenant to the premises on which they are located.

~~M. Public Service Signs. Electronic public service signs displaying such information as the time of day, temperature or events of community interest, with the purpose of augmenting on-premises identification, shall be permitted. The area of such signs shall be included when computing the total sign area of a business or site.~~

~~N. Sight Distance at Intersections. Portable signs, including, but not limited to, sandwich board, "A" board, movable freestanding, tire stack and wind signs, shall be prohibited.~~

~~O. Public Utility Signs. Nonadvertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety and welfare of the general public,~~

~~including, but not limited to, the following: Informational signs for public telephone facilities or marking the location of underground facilities; directional signs for public utility services; and signs notifying the public of danger, emergency, construction and similar conditions. No sign or other item shall be attached to private utility company poles and/or light standards or supports without prior written approval from the utility company to which such poles belong.~~

~~P. Sign Distance at Intersections. No sign permitted by this chapter shall be placed within thirty (30) feet of a street intersection (intersecting curb lines) unless placed so that the top of the sign is at a maximum of three feet above the ground or unless the bottom of the sign is a minimum of ten (10) feet above the ground level.~~

~~Q. Height of Signs. The height of signs within the CN, CC, CR and CW districts shall not exceed the height of the structure which houses the business being advertised, unless otherwise allowed under the provisions of this title or as approved by the planning commission with a conditional use permit or site plan review and in no case shall such sign exceed the height limitations of the district in which it is located.~~

~~R. Signs Expressly Prohibited.~~

~~1. No red, green or amber light or illuminated sign may be placed in such a position that it could reasonably be expected to interfere with, or be confused with any official traffic control device, traffic signal or official directional guide sign.~~

~~2. Outdoor advertising structures shall not be permitted.~~

~~3. Glaring, flashing and scintillating signs shall not be permitted.~~

~~4. Open letter signs which may be viewed from the reverse shall not be permitted.~~

~~SN. Brand Name Advertising. Up to thirty percent (30%) of the signing allowance for any frontage may be devoted to the advertising or identification of an individual brand or brands of products. This provision shall not apply to the identification of one primary brand name identifying a service station.~~

~~TO. Design of Signs. All signs shall be designed in scale and harmony with the architectural design of the buildings and uses they are intended to relate to or identify.~~

~~U. Alteration and Removal. Achieving the alteration or removal of dangerous, obsolete and nonconforming signs is a major policy of this chapter. To this end, certain signs are declared to be dangerous, obsolete or nonconforming, and shall be removed or altered to conform as follows:~~

~~1. A "dangerous sign" is defined as any sign which is an immediate peril or a potential menace to the safety of persons or property. The building inspector shall give a written order for the repair or removal of any unsafe or dangerous sign to the owner of the real property upon which such sign is located. If such owner shall fail to remove or repair such sign or advertising structure within six months of notification by the building inspector, the building inspector may cause the removal of such sign and may enter upon such property for such purpose. Any cost accrued by the city in the removal of such sign shall be charged to the owner of the real property upon which such sign is located and added to the real taxes thereon for the ensuing tax year or be collected in civil action at the option of the city.~~

~~2. Any sign hereafter existing which no longer advertises a bona fide business conducted or product sold on the premises where such sign exists shall be removed or made to conform by the owner of the building, structure or property upon which such sign is located within ninety (90) days after written notification by the building inspector, or the building inspector may cause the removal of such sign. Any cost accrued by the city shall be treated in the same manner as provided above for dangerous or unsafe signs.~~

~~3. Signs which are nonconforming because of their lighting, movement or animation shall be made to conform or be removed within one hundred twenty (120) days after written notification by the building inspector.~~

~~V. Appeals Procedure.~~

~~1. If, because of any ambiguity, inadvertent omission or error, the interpretation of the provisions and/or intent of this chapter by the director of community development or the city manager's designee is disputed, the applicant or any aggrieved person may appeal, in writing, setting forth his or her reason for such appeal to the planning commission. The appeal shall be filed with the planning director within fifteen (15) days after an adverse decision of the director. The appeal shall be placed on the regular meeting agenda of the planning commission.~~

~~2. The commission shall review the sign proposal and shall approve, approve with conditions or disapprove it, based on the findings set forth in Section 17.120.080 of this code.~~

~~3. Any decision of the commission may be appealed by an interested party to the city council by filing an appeal application and paying any applicable fee within ten (10) days following the date of the planning commission's decision. The appeal application shall state specifically where there was an error or abuse of discretion by the commission, or wherein the commission's decision is not supported by the evidence in the record. The council shall hear all pertinent testimony relating to the appeal and render its decision at the next available regular council meeting. The decision of the city council shall be final. (Ord. 10-298 § 1; Ord. 09-287 § 2; Ord. 92-73; Ord. 93-99; Ord. 97-151)~~

17.84.050 Regulation of signs within the I districts.

No sign, outdoor advertising structure or display of any character shall be permitted in the I Districts, except as follows:

A. Outdoor advertising signs in accordance with the district limitations and standards prescribed in Section 17.84.020(K);

B. The maximum permissible area of all faces of all permanent and temporary signs pertaining to a permitted use or conditional use, excluding outdoor advertising signs, directional signs and signs identifying products within a window display area, shall be as follows: one square foot of sign area per lineal foot of property line adjoining a street, or one hundred (100) square feet per acre of site area in use, whichever is greater, to a maximum of six hundred (600) square feet of sign area;

C. One non-illuminated sign, not exceeding a single surface area of thirty-two (32) square feet, pertaining to the sale, lease, rental or display of a structure or site;

D. No more than one monument sign (a sign located flush on finished grade) shall be permitted for a single business or for a grouping of businesses on a single site; provided, that any monument sign does not exceed eight feet in height and no more than fifty (50) square feet of total surface area for each sign face. Any proposed monument sign may be located within a setback area; provided, that it does not interfere with the clear sight of vehicles at driveway locations. Any monument sign over three feet in height shall also meet the requirements of Section 17.84.040(P) of this chapter.

E. Non-illuminated directional signs along driveways or within parking lots, not exceeding a single surface area of six square feet, pertaining to vehicular and pedestrian traffic direction;

F. One bulletin board not directly illuminated, not exceeding a single surface area of twenty (20) square feet, located on the site of a place of public assembly;

G. One non-illuminated temporary commercial construction sign, not exceeding a single surface area of thirty-two (32) square feet, on the site of a construction project, to be removed at the owner's expense at the time of project completion. (~~Ord. 18-384 § 1; Ord. 09-287 § 3; Ord. 92-73; Ord. 93-99; Ord. 97-151~~)

H. Temporary signs (see Section 17.84.060, Special provisions for temporary signs.)

(Ord. 18-384 § 1; Ord. 09-287 § 3; Ord. 92-73; Ord. 93-99; Ord. 97-151)

17.84.060 Temporary signs.

A. Temporary Commercial Signs. Any sign containing a commercial message. Includes all signs not classified as noncommercial signs.

1. Temporary Advertising Banner Signs—Temporary advertising banner signs for grand opening and special sales events for businesses located in nonresidential zoning districts may be displayed, and shall not require a sign design application, provided the following standards are met:

a. One banner may be displayed not exceeding sixty (60) square feet in area;

17.84.060b. The same banner is not displayed for more than ninety (90) days in a calendar year, either consecutively or cumulatively;

c. The banner is displayed on the storefront or building of the subject business. No banner may be displayed on or above the building roof;

d. The banner is securely attached or anchored to the building;

e. The banner is limited to advertising the business name, event, and products or services available at the subject business location;

f. The banner is approved for display by the property owner or authorized property owner agent of the subject business location.

2. Temporary Advertising Banner Signs—Temporary advertising banner signs for grand opening and special sales events for businesses located in nonresidential zoning districts, not meeting the provisions above in this section, may be displayed upon filing and receiving approval of a sign design application by the planning division and provided the following standards are met:

a. The banner or banners shall not exceed a total cumulative sign area of two hundred (200) square feet in area. A larger sign area may be considered for approval by the planning division if warranted by site specific circumstances.

b. The banner or banners are not displayed for more than one hundred twenty (120) days in a calendar year, either consecutively or cumulatively.

c. The banner or banners are displayed on the storefront or building of the subject business or at an approved location on the subject site. No banners may be displayed on or above the building roof.

c. The banner or banners are limited to advertising the business name, event, and products or services available at the subject business location.

e. The banner or banners are approved for display by the property owner or authorized property owner agent for the subject business location. (Ord. 18-384 § 1; Ord. 13-329 § 1; Ord. 10-298 § 1; Ord. 09-287 § 1; Ord. 02-206 § 1; Ord. 92-73; Ord. 93-99; Ord. 97-151)

B. Temporary Noncommercial Signs - Temporary signs with noncommercial messages may be displayed on private property, with the property owner's permission, subject to compliance with the following limitations:

1. Noncommercial signage shall be defined as any sign which is intended to convey a noncommercial message including, by way of example and not limitation, commentary on social, political, educational, religious, scientific, artistic, philosophical or charitable subjects. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit concerns, entities or groups.

2. On residential property, up to four single-faced or double-faced signs not exceeding four square feet of surface area per sign face may be displayed for up to 90 days in any calendar year. Such signs shall be limited to a maximum of three feet in height if located in any required setback, or six feet in height if located outside any required setback. No sign shall be placed in a manner that obstructs the Clear Visibility Triangle at intersections and driveways.

3. On nonresidential property, an unlimited number of single-faced or double-faced signs not exceeding 32 square feet per sign face may be displayed for up to 90 days in any calendar year. Such signs shall be limited to a maximum of three feet in height if located in any required setback, or six feet in height if located outside any required setback. No sign shall be placed in a manner that obstructs the Clear Visibility Triangle of intersections or driveways. These signs are allowed in addition to the substitution of noncommercial messages for commercial messages as established in Section 17.84.020 (M).

4. Signs shall be removed by the agency, official or person responsible for their erection within seven days after the date of the advertised event or election.

17.84.070 Nonconforming signs and outdoor advertising structures.

Nonconforming signs and nonconforming outdoor advertising structures shall be subject to the regulations prescribed in ~~Chapters 17.16 and 17.116.~~ (Ord. 92-73; Ord. 93-99; Ord. 97-151) Chapter 17.116 and as follows.

A. Alteration and Removal. Achieving the alteration or removal of dangerous, obsolete and nonconforming signs is a major policy of this chapter. To this end, certain signs are declared to be dangerous, obsolete or nonconforming, and shall be removed or altered to conform as follows:

1. A “dangerous sign” is defined as any sign which is an immediate peril or a potential menace to the safety of persons or property. The building inspector shall give a written order for the repair or removal of any unsafe or dangerous sign to the owner of the real property upon which such sign is located. If such owner shall fail to remove or repair such sign or advertising structure within six months of notification by the building inspector, the building inspector may cause the removal of such sign and may enter upon such property for such purpose. Any cost accrued by the city in the removal of such sign shall be charged to the owner of the real property upon which such sign is located and added to the real taxes thereon for the ensuing tax year or be collected in civil action at the option of the city.

2. Signs which are nonconforming because of their lighting, movement or animation shall be made to conform or be removed within one hundred twenty (120) days after written notification by the building inspector.

17.84.0780 Abandoned and dilapidated signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign which has been abandoned, or which is physically dilapidated. Any such sign shall be promptly removed by the owner or such other person. Any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his or her business, or any sign which pertains to a time, event or purpose which no longer is applied shall be presumed to have been abandoned. Where the owner or other person responsible for maintaining an abandoned or dilapidated sign fails to remove the sign in conformance with these provisions, the city shall cause the sign to be removed, and shall assess the owner or other person responsible at a rate established by resolution of the city council to cover the costs of such removal. (Ord. 92-73; Ord. 93-99; Ord. 97-151)

A. Any sign hereafter existing which no longer advertises a bona fide business conducted or product sold on the premises where such sign exists shall be removed or made to conform by the owner of the building, structure or property upon which such sign is located within ninety (90) days after written notification by the building inspector, or the building inspector may cause the removal of such sign. Any cost accrued by the city shall be treated in the same manner as provided above for dangerous or unsafe signs.

17.84.0890 Authority to modify sign regulations.

Notwithstanding other provisions of this title, the planning commission has the authority to modify or adjust regulations of this title in order to prevent or lessen practical difficulties or unnecessary physical hardships inconsistent with the objectives of the zoning code and the purpose of this chapter as would result from a strict or literal interpretation and enforcement of certain of the regulations of this title. (Ord. 97-151; Ord. 93-99; Ord. 92-73)

17.84.090 Public utility signs.

Nonadvertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety and welfare of the general public, including, but not limited to, the following: The location of underground facilities; directional signs for public utility services; and signs notifying the public of danger, emergency, construction and similar conditions. No signs or other items shall be attached to private utility company poles and/or light standards or supports without prior written approval from the affected utility company. (Ord. 97-151; Ord. 93-99; Ord. 92-73)

A. Appeals Procedure.

1. If, because of any ambiguity, inadvertent omission or error, the interpretation of the provisions and/or intent of this chapter by the director of community development or the city manager's designee is disputed, the applicant or any aggrieved person may appeal, in writing, setting forth his or her reason for such appeal to the planning commission. The appeal shall be filed with the planning director within fifteen (15) days after a decision of the director. The appeal shall be placed on the regular meeting agenda of the planning commission.

2. The commission shall review the sign proposal and shall approve, approve with conditions or disapprove it, based on the findings set forth in Section 17.120.080 of this code.

3. Any decision of the commission may be appealed by an interested party to the city council by filing an appeal application and paying any applicable fee within ten (10) days following the date of the planning commission's decision. The appeal application shall state specifically where there was an error or abuse of discretion by the commission, or wherein the commission's decision is not supported by the evidence in the record. The council shall hear all pertinent testimony relating to the appeal and render its decision at the next available regular council meeting. The decision of the city council shall be final. (Ord. 10-298 § 1; Ord. 09-287 § 2; Ord. 92-73; Ord. 93-99; Ord. 97-151)

17.84.100 Master signage plans.

A. Purpose. The master sign plan provides a process for community development director review and decision related to requests for signs for multi-tenant projects. The intent is to allow the integration of a project's signs with the design of the structures to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects, and to encourage design flexibility.

B. Applicability. A master sign plan shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant or mixed-use developments of two or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities.

C. Approving Authority and Procedure. The designated approving authority for a master sign plan is the community development director. The process will be conducted administratively by the community development director. No public hearing is required for a master sign plan.

D. Projects with Business of Local and/or Regional Significance. Project sites that include a business of local and/or regional significance, as determined by the community development director or the city manager's designee, may if determined to meet the other findings of this subsection, exceed the number of freestanding signs, individual and/or aggregate sign areas, LED lighting and animation, and height requirements contained in this title through the master sign plan process. For the purposes of

this exception, a business of local and/or regional significance is a business that would provide a significant economic benefit to the city of Lathrop in the form of jobs and/or sales tax generation.

E. In approving a master signage plan, the community development director shall make the following findings:

1. The proposed plan is consistent with the adopted general plan and all applicable provisions of this chapter.
2. The proposed plan meets the minimum requirements for submittal as stated by this chapter.
3. The granting of the plan does not constitute a special privilege that cannot be substantiated by special circumstances as required by this chapter.
4. The proposed business is of local and/or regional significance (for businesses requesting to exceed the sign requirements contained in this title).
5. The granting of the plan is in compliance with all local, state and federal laws pertaining to the height of any proposed sign.
6. All proposed signs shall incorporate several common design elements, including letter style, colors, illumination, sign shape, and the like.
7. All proposed signs shall be architecturally compatible to any proposed structures and buildings.
8. Approval of the plan shall not adversely affect surrounding land uses or obscure adjacent conforming signage.

F. An application fee for a master signage plan shall be established from time to time as set forth by an adopted city council resolution. (Ord. 18-384 § 1; Ord. 16-355 § 1; Ord. 10-298 § 1; Ord. 08-277 § 1; Ord. 97-151; Ord. 93-99; Ord. 92-73)

~~17.84.110 Special provisions for temporary signs.~~

~~Temporary signs as described by Section 17.84.020(H)(3) shall be placed and removed by the following provisions. All such signs shall be clearly and legibly labeled and each label shall include the name, address and phone number of the responsible party erecting the sign or at the option of the responsible party, each sign may be registered with the city clerk on a form indicating the responsible party's name, address and phone number. There shall be no charge for registering any sign as provided by this chapter. Any sign which is placed unlawfully in accordance with this chapter or related law shall be removed by the city at the expense of the responsible part. All such signs shall be removed within fourteen (14) days after the final day in which purpose the sign was erected; this shall include political elections, civic or community posters, or any other temporary use which stipulates a specific time period. The city shall charge a five dollar (\$5.00) removal fee to a responsible party for each and every sign that must be removed in accordance with this chapter. (Ord. 97-151; Ord. 93-99; Ord. 92-73)~~

~~17.84.120 Political campaign signs.~~

~~A. General. Signs relating to political campaigns involving the election of candidates for public office or consideration of ballot measures submitted to the electorate (political campaign signs) may be placed upon property in private ownership by or with the consent of the owner or lawful occupant;~~

provided, however, the placing of political campaign signs on private property shall be consistent with the provisions contained in subsections B, C, D, E and F of this section.

~~B. Signs Affixed to Ground in Private Ownership—No Permit Required. No sign permit (or building or other permit) shall be required for any political campaign sign which is affixed to the ground on property in private ownership, does not exceed six feet in height, and does not exceed thirty two (32) square feet in sign area; provided, however, the following requirements are met:~~

~~1. A candidate, political campaign committee, sign company, or other person responsible for the placement of political campaign signs for a particular candidate or measure shall inform the city's chief building official in writing of the intention to place such signs within the city in compliance with the provisions of this section.~~

~~2. The notice to the chief building official shall identify the candidate or measure included in the sign copy, and shall identify some symbol, emblem, mark or other characteristic on the signs to distinguish such signs from other signs which may relate to the same candidate or measure which may be placed by another person.~~

~~3. Every such sign shall consist of wood or other materials and be posted or otherwise affixed to the ground in a manner so that such sign cannot be easily blown over or knocked down.~~

~~C. Signs Affixed to Ground in Private Ownership—Permit Required. Political campaign signs (affixed to the ground on property in private ownership) exceeding six feet in height or thirty two (32) square feet in area may be allowed in accordance with the following requirements:~~

~~1. Not more than one such sign may be placed upon one lot;~~

~~2. The lot on which any such sign may be placed is undeveloped;~~

~~3. The sign shall be set back at least twenty five (25) feet from the side lot line of any adjacent developed lot;~~

~~4. No sign shall be placed within thirty (30) feet of the intersecting curb lines of a street intersection;~~

~~5. The sign shall not materially obscure any other existing sign which conforms to the provisions of this code, nor unreasonably interfere with any lawful uses that may be effected on any adjacent lot on the same street;~~

~~6. The maximum height of the sign shall not exceed twenty (20) feet from the ground where located;~~

~~7. The maximum sign area of the sign shall not exceed one hundred thirty (130) square feet;~~

~~8. A sign permit shall be obtained for each such sign, accompanied by the fees prescribed therefor. A building permit and other permits also may be required pursuant to this code.~~

~~D. Signs Placed on Single Family Dwellings—No Permit Required. No sign permit (or building permit or other permit), nor notice of intention, shall be required for any political campaign sign placed on a single family dwelling by or with the consent of the owner or lawful occupant of the lot upon which such~~

dwelling is located; provided, however, the total sign area of such sign (or signs) does not exceed thirty-two (32) square feet in sign area, and is subject to the following requirements:

1. ~~———— No such sign shall project above the height or from the sides of the dwelling, or block access to or from any door or window; and~~

2. ~~———— Every such sign shall be placed in a manner to secure it from being blown over or knocked down.~~

~~E. Signs Affixed to Windows of Occupied Buildings—No Permit Required. No sign permit (or building permit or other permit), nor notice of intention, shall be required for any political sign affixed to the interior side of any window of any type of occupied building by or with the consent of the owner or lawful occupant of the building (including a dwelling unit of a multiple dwelling, or a section of a nonresidential building, occupied by such occupant in which such windows are located); provided, however, the total sign area of such sign (or signs) does not exceed thirty-two (32) square feet in sign area for each such building, dwelling unit or section of building occupied.~~

~~F. Signs Replacing Commercial and Industrial District Signs—No Permit Required. No sign permit (or building permit or other permit), nor notice of intention, shall be required for any political campaign sign which consists of sign copy replacing (temporarily during the campaign) sign copy of a freestanding sign, building sign, public service sign, display structure sign, or traveling message sign, located in a commercial or industrial district and approved pursuant to the regulations of this code. The sign copy of any such political campaign sign shall be integral with the structure containing the sign copy in the same manner as the sign copy which is being temporarily replaced during the campaign.~~

~~G. Political Campaign Signs on Public Property Prohibited—Exception. Political campaign signs shall not be allowed nor permitted on public property, except that (1) political campaign signs may be located in the front yards of private property situated within a public right of way, and (2) to the extent applicable, such political campaign signs shall comply with the provisions of subsections B and C of this section. Notwithstanding the foregoing exception, no political campaign signs may be placed on fences, utility guy wires, support wires, traffic signs, signals or standards, or on any tree or shrub located within a public right of way, nor may the placement of such signs within a public right of way unreasonably interfere with public safety, including visual, traffic and pedestrian impacts.~~

~~H. Removal of Signs After Election. Every political campaign sign shall be removed within fifteen (15) days following the election related to such sign. Any such sign on private property which is not removed shall be subject to abatement, or any other remedy allowed by law for such removal (including the removal costs incurred by the city as set forth in Section 17.84.110 of this chapter), and the parties responsible for the placement of such sign shall be liable for all costs associated with such removal. (Ord. 06-257 § 1)~~

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 18-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING CITY COUNCIL AMENDMENTS TO THE LATHROP
MUNICIPAL CODE (LMC) TITLE 17, THE ZONING CODE, CHAPTER 17.84 (SIGNS)
WITH THE SPECIFIC PURPOSE OF ESTABLISHING "CONTENT NEUTRALITY"
FOR TEMPORARY NONCOMMERCIAL SIGNAGE IN ALL ZONING DISTRICTS,
AND ASSOCIATED AMENDMENTS TO VARIOUS SECTIONS OF THE SIGNAGE
CHAPTER TO ESTABLISH INTERNAL CONSISTENCY. (TA-18-56)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public meeting to consider the text amendment pursuant to the Lathrop Municipal Code; and

WHEREAS, the proposed text 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 recommendation to the City Council by resolution; and

WHEREAS, the proposed text amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "General Rule" 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 Planning Commission finds that the proposed text amendment is consistent with applicable provisions of the Lathrop General Plan; and

WHEREAS, the amendments establish content neutrality, and equal regulation of temporary non-commercial speech that is limited to time, place, and manner consistent with the requirements of the First Amendment to the Constitution of the United States and the free speech clause of Article I of the California Constitution, while protecting the public, health, safety, and welfare; and

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

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission 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 recommend the City Council adopt Municipal Code Text Amendment No. TA-18-56 as shown in Attachments B, incorporated by reference herein.

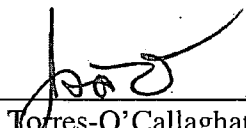
PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a regular meeting on the 16th day of May, 2018 by the following vote:

AYES: Torres-O'Callaghan, Lazard, Ishihara, Freeman, Gatto

NOES: None

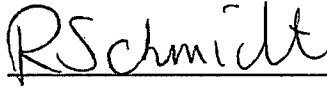
ABSTAIN: None

ABSENT: None



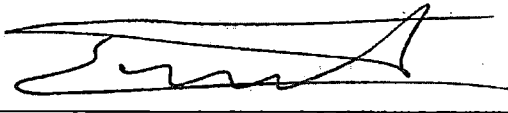
Jennifer Torres-O'Callaghan, Chair

ATTEST:



Rebecca Schmidt, Secretary

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **PUBLIC HEARING (PUBLIC NOTICE) AND INTRODUCTION OF AN ORDINANCE ADDING LATHROP MUNICIPAL CODE CHAPTER 13.22 ENTITLED "STATE VIDEO SERVICE FRANCHISES"**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Introduction and First Reading of an Ordinance Adding Lathrop Municipal Code Chapter 13.22 "State Video Service Franchises"**

SUMMARY:

The local cable franchise with Comcast expired in December 2017. Comcast Communications filed an application with the California Public Utilities Commission for a new State Franchise that commenced at the expiration of the local franchise. Therefore, it is necessary that the Lathrop City Council adopt an ordinance adding Lathrop Municipal Code Chapter 13.22, which implements the provisions of the Digital Infrastructure and Video Competition Act (DIVCA).

BACKGROUND:

In September 2006, then Governor of the State of California signed into law the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). DIVCA, which took effect on January 1, 2007 creates a process for the state to grant video service franchises (cable TV) and establishes the California Public Utilities Commission as the sole franchising authority for video service providers in the state.

Historically, the City of Lathrop has had the power to grant and renew franchises to provide cable service in the City. However, DIVCA established a new regulatory structure under which the authority to grant and renew video service franchises now resides with the State and not with local governments.

DIVCA affords the City certain rights that must be secured in a local DIVCA ordinance. For example, DIVCA permits the City to continue to collect franchise fees (Public Utility Code (CPUC section 5860); to retain revenue for Public, Education and Governmental ("PEG") purposes (CPUC section 5870); assess penalties for violations of customer service standards (CPUC section 5900); and to impose restrictions on the use of City rights-of-way (CPUC section 5885). DIVCA also requires the City to provide a process for State franchise holders to appeal encroachment permit denials (CPUC section 5885(c)(4)).

REASON FOR RECOMMENDATION:

Comcast has filed an application with the California Public Utilities Commission for a new franchise. The state franchise was granted and commenced at the expiration of the local franchise in December 2017. Therefore, it is necessary to pass this

CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
ADDING LMC CHAPTER 13.22 "STATE VIDEO SERVICE FRANCHISES"

Page 2

ordinance that addresses video franchises issued by the state and which secures the City's rights under state law.

More specifically, under DIVCA the City will continue to receive a 5% cable TV franchise fee (maximum allowed by the Federal Government) that it has been receiving during the term of the local franchise. In addition, Public, Education and Governmental ("PEG") channels and funding can continue to be provided by Comcast as well as any other state video franchisees. Without the Ordinance, PEG funding would be eliminated.

FISCAL IMPACT:

Under the proposed DIVCA Ordinance the City will continue to collect a franchise fee of five percent (5%) of gross cable services sales in the City of Lathrop, estimated at \$80,000 annually. In addition, the proposed DIVCA Ordinance will allow the City to collect a Public, Educational, and Government (PEG) fee of one percent (1%) from Comcast and any other state cable/video franchisee. The ordinance also outlines customer service related fines that can be imposed on a state franchisee as needed.

ATTACHMENTS:

- A. Ordinance Adding Lathrop Municipal Code 13.22 "State Video Service Franchises"

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
ADDING LMC CHAPTER 13.22 "STATE VIDEO SERVICE FRANCHISES"**

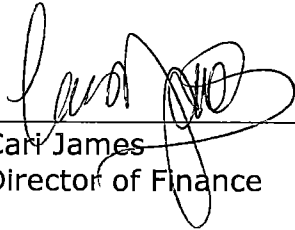
APPROVALS:



Tony Fernandes
Information Technology Manager

4-3-18

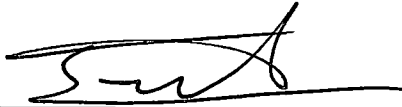
Date



Cari James
Director of Finance

4/4/18

Date



Salvador Navarrete
City Attorney

4-3-18

Date



Stephen J. Salvatore
City Manager

6.6.18

Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP ADDING CHAPTER 13.22 ENTITLED "STATE VIDEO SERVICE FRANCHISE TO TITLE 13 "PUBLIC SERVICES" OF THE LATHROP MUNICIPAL CODE, TO IMPLEMENT THE PROVISIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, CODIFIED IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 5800 ET SEQ.

WHEREAS, the City Council of the City of Lathrop finds that it is necessary to establish this Chapter to address video service providers that have been awarded a state video franchise under the California Public Utilities Code Section 5800 *et seq.*, (the Digital Infrastructure and Video Competition Act of 2006["DIVCA"]), to provide cable or video service in any location(s) within the incorporated boundaries of the City; and

WHEREAS, it is necessary to implement this Chapter in order for the City to adopt provisions of DIVCA and exercise its rights thereunder.

NOW THEREFORE, The City Council of The City of Lathrop Does Ordain Chapter 13.22 is Added To The Lathrop Municipal Code To Read As Follows:

CHAPTER 13.22 STATE VIDEO SERVICE FRANCHISES

SECTIONS:

13.22.010 General Provisions

13.22.020 Definitions

13.22.030 Franchise Fees

13.22.040 Customer Service

13.22.050 Permits and Construction

13.22.060 Emergency Alert System

13.22.070 Public, Educational, and Government Access Channel Capacity, Support, Interconnection, and Signal Carriage

13.22.080 Notices

13.22.010 General Provisions

(1) Purpose. This Chapter is applicable to video service providers who have been awarded a state video franchise under the California Public Utilities Code Section 5800 *et seq.*, (the Digital Infrastructure and Video Competition Act of 2006 ["DIVCA"]), to provide cable or video services in any location(s) within the incorporated boundaries of the City. It is the purpose of this Chapter to implement within the incorporated boundaries of the City the provisions of DIVCA and the rules of the California Public Utilities Commission promulgated there under that are applicable to a "local franchising entity" or a "local entity" as defined in DIVCA.

(2) Rights Reserved.

A. The rights reserved to the City under this Chapter are in addition to all other rights of the City, whether reserved by this Chapter or authorized by law, and no action, proceeding or exercise of a right shall affect any other rights which may be held by the City.

B. Except as otherwise provided by DIVCA, a state franchise shall not include, or be a substitute for:

i. compliance with applicable requirements for the privilege of transacting and carrying on a business within the City, including, but not limited to, compliance with the conditions that the City may establish before facilities may be constructed for, or providing, non-video services;

ii. any permit or authorization required in connection with operations on or in public rights-of-way or public property, including, but not limited to, encroachment permits, street work permits, pole attachment permits and street cut permits; and

iii. any permit, agreement or authorization for occupying any other property of the City or any private person to which access is not specifically granted by the state franchise.

C. No permit issued by the City to a state franchise holder is itself a franchise, nor shall any permit create a vested right that would prohibit the City from revoking or amending the permit.

(3) Compliance with City Ordinances. Nothing contained in this Chapter shall be construed so as to exempt a state franchise holder from compliance with all ordinances, rules or regulations of the City now in effect or which may be hereafter adopted which are consistent with this Chapter or California Public Utilities Code Section 5800 *et seq.*, or any obligations under any franchise issued by the City insofar as those obligations may be enforced under California Public Utilities Code Section 5800 *et seq.*

13.22.020 Definitions

(1) Definitions Generally -- Interpretation of Language. For purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this Chapter. Words not defined in this Chapter shall have the same meaning as established in: (1) DIVCA, and if not defined therein, (2) California Public Utilities Commission rules implementing DIVCA, and if not defined therein, (3) Title VI of Title 47 of the Communications Act of 1934, as amended, 47USC § 521 *et seq.*, and if not defined therein (4) their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and "including" and "include" are

not limiting. The words "shall" and "will" are always mandatory, but the use of those terms grants no private rights to any person with respect to the City. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

A. "Access" or "PEG access," or "PEG" means the availability of a cable or state franchise holder's system for public, educational, or governmental use by various agencies, institutions, organizations, groups, and individuals, including organizations, groups, or individual members of the general public, educational institutions, and the City and its designated access providers, to acquire, create, and distribute programming not under a state franchise holder's editorial control.

B. "Gross revenues" means all revenues actually received by the holder of a state franchise or its affiliates that are derived from the operation of the holder's network to provide cable service or video service within the incorporated areas of the City.

C. "State franchise holder" means a cable operator or video service provider that has been issued a franchise by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in California Public Utilities Code Section 5830, within any portion of the incorporated limits of the City.

13.22.030 Franchise Fees

(1) State Franchise Fees. Any state franchise holder operating within the incorporated areas of the City shall pay to the City a state franchise fee equal to five percent (5%) of gross revenues that may be subject to a franchise fee under California Public Utilities Code Section 5860.

(2) Payment of Franchise Fees. The state franchise fee required pursuant to this Chapter shall be paid quarterly, in a manner consistent with California Public Utilities Code Section 5860. The state franchise holder shall deliver to the City, by check or other means, which shall be agreed to by the City, a separate payment for the state franchise fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a report, detailing how the payment was calculated, and shall include such additional information on the appropriate form as designated by the City.

(3) Examination of Business Records. The City may examine the business records of the holder of a state franchise in a manner consistent with California Public Utilities Code Section 5860(i).

(4) Late Payments. In the event a state franchise holder fails to make payments required by this Chapter on or before the due dates specified herein, the City shall impose a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

(5) Other. In the event a state franchise holder leases or licenses access to a network owned by the City, the City may set a franchise or other fee for access to the City-owned network separate and apart from the franchise fee charged to state franchise holders pursuant to this Chapter, which fee shall otherwise be payable in accordance with the procedures established by this Chapter.

13.22.040 Customer Service

(1) Customer Service Standards. A state franchise holder shall comply with Sections 53055, 53055.1, 53055.2 and 53088.2 of the California Government Code; the FCC customer service and notice standards set forth in Sections 76.309, 76.1602, 76.1603, and 76.1619 of Title 47 of the Code of Federal Regulations; section 637.5 of the California Penal Code; the privacy standards of Section 551 of Title 47 of the United States Code; and, to the extent consistent with DIVCA, all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, include any such standards hereafter adopted. In case of a conflict, the stricter standard shall apply. All customer service and consumer protection standards under this paragraph shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

(2) Penalties for Violations of Standards. The City shall enforce the compliance of state franchise holders with respect to the state and federal customer service and consumer protection standards set forth in this Chapter. The City will provide a state franchise holder with a written notice of any alleged material breaches, as defined in California Public Utilities Code Section 5900, of applicable customer service or consumer protection standards, and will allow the state franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied by a state franchise holder within the 30-day time period, irrespective of the number of customers affected, will be subject to the following penalties to be imposed by the City:

A. For the first occurrence of a material breach, a fine of \$500 may be imposed for each day the violation remains in effect, not to exceed \$1,500 for each violation.

B. For a second material breach of the same nature within 12 months, a fine of \$1,000 may be imposed for each day the violation remains in effect, not to exceed \$3,000 for each violation.

C. For a third material breach of the same nature within 12 months, a fine of \$2,500 may be imposed for each day the violation remains in effect, not to exceed \$7,500 for each violation.

(3) Any penalties imposed by the City shall be imposed in a manner consistent with California Public Utilities Code Section 5900.

13.22.050 Permits and Construction

(1) Except as expressly provided in this section, all provisions of Chapter 3.22, of the Lathrop Municipal Code, and all City administrative rules and regulations developed to any of these provisions, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state franchise holder on any City public rights-of-way, public property, or City easement.

(2) Permits. Prior to commencing any work for which a permit is required by Title 13, a state franchise holder shall apply for and obtain a permit in accordance with the provisions of Title 13 and shall comply with all other applicable laws and regulations, including but not limited to all applicable requirements of Division 13 of the California Public Resources Code, section 21000, *et seq.* (the California Environmental Quality Act).

(3) C. The City Manager or designee shall either approve or deny a state franchise holder's application for any permit required under Section 5.21.050 A within sixty (60) days of receiving a completed permit application from the state franchise holder.

(4). If the City Manager or designee denies a state franchise holder's application for a permit, the City Manager or designee shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

(5). A state franchise holder that has been denied a permit by final decision of the City Manager or designee may appeal the denial to the City Council. Upon receiving a notice of appeal, the City Council shall take one of the following actions:

1. Affirm the action of the City Manager or designee without any further hearing; or
2. Refer the matter back to the City Manager or designee for further review with or without instructions; or
3. Set the matter for a de novo hearing before the City Council.

(6). In rendering its decision on the appeal, the City Council shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the City Manager or designee unless the City Council is itself conducting a public hearing on the matter.

(7) The issuance of a permit is not a franchise, and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the rights-of-way. Without limitation, a permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee required to place facilities underground, in accordance with applicable law.

13.22.060 Emergency Alert System

Each state franchise holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the state franchise holder's network. To the extent consistent with Public Utilities Code section 5880, each state franchise holder shall install and maintain an audio override on all channels for transmission of emergency messages and alerts.

13.22.070 Public, Educational, and Government Access Channel Capacity, Support, Interconnection, and Signal Carriage

(1) PEG Channel Capacity.

A. A state franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of at least three (3) PEG channels to satisfy the requirement of section 5870 of the California Public Utilities Code, within the time limits specified therein.

B. A state franchise holder shall provide an additional PEG channel when the standards set forth in section 5870(d) of the California Public Utilities Code are satisfied by the City or any entity designated by the City to manage one or more of the PEG channels.

(2) PEG Support.

A. Amount of PEG Support Fee. Any state franchise holder shall pay to the City -- or if directed by the City, to the City's designated PEG provider -- a PEG fee equal to one percent (1%) of gross revenues.

B. The PEG support fee shall be used for PEG purposes in a manner that is consistent with state and federal law.

C. A state franchise holder shall remit the PEG support fee quarterly, within forty-five days after the end of each calendar quarter. Each payment made shall be accompanied by a summary, detailing how the PEG support fee was calculated.

D. In the event that a state franchise holder fails to pay the PEG support fee when due, or underpays the proper amount due, the state franchise holder shall pay interest at the rate per year equal to the highest prime lending rate

during the period of delinquency, plus one percent (1%), or the maximum rate specified by state law.

(3) PEG Carriage and Interconnection.

A. As set forth in sections 5870(b) and 5870(g)(3) of the California Public Utilities Code, state franchise holders shall ensure that all PEG channels are receivable by all subscribers, whether they receive digital or analog service, or a combination thereof, without the need for any equipment other than that needed to receive the lowest cost tier of service. PEG access capacity provided by a state franchise holder shall be of similar quality and functionality to that offered by commercial channels (unless the PEG signal is provided to the state franchise holder at a lower quality or with less functionality), and shall be carried on the state franchise holder's lowest cost tier of service. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the lowest cost tier of service and the channel numbers for the PEG channels shall be the same channel numbers used by any incumbent cable operator, unless prohibited by federal law. After the initial designation of the PEG channel numbers, the channel numbers shall not be changed without the agreement of the City unless federal law requires the change.

B. Where technically feasible, each state franchise holder and each incumbent cable operator shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Public Utilities Code section 5870(h). Each state franchise holder and incumbent cable operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a state franchise holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement for PEG carriage, the City may require the incumbent cable operator to allow each state franchise holder to interconnect its network with the incumbent cable operator's network at a technically feasible point on the state franchise holder's network as identified by the state franchise holder. If no technically feasible point of interconnection is available, each state franchise holder shall make interconnection available to each PEG channel originator programming a channel in the City and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by each state franchise holder requesting the interconnection unless otherwise agreed to by the parties.

13.22.080 Notices

(1) Each state franchise holder or applicant for a state franchise shall file with the City a copy of all applications or notices that the state franchise holder or applicant is required to file with the California Public Utilities Commission.

(2) Unless otherwise specified in this Chapter, all notices or other documentation that a state franchise holder is required to provide to the City under this Chapter or the California Public Utilities Code shall be provided to both the City

Manager and the City staff person in charge of cable and telecommunications, or their successors or designees.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior city ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any Chapter, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each Chapter, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 11th day of June, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on _____ day of _____, by the following vote:

AYES:

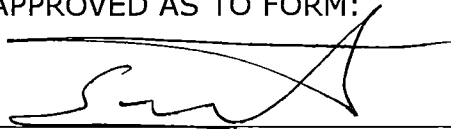
NOES:

ABSTAIN:

ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:


Salvador Navarrete, City Attorney

Teresa Vargas, City Clerk

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN ORDINANCE AMENDING LATHROP MUNICIPAL CODE TITLE 15 BUILDINGS AND CONSTRUCTION, CHAPTER 15.18 CALIFORNIA FIRE CODE ADOPTED, SECTION 15.18.030 ENTITLED APPLICATION TO THE CITY TO CLARIFY DESIGNATED FIRE CODE OFFICIAL**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Introduction and First Reading of an Ordinance Amending Lathrop Municipal Code Title 15 Buildings and Construction, Chapter 15.18 California Fire Code Adopted, Section 15.18.030 Entitled Application to the City to Clarify Designated Fire Code Official**

SUMMARY:

The City adopted the 2016 California Fire Code on May 1st, 2017. During that action, the City designated the Lathrop-Manteca Fire District (LMFD) as the "fire code official" within the City of Lathrop.

The annexation of the 24.50 acre Pilot Flying J Project and 3.15 acres of adjoining land (hereinafter "Annexation Area") into the City's boundary on January 12, 2017 did not include a detachment of those parcels from the French Camp McKinley Fire District service jurisdiction. As a result, those parcels remain within French Camp McKinley Fire District even though they are now within the City of Lathrop. Staff and the two fire districts request that Council consider revisions to the City's municipal code as detailed below to clarify the designation of the fire code official within the City of Lathrop.

BACKGROUND:

LMFD has enforced the Fire Code within the City of Lathrop since the City's incorporation. As a routine matter, the City updates its municipal code to adopt the newest version of the Fire Code. Although no change in enforcement policies was intended, the City's adoption of the 2007 Fire Code designated the enforcement authority as vested in the City of Lathrop instead of LMFD. Although the municipal code stated that the City had the authority to enforce the Fire Code, the City continued to rely on LMFD to enforce the Fire Code within the City limits.

When the City adopted the 2016 California Fire Code, the City designated the LMFD as the "fire code official" within the City of Lathrop to reflect the long history of such enforcement by LMFD.

The annexation of the Annexed Area into the City on January 12, 2017 did not include a detachment of those parcels from the French Camp McKinley Fire District. As a result, those parcels remain within the French Camp McKinley Fire District even though they are now within the City of Lathrop.

ANALYSIS:

Staff and the two fire districts request that Council consider the following proposed revisions to the City's municipal code to clarify the designation of the fire code official within the Annexed Area:

15.18.030 Application to the City

The name "city of Lathrop" is inserted in any and all blank spaces provided in the California Fire Code and appendices for the name of the city adopting such code, and wherever the word "city" as "jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the city of Lathrop. Wherever the word "fire code official" or "delegate" appears in the California Fire Code, it shall mean the following: and refer to the Lathrop-Manteca Fire District fire code official. All permits issued under the fire code shall be issued through the Lathrop-Manteca Fire District. (Ord. 17-378 § 1; Ord. 16-372 § 2)

- A. The Lathrop-Manteca Fire District for all R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code.
- B. The Lathrop-Manteca Fire District for all property located within its jurisdictional boundaries.
- C. Subject to subsection A, the French Camp McKinley Fire District for all property located within its jurisdictional boundaries.

This language has been reviewed and approved by both fire districts.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

Promotes A Feeling of Safety and Economic Growth by clearly designating the jurisdictional role of Lathrop-Manteca Fire District and French Camp McKinley Fire District within the City of Lathrop.

FISCAL IMPACT:

There is no direct fiscal impact associated with the introduction or adoption of the ordinance to amend LMC 15.18.030.

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
ORDINANCE AMENDING LMC 15.18.030**

PAGE 3

RECOMMENDATION:

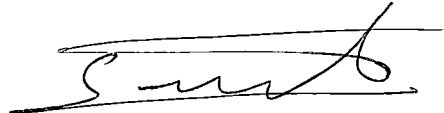
Introduce the attached ordinance to amend LMC Title 15 Buildings and Construction, Chapter 15.18 California Fire Code Adopted, Section 15.18.030 Entitled "Application to the City".

ATTACHMENTS:

Ordinance to Amend LMC Title 15 Buildings and Construction, Chapter 15.18 California Fire Code Adopted, Section 15.18.030 Entitled Application to the City

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
ORDINANCE AMENDING LMC 15.18.030**

APPROVALS:



Salvador Navarrete
City Attorney

5-31-18
Date



Stephen J. Salvatore
City Manager

6.5.18
Date

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP
AMENDING LATHROP MUNICIPAL CODE TITLE 15 BUILDINGS AND
CONSTRUCTION, CHAPTER 15.18 CALIFORNIA FIRE CODE ADOPTED,
SECTION 15.18.030 APPLICATION TO THE CITY**

WHEREAS, on January 12, 2017, the City annexed 27.65 acres of land into the City's boundaries; and

WHEREAS, this annexation did not include a detachment of those parcels from the French Camp McKinley Fire District and, as a result, those parcels remain within French Camp McKinley Fire District even though they are now within the City of Lathrop; and

WHEREAS, the Lathrop Municipal Code currently designates the Lathrop-Manteca Fire District as the "Fire Code Official" but makes no reference to the French Camp McKinley Fire District; and

WHEREAS, both fire districts have agreed to support this revision to the Lathrop Municipal Code to clarify the designation of the Fire Code Official within each district's jurisdictional boundary; and

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

Section 1:

Section 15.18.030 to the City of Lathrop Municipal Code is amended as follows:

15.18.030 Application to the City

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Fire Code and appendices for the name of the city adopting such code, and wherever the word "city" as "jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop. Wherever the word "fire code official" or "delegate" appears in the California Fire Code, it shall mean the following: ~~and refer to the Lathrop-Manteca Fire District fire code official. All permits issued under the fire code shall be issued through the Lathrop-Manteca Fire District. (Ord. 17-378 § 1; Ord. 16-372 § 2)~~

- A. The Lathrop-Manteca Fire District for all R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code.
- B. The Lathrop-Manteca Fire District for all property located within its jurisdictional boundaries.
- C. Subject to subsection A, the French Camp McKinley Fire District for all property located within its jurisdictional boundaries.

Section 2:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 3:

This ordinance shall become effective thirty (30) days after final passage and shall be published at least once within fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced the 11th day of June and adopted this 9th day of July, 2018 by the following vote:

AYES:

NOES:

ABSENT:

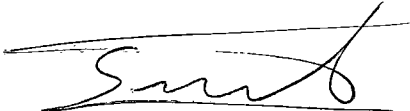
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER FISCAL YEAR 2018/19 ASSESSMENTS FOR INDUSTRIAL LIGHTING MAINTENANCE DISTRICT; RESIDENTIAL LIGHTING MAINTENANCE DISTRICT; MOSSDALE LANDSCAPE AND LIGHTING DISTRICT; STONEBRIDGE LANDSCAPING MAINTENANCE DISTRICT; STONEBRIDGE DRAINAGE AND LIGHTING DISTRICT; STORM DRAIN DISTRICT ZONE 1; AND STORM DRAIN DISTRICT ZONE 1A

RECOMMENDATION: Council to Consider the Following:

- 1. Hold a Public Hearing; and**
- 2. Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the City of Lathrop Industrial Lighting Maintenance District for Fiscal Year 2018/19; Maximum Assessment for the District for Fiscal Year 2018/19 not to exceed Zone A \$7.52; Zone B \$38.35; Zone C \$7.52, and Proposed Annual Assessment for Fiscal Year 2018/19 Zone A \$7.52; Zone B \$38.35; Zone C \$7.52.**
- 3. Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the City of Lathrop Residential Lighting Maintenance District for Fiscal Year 2018/19; Maximum Assessment for the District for Fiscal Year 2018/19 not to exceed Zone A \$41.16; Zone B \$44.10; Zone C \$29.00; Zone D \$53.94; Zone E \$56.71; Zone F \$32.62; Zone G \$7.46, and Proposed Annual Assessment for Fiscal Year 2018/19 Zone A \$41.16; Zone B \$44.10; Zone C \$29.00; Zone D \$53.94; Zone E \$56.71; Zone F \$32.62; Zone G \$7.46.**
- 4. Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Mossdale Landscape and Lighting Maintenance District for Fiscal Year 2018/19; Maximum Assessment for Fiscal Year 2018/19 not to exceed \$268.06, and Proposed Annual Assessment for Fiscal Year 2018/19 \$260.25.**

JUNE 11, 2018 CITY COUNCIL REGULAR MEETING

FISCAL YEAR 2018/19 ASSESSMENTS FOR ALL MAINTENANCE ASSESSMENT DISTRICTS EXCEPT WOODFIELD PARK

5. **Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Stonebridge Landscape Maintenance District and the Stonebridge Drainage & Lighting District for Fiscal Year 2018/19; Maximum Assessments for each District for Fiscal Year 2018/19 not to exceed \$397.99, and Proposed Annual Assessments for Fiscal year 2018/19 for each District \$225.06.**
6. **Adopt Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Storm Drain District Zone 1 and Storm Drain District Zone 1A for Fiscal Year 2018/19; Proposed Annual Assessment for Fiscal Year 2018/19 for Storm Drain Zone 1 not to exceed \$112.52, and Proposed Annual Assessment for Fiscal Year 2018/19 for Storm Drain Zone 1A not to exceed \$199.92.**

SUMMARY:

At the May 14, 2018 City Council Meeting, Staff presented the preliminary Engineer's Report and Intent to Levy for the Industrial Lighting Maintenance District, Residential Lighting Maintenance District, Mossdale Landscape and Lighting Maintenance District, Stonebridge Landscape Maintenance District, Stonebridge Drainage & Lighting District, Storm Drain District Zone 1, and Storm Drain District Zone 1A (the "Districts") to Council for approval and requested to set a public hearing date to initiate the final approval process.

The City Council approved the preliminary Engineer's Report and Intent to Levy for all Districts, and set the public hearing date for June 11, 2018. A notice of the public hearing was mailed to each property owner within each District. The public hearing was published in the Manteca Bulletin on May 24th & May 31st.

Four (4) out of seven (7) Districts present a "general benefit," meaning, that the improvements benefit the public at large, including the City. General benefit is excluded from a District's assessment. The City covers the costs of the general benefit utilizing resources from the General Fund.

The general benefit cost for all districts for Fiscal Year 2018/19 is \$28,321.

CITY MANAGER'S REPORT **PAGE 3**
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
FISCAL YEAR 2018/19 ASSESSMENTS FOR ALL MAINTENANCE ASSESSMENT
DISTRICTS EXCEPT WOODFIELD PARK

Storm Drain District Zone 1A does not generate sufficient revenue to cover its operating expenses. A general fund subsidy in the amount of \$32,010, coupled with the use of District's reserves is required to cover the shortfall and maintain current service levels for the district. Staff estimates the beginning Fiscal Year 2018/19 District Reserves to be \$8,476.

The total amount needed from the General Fund to cover Storm Drain District Zone 1A shortfall and the General Benefit costs is \$40,486.

Table 1 below displays the current and proposed assessment rates.

Table 1

District	FY 17/18 Rates	FY 18/19 Proposed Rates	% Change	Notes
Mossdale LLMD	\$252.67	\$260.25	3.00%	Levy needed to minimize draw on reserve
Storm Drain Zone 1	\$112.52	\$112.52	0.00%	Rate unchanged since FY 1996/97
Storm Drain Zone 1A	\$199.92	\$199.92	0.00%	Rate unchanged since FY 1996/97
Stonebridge LMD	\$225.06	\$225.06	0.00%	Adequate reserve allows for unchanged assessment rate
Stonebridge BAD	\$225.06	\$225.06	0.00%	Adequate reserve allows for unchanged assessment rate
Industrial LMD	\$7.31 or \$37.25	\$7.52 or \$38.35	3.00%	Max Levy needed to minimize draw on reserve
Residential LMD	\$7.24 to \$55.06	\$7.46 to \$56.71	3.00%	Max Levy needed to minimize draw on reserve

Please note that the assessment and budget amounts shown in the Final Engineer's Reports have not been modified from the approved Preliminary Engineer's Reports on May 14th.

Tonight, the City Council is being asked to approve the Final Engineer's Report for all Districts and order the levy and collection of annual assessments for Fiscal Year 2018/19.

City Council may order amendments to the Engineer's Reports or confirm as submitted. If approved, the assessment information will be submitted to the County Auditor-Controller, and included on the property tax roll for each benefiting parcel for Fiscal Year 2018/19. The collected monies will fund each District's operation and maintenance costs.

BACKGROUND:

Maintenance Districts are formed to fund services and improvements that provide special benefit to the properties within the District's boundaries. Improvements may include landscaping, park sites, street lightning and storm drainage. The Districts levies are made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act"),

JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**FISCAL YEAR 2018/19 ASSESSMENTS FOR ALL MAINTENANCE ASSESSMENT DISTRICTS EXCEPT WOODFIELD PARK**

applicable to the provisions of Proposition 218 (California Constitutional Articles XIII C and XIII D).

Each parcel within a District is assessed in accordance to assessment methodology adopted and approved by the City Council at the time of District formation. The assessments are paid by the property owner as a part of each parcel's secured property tax bill.

NBS Government Finance Group performs an annual assessment of the Districts, evaluating costs of the maintenance, operations, and servicing of the improvements to be maintained. The assessment process is generally initiated in March. Upon the completion of the assessment, NBS submits a preliminary Engineer's Report (the "Report") to City staff which includes a district overview, estimate of costs, method of apportionment, district diagrams, and parcel listing. City staff utilizes the Report findings to produce the District's annual budget.

Staff thoroughly evaluates cost increases and cost savings for each District when preparing the budget. Staff uses quantified costs such as: routine maintenance and mowing contracts; equipment repair; weed abatement; shrub and tree pruning; radios and computers; irrigation parts and controllers; water; electricity; fertilizer and other chemicals; vehicles and vehicle maintenance; street lighting repairs; storm drain system maintenance; and other administrative costs to operate the maintenance assessment districts. In addition to routine maintenance, Districts may encounter intermittent capital replacement to change out improvement items such as street lights, storm drain pump motors, irrigation components or dead landscaping.

The City of Lathrop has eight (8) Maintenance Assessment Districts (MAD); five (5) Landscaping and Lighting Districts (LLMD) (Woodfield Park is excluded from this report); three (3) Benefit Assessment Districts (BAD).

Most of the public landscaping and street lightning along Lathrop's streets and entrances to various residential communities ("medians") are maintained through LLMD's. Nine (9) of the City parks are maintained by LLMD's (eight of the nine are included in the districts that comprise this report). Most of the storm drain systems in Historical Lathrop are maintained through BAD's.

By law, assessments may only increase to the maximum approved amount set by property owners at the time of district formation or annexation. Any proposed increase which exceeds the approved amount requires the approval of the then current property owners via a Proposition 218 ballot process. Each of the City's Districts has a maximum assessment amount. The City Council may authorize any level of assessment up to the maximum amount.

If it is determined that the maximum amount is not needed, City Council may lower the actual annual assessment without jeopardizing the ongoing maximum assessment.

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DISTRICTS EXCEPT WOODFIELD PARK

The Final Engineer's Report for each District is available for review at the City Clerk's office and the Public Works Department. Copies will be available at the City Council meeting per request.

The following Background subsections summarize the district-specific information for each maintenance district:

(1) Industrial Lighting Maintenance District

The Lathrop Industrial Lighting Maintenance District was created to pay for the maintenance of the public lighting within commercial and industrial areas of the City. The maximum assessment rates for Fiscal Year 2018/19 have increased by 3.00% which is the applicable annual escalation factor approved by the property owners. The maximum assessment rates per Equivalent Dwelling Unit (EDU) are proposed for Fiscal Year 2018/19 \$7.52 for Zone A, \$38.35 for Zone B, and \$7.52 for Zone C.

District/Zone	FY 2017/18 Annual Assessment Rate per EDU*	Proposed FY 2018/19 Annual Assessment Rate per EDU*	Variance	Maximum FY 2018/19 Assessment Rate per EDU*
Industrial LMD - Zone A	\$7.31	\$7.52	\$0.21	\$7.52
Industrial LMD - Zone B	\$37.25	\$38.35	\$1.10	\$38.35
Industrial LMD - Zone C	\$7.31	\$7.52	\$0.21	\$7.52
*EDU = Equivalent Dwelling Unit				

The District will receive \$53,423.22 in assessment revenue plus a General Benefit Contribution from the General Fund of \$11,635 for a total of \$65,058.22. The total estimated expenditures are anticipated to be \$59,554. Fund balance at the beginning of Fiscal Year 2018/19 is estimated to be \$95,244.63 which will increase by \$5,504.22 to \$100,749.18 at the end of Fiscal Year 2018/19.

(2) Residential Lighting Maintenance District

The Lathrop Residential Lighting Maintenance District was created on May 18, 1999 to pay for the operation and maintenance of street lighting to benefit residential areas in East Lathrop.

The Fiscal Year 2018/19 maximum assessment rates have increased by 2.94%, which is the applicable annual escalation factor approved by the property owners. The District is required to maintain a reserve fund of approximately 50% of its annual revenues and expenses; thus, it is proposed for the District to be assessed at its maximum assessment. The largest annual increase per EDU is in Zone E at \$1.65 annually or approximately \$0.14 per month.

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District/Zone	FY 2017/18 Annual Assessment Rate per EDU*	Proposed FY 2018/19 Annual Assessment Rate per EDU*	Variance	Maximum FY 2018/19 Assessment Rate per EDU*
Residential LMD - Zone A	\$39.96	\$41.16	\$1.20	\$41.16
Residential LMD - Zone B	\$42.82	\$44.10	\$1.28	\$44.10
Residential LMD - Zone C	\$28.15	\$29.00	\$0.85	\$29.00
Residential LMD - Zone D	\$52.37	\$53.94	\$1.57	\$53.94
Residential LMD - Zone E	\$55.06	\$56.71	\$1.65	\$56.71
Residential LMD - Zone F	\$31.67	\$32.62	\$0.95	\$32.62
Residential LMD - Zone G	\$7.24	\$7.46	\$0.22	\$7.46
*EDU = Equivalent Dwelling Unit				

The District will receive \$121,284.18 in assessment revenues plus a General Benefit contribution from the General Fund of \$8,196 for a total of \$129,480.18. The total estimated expenditures are anticipated to be \$121,016. Fund balance at the beginning of Fiscal Year 2018/19 is estimated to be \$152,408.34 which will increase by \$8,464.18 to \$160,872.52 at the end of Fiscal Year 2018/19.

(3) Mossdale Landscape and Lighting Maintenance District

On June 15, 2004, Mossdale property owners approved the creation of the Mossdale Landscape and Lighting Maintenance District to provide funding to maintain the landscaping, park sites, and street lighting for the District. The maximum assessment for Fiscal Year 2018/19 will increase by 3 percent; this is the applicable annual escalation factor approved by the property owners at the time of district formation. The Fiscal Year 2018/19 maximum assessment rate per single-family and multi-family unit is \$268.06. The Fiscal Year 2018/19 assessment rate is \$260.25 because a financial review of the District shows that this rate will continue the required level of service.

The District will receive \$561,962.76 in assessment revenues and expenditures are anticipated to be at \$599,327. The fund balance at the beginning of Fiscal Year 2018/19 is estimated to be \$464,605.22, which will be reduced by \$37,364.24 to \$427,240.98 by the end of Fiscal Year 2018/19.

District	FY 2017/18 Annual Assessment Rate per EDU*	Proposed FY 2018/19 Annual Assessment Rate per EDU*	Variance	Maximum FY 2018/19 Assessment Rate per EDU*
Mossdale LLM	\$252.67	\$260.25	\$7.58	\$268.06
*EDU = Equivalent Dwelling Unit				

(4) Stonebridge Landscaping District
Stonebridge Drainage and Lighting Maintenance District

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Stonebridge Landscaping District

The Stonebridge Landscape District was created to pay for the service, operation and maintenance of the common area street landscaping, and Stonebridge Park. The Fiscal Year 2018/19 maximum assessment rate of \$397.99 represents an increase of 5% over that of Fiscal Year 2017/18, which is the applicable annual escalation factor approved by property owners. The annual assessment to be levied is proposed to be set at \$225.06. This is the same as the rate that was assessed in Fiscal Year 2017/18. This consistent assessment is due to the District already possessing a healthy reserve fund.

The Landscape District will receive \$203,229 in assessment revenues plus a General Benefit Contribution from the General Fund of \$4,245, and rent and concessions of \$1,000 for a total of \$208,474. The total estimated expenditures are anticipated to be \$232,561. The fund balance at the beginning of Fiscal Year 2018/19 is estimated to be \$98,433.27, which will decrease by \$24,087 to \$74,346.27 at the end of Fiscal Year 2018/19.

District	FY 2017/18 Annual Assessment Rate per EDU*	Proposed FY 2018/19 Annual Assessment Rate per EDU*	Variance	Maximum FY 2018/19 Assessment Rate per EDU*
Stonebridge Landscaping	\$225.06	\$225.06	\$0.00	\$397.99
*EDU = Equivalent Dwelling Unit				

Stonebridge Drainage and Lighting District

The Stonebridge Drainage and Lighting District was created to pay for the service, operation and maintenance of the street lighting, and storm drain facilities within the Stonebridge development. The Fiscal Year 2018/19 maximum assessment rate of \$397.99 represents an increase of 5% over that of Fiscal Year 2016/17, which is the applicable annual escalation factor approved by property owners. The annual assessment to be levied is proposed to be set at \$225.06. This is the same as the rate that was assessed in Fiscal Year 2016/17. This consistent assessment is due to the District already possessing a healthy reserve fund.

The Drainage and Lighting District will receive \$203,004 in revenue plus a General Benefit contribution from the General Fund of \$4,425 for a total of \$207,429. The total estimated expenditures are anticipated to be \$312,803. Fund balance at the beginning of Fiscal Year 2018/19 is estimated to be \$245,454.98 which will decrease by \$105,554 to \$139,900.98 at the end of Fiscal Year 2018/19. Reserve funds are intended to be used for annual operating shortfall coverage, cash flow timing financing, and/or extraordinary maintenance/repair funding.

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District	FY 2017/18 Annual Assessment Rate per EDU*	Proposed FY 2018/19 Annual Assessment Rate per EDU*	Variance	Maximum FY 2018/19 Assessment Rate per EDU*
Stonebridge Drainage & Lighting	\$225.06	\$225.06	\$0.00	\$397.99
*EDU = Equivalent Dwelling Unit				

(5) Storm Drain Districts Zones 1 and 1A

On June 6, 1989, property owners approved a ballot measure for storm drainage maintenance fees for the Lathrop Storm Drain District, City Zone 1. In 1993, the City annexed an additional Storm Drain Maintenance District incorporating the area known as City Zone 1A (Crossroads Development). Both districts were created without an annual escalation factor for the maximum assessment. Both districts have been levied at their static maximum assessments for many years.

The assessment for City Zone 1 is \$112.52 per unit. The City may continue to levy the assessment for City Zone 1 as long as the rate does not exceed \$112.52 per unit.

The assessment for City Zone 1A is \$84.72 per Maintenance Unit and \$115.20 Per Available Unit, a compiled total of \$199.92. The City may continue to levy the assessment for Zone 1A as long as rates do not exceed \$84.72 per Maintenance Unit and \$115.20 per Availability Unit.

Over the last few fiscal years, inflationary effects have occurred on ordinary expenditures, asset replacements have been necessary, and assessment revenue remains static; thus, District deficits have occurred. Sizeable deficits may occur in future fiscal years due to the lack of the escalation factor. In order to remedy this imbalance, a Proposition 218 balloting of the Districts' property owners would have to be initiated and successfully completed. While this is not proposed for FY 2018/19, Staff advises City Council to consider this action for a future fiscal year.

For Fiscal Year 2018/19, Zone 1 is projected to have sufficient assessment revenue, along with a contribution from the reserves, to keep operations at the current required levels of service. Contrarily, Zone 1A will need its entire estimated fund reserve of \$8,476 and a \$32,010 General Fund subsidy to continue to operate at the current required levels of service.

Storm Drain Zone 1 will receive \$239,141 in assessment revenues and expenditures are expected to be \$286,915. The Fund Balance at the beginning of Fiscal Year 2018/19 is estimated at \$180,459.90 which will decrease by \$47,774 to \$132,685.90 at the end of Fiscal Year 2018/19.

Storm Drain Zone 1A will receive \$113,364 in assessment revenues and expenditures are expected to be \$153,850. The Fund balance at the beginning of Fiscal Year 2018/19 is estimated to be \$8,476, which will be fully utilized by the

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projected deficit in this district. A General Fund subsidy of \$32,010 is needed to maintain the current required levels of service.

District	FY 2017/18 Annual Assessment Rate per EDU*	Proposed FY 2018/19 Annual Assessment Rate per EDU*	Variance	Maximum FY 2018/19 Assessment Rate per EDU*
Storm Drain - Zone 1	\$112.52	\$112.52	\$0.00	\$112.52
Storm Drain - Zone 1A	\$199.92	\$199.92	\$0.00	\$199.92

REASON FOR RECOMMENDATION:

Maintain quality maintenance and service of Districts by means of allocated assessments.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

Promoting Community Values by maintaining Parks, Recreation, and Community Services to its required service levels.

FISCAL IMPACT:

The proposed Fiscal Year 2018/19 assessments for the Residential Lighting Maintenance District and Industrial Lighting Maintenance District fully fund the budgeted expenditures to maintain required service levels within each district.

In Mossdale Landscape and Lighting District, Stonebridge Landscaping District, Stonebridge Drainage & Lighting District, and Storm Drain District Zone 1, expenditures exceed revenue; however these districts have sufficient funding within their Fund Balance reserves to cover the shortfalls.

Storm Drain District Zone 1A has expenditures which exceed revenues. City Staff proposes the use of the District's Fund Balance reserve of \$8,476 to partially fund the deficit; and, in order to maintain the current required service levels in the District, a General Fund subsidy to cover the remaining \$32,010 deficit.

In four (4) of the districts, there are "General Benefit" costs that require funding from sources other than the assessments collected by the districts, as quantified by the formation assessment engineer. General Benefit is defined as the benefit of the improvements on the public at large. Therefore, the General Fund funds these costs because the city benefits overall from these improvements. The Fiscal Year 2018/19 General Benefit costs for each of the four (4) districts are:

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District	General Benefit Amount
Industrial Lighting Maintenance District	\$11,635
Residential Lighting Maintenance District	\$8,196
Stonebridge Drainage and Lighting District	\$4,245
Stonebridge Landscape District	\$4,245
Total General Benefit Cost	\$28,321

The total amount needed from the General Fund to cover the General Benefit costs and the Storm Drain Zone 1A subsidy is \$60,331.


ATTACHMENTS:

- A. Resolution Amending and/or Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Industrial Lighting Maintenance District for Fiscal Year 2018/19
- B. Resolution Amending and/or Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Residential Lighting Maintenance District for Fiscal Year 2018/19
- C. Resolution Amending and/or Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Mossdale Landscape and Lighting Maintenance District for Fiscal Year 2018/19
- D. Resolution Amending and/or Approving the Final Engineer's Reports and Ordering the Levy and Collection of Assessments for the Stonebridge Landscaping Maintenance District and the Stonebridge Drainage and Lighting District for Fiscal Year 2018/19
- E. Resolution Amending and/or Approving the Final Engineer's Reports and Ordering the Levy and Collection of Assessments for the Storm Drain Districts Zones 1 and 1A for Fiscal Year 2018/19
- F. District Diagrams for All Districts
- G. Certification of Assessment
- H. San Joaquin County Special Assessment Charge Agreement with City of Lathrop

*** Note - Final Engineer Reports are available for review upon request in the City Clerk's Office.**

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FISCAL YEAR 2018/19 ASSESSMENTS FOR ALL MAINTENANCE ASSESSMENT
DISTRICTS EXCEPT WOODFIELD PARK

APPROVALS:



Sandra Frias
Budget Manager

6/4/18

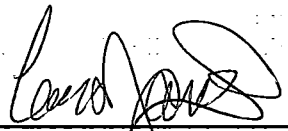
Date

Vanessa L. Portillo

Vanessa Portillo
Deputy Finance Director

6-4-2018

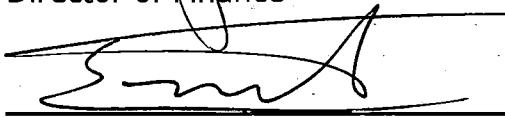
Date



Cari James
Director of Finance

6/3/18


Date



Salvador Navarrete
City Attorney

6-5-18

Date



Stephen Salvatore
City Manager

6-6-18

Date

RESOLUTION NO. 18-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP,
CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL
ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS FOR THE INDUSTRIAL LIGHTING MAINTENANCE
DISTRICT FOR FISCAL YEAR 2018/19**

WHEREAS, on May 14, 2018 the City Council initiated proceedings and declared its intention to levy and collect annual assessments in a special maintenance district created pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Division 15, Part 2 of the Streets and Highways Code of the State of California* (the "Act") said special maintenance district known and designated as the City of Lathrop, Industrial Lighting Maintenance District (hereinafter referred to as the "District"), Zones included in the District are Zone A, Zone B and Zone C; and

WHEREAS, on June 11, 2018, the City Council held a public hearing for the approval of the final Engineer's report and ordering of the levy and collection of assessments; and

WHEREAS, a notice of the public hearing was mailed to each property owner within the District, and the public hearing was published in the Manteca Bulletin on May 24th & May 31st of 2018; and

WHEREAS, at this time all notice and public hearing requirements as required by the Act have been met relating to the levy of the annual assessments; and

WHEREAS, the City Council has received a final Engineer's Report (the "Report") from the Assessment Engineer (NBS Government Finance Group) for consideration and final approval which details the method of assessment including the proposed annual assessment of \$7.52 per EDU for Zone A, \$38.35 per EDU for Zone B, and \$7.52 per Edu for Zone C. The Report is available for the public's review; and

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of the landscape maintenance district assessments, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Proposition 218;

WHEREAS, the City Council is satisfied with the assessment, diagram and all other matters as contained in the Report; and

WHEREAS, the City Council approves the Report and ordering of the levy and collection of assessments in the amount of \$7.52 Zone A, \$38.35 Zone B, and \$7.52 Zone C;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AS FOLLOWS:

RECITALS

- Section 1. The above recitals are all true and correct.
- Section 2. This City Council hereby finds and determines that the procedures for the consideration of the levy of the annual assessments have been undertaken in accordance with the Act inasmuch as, the proposed assessments for Fiscal Year 2018/19 are not proposed to be increased over the assessments previously authorized to be levied.

DETERMINATION AND CONFIRMATION

- Section 3. The final assessments and diagram for the proceedings, as contained in the Engineer's Report, is hereby approved and confirmed.

Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed:

- a. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entity of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only the special benefits have been assessed.

The assessments for the District contained in the Engineer's Report for Fiscal Year 2018/19 are hereby confirmed and levied upon the respective lots or parcels within the District in the amounts set forth in the Engineer's Report.

ORDERING OF MAINTENANCE

Section 4. The public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Engineer's Report and as previously declared and set forth in the Resolution of Intention.

FILING WITH CITY CLERK

Section 5. The above-referenced Engineer's Report shall be filed in the Office of the City Clerk and shall remain open for public inspection.

ENTRY UPON THE ASSESSMENT ROLL

Section 6. The County Auditor shall enter onto the County Assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the Engineer's Report.

COLLECTION AND PAYMENT

Section 7. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

FISCAL YEAR

Section 8. The assessments as above authorized and levied for these proceedings will provide revenue and relate to the fiscal year commencing July 1, 2018 and ending June 30, 2019.

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

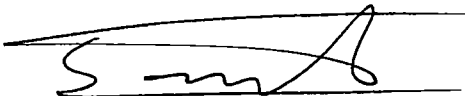
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RESOLUTION NO. 18-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP,
CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL
ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS FOR THE RESIDENTIAL LIGHTING MAINTENANCE
DISTRICT FOR FISCAL YEAR 2018/19**

WHEREAS, on May 14, 2018 the City Council initiated proceedings and declared its intention to levy and collect annual assessments in a special maintenance district created pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Division 15, Part 2 of the Streets and Highways Code of the State of California* (the "Act") said special maintenance district known and designated as the City of Lathrop, Residential Lighting Maintenance District (hereinafter referred to as the "District"), Zones included in the District are Zone A, Zone B, Zone C, Zone D, Zone E, Zone F, and Zone G; and

WHEREAS, on June 11, 2018, the City Council held a public hearing for the approval of the final Engineer's report and ordering of the levy and collection of assessments; and

WHEREAS, a notice of the public hearing was mailed to each property owner within the District, and the public hearing was published in the Manteca Bulletin on May 24th & May 31st of 2018; and

WHEREAS, at this time all notice and public hearing requirements as required by the Act have been met relating to the levy of the annual assessments; and

WHEREAS, the City Council has received a final Engineer's Report (the "Report") from the Assessment Engineer (NBS Government Finance Group) for consideration and final approval which details the method of assessment including the proposed annual assessment of \$41.16 per EDU for Zone A, \$44.10 per EDU for Zone B, \$29.00 per EDU for Zone C, \$53.94 per EDU for Zone D, \$56.71 per EDU for Zone E, \$32.62 per EDU for Zone F, and \$7.46 per EDU for Zone G. The Report is available for the public review; and

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of the landscape maintenance district assessments, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Proposition 218;

WHEREAS, the City Council is satisfied with the assessment, diagram and all other matters as contained in the Report; and

WHEREAS, the City Council approves the Report and ordering of the levy and collection of the assessments in the amount of \$41.16 Zone A, \$44.10 Zone B, \$29.00 Zone C, \$53.94 Zone D, \$56.71 Zone E, \$32.62 Zone F, and \$7.46 Zone G;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AS FOLLOWS:

RECITALS

- Section 1. The above recitals are all true and correct.
- Section 2. This City Council hereby finds and determines that the procedures for the consideration of the levy of the annual assessments have been undertaken in accordance with the Act inasmuch as, the proposed assessments for Fiscal Year 2018/19 are not proposed to be increased over the assessments previously authorized to be levied.

DETERMINATION AND CONFIRMATION

- Section 3. The final assessments and diagram for the proceedings, as contained in the Engineer's Report, is hereby approved and confirmed.

Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed:

- a. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entity of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only the special benefits have been assessed.

The assessments for the District contained in the Engineer's Report for Fiscal Year 2018/19 are hereby confirmed and levied upon the respective lots or parcels within the District in the amounts set forth in the Engineer's Report.

ORDERING OF MAINTENANCE

Section 4. The public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Engineer's Report and as previously declared and set forth in the Resolution of Intention.

FILING WITH CITY CLERK

Section 5. The above-referenced Engineer's Report shall be filed in the Office of the City Clerk and shall remain open for public inspection.

ENTRY UPON THE ASSESSMENT ROLL

Section 6. The County Auditor shall enter onto the County Assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the Engineer's Report.

COLLECTION AND PAYMENT

Section 7. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

FISCAL YEAR

Section 8. The assessments as above authorized and levied for these proceedings will provide revenue and relate to the fiscal year commencing July 1, 2018 and ending June 30, 2019.

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

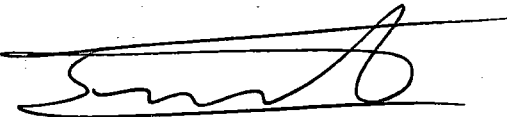
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RESOLUTION NO. 18-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP,
CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL
ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS FOR THE MOSSDALE LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT FOR FISCAL YEAR 2018/19**

WHEREAS, on May 14, 2018 the City Council initiated proceedings and declared its intention to levy and collect annual assessments in a special maintenance district created pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Division 15, Part 2 of the Streets and Highways Code of the State of California* (the "Act") said special maintenance district known and designated as the City of Lathrop, Mossdale Landscape and Lighting Maintenance District (hereinafter referred to as the "District"); and

WHEREAS, on June 11, 2018, the City Council held a public hearing for the approval of the final Engineer's report and ordering of the levy and collection of assessments; and

WHEREAS, a notice of the public hearing was mailed to each property owner within the District, and the public hearing was published in the Manteca Bulletin on May 24th & May 31st of 2018; and

WHEREAS, at this time all notice and public hearing requirements as required by the Act have been met relating to the levy of the annual assessments; and

WHEREAS, the City Council has received a final Engineer's Report (the "Report") from the Assessment Engineer (NBS Government Finance Group) for consideration and final approval which details the method of assessment including the proposed annual assessment of \$260.25. The Report is available for the public review; and

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of the landscape maintenance district assessments, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Proposition 218;

WHEREAS, the City Council is satisfied with the assessment, diagram and all other matters as contained in the Report; and

WHEREAS, the City Council approves the Report and ordering of the levy and collection of the assessment in the amount of \$260.25;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AS FOLLOWS:

RECITALS

- Section 1. The above recitals are all true and correct.
- Section 2. This City Council hereby finds and determines that the procedures for the consideration of the levy of the annual assessments have been undertaken in accordance with the Act inasmuch as, the proposed assessments for Fiscal Year 2018/19 are not proposed to be increased over the assessments previously authorized to be levied.

DETERMINATION AND CONFIRMATION

- Section 3. The final assessments and diagram for the proceedings, as contained in the Engineer's Report, is hereby approved and confirmed.

Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed:

- a. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entity of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only the special benefits have been assessed.

The assessments for the District contained in the Engineer's Report for Fiscal Year 2018/19 are hereby confirmed and levied upon the respective lots or parcels within the District in the amounts set forth in the Engineer's Report.

ORDERING OF MAINTENANCE

Section 4. The public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Engineer's Report and as previously declared and set forth in the Resolution of Intention.

FILING WITH CITY CLERK

Section 5. The above-referenced Engineer's Report shall be filed in the Office of the City Clerk and shall remain open for public inspection.

ENTRY UPON THE ASSESSMENT ROLL

Section 6. The County Auditor shall enter onto the County Assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the Engineer's Report.

COLLECTION AND PAYMENT

Section 7. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

FISCAL YEAR

Section 8. The assessments as above authorized and levied for these proceedings will provide revenue and relate to the fiscal year commencing July 1, 2018 and ending June 30, 2019.

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

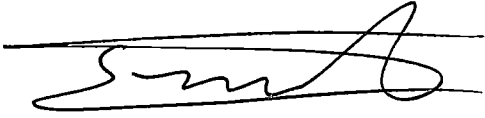
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RESOLUTION NO. 18-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP,
CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL
ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS FOR THE STONEBRIDGE LANDSCAPE MAINTENANCE
DISTRICT AND THE STONEBRIDGE DRAINAGE & LIGHTING DISTRICT
FOR FISCAL YEAR 2018/19**

WHEREAS, on May 14, 2018 the City Council initiated proceedings and declared its intention to levy and collect annual assessments in a special maintenance district created pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Division 15, Part 2 of the Streets and Highways Code of the State of California* and the *Benefit Assessment Act of 1982, Division 2, Part 1 of the Government Code of the State of California* (the "Acts") said special maintenance district known and designated as the City of Lathrop, Stonebridge Landscape Maintenance District and the Stonebridge Drainage & Lighting District (hereinafter referred to as the "Districts"); and

WHEREAS, on June 11, 2018, the City Council held a public hearing for the approval of the final Engineer's report and ordering of the levy and collection of assessments; and

WHEREAS, a notice of the public hearing was mailed to each property owner within the District, and the public hearing was published in the Manteca Bulletin on May 24th & May 31st of 2018; and

WHEREAS, at this time all notice and public hearing requirements as required by the Act have been met relating to the levy of the annual assessments; and

WHEREAS, the City Council has received a final Engineer's Report (the "Report") from the Assessment Engineer (NBS Government Finance Group) for consideration and final approval which details the method of assessment including the proposed annual assessment of \$225.06 for each District. The Report is available for the public's review; and

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of the landscape maintenance district assessments, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Proposition 218;

WHEREAS, the City Council is satisfied with the assessment, diagram and all other matters as contained in the Report; and

WHEREAS, the City Council approves the Report and ordering of the levy and collection of the assessment in the amount of \$225.06 for each District;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AS FOLLOWS:

RECITALS

- Section 1. The above recitals are all true and correct.
- Section 2. This City Council hereby finds and determines that the procedures for the consideration of the levy of the annual assessments have been undertaken in accordance with the Act inasmuch as, the proposed assessments for Fiscal Year 2018/19 are not proposed to be increased over the assessments previously authorized to be levied.

DETERMINATION AND CONFIRMATION

- Section 3. The final assessments and diagram for the proceedings, as contained in the Engineer's Report, is hereby approved and confirmed.

Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed:

- a. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entity of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only the special benefits have been assessed.

The assessments for the District contained in the Engineer's Report for Fiscal Year 2018/19 are hereby confirmed and levied upon the respective lots or parcels within the District in the amounts set forth in the Engineer's Report.

ORDERING OF MAINTENANCE

Section 4. The public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Engineer's Report and as previously declared and set forth in the Resolution of Intention.

FILING WITH CITY CLERK

Section 5. The above-referenced Engineer's Report shall be filed in the Office of the City Clerk and shall remain open for public inspection.

ENTRY UPON THE ASSESSMENT ROLL

Section 6. The County Auditor shall enter onto the County Assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the Engineer's Report.

COLLECTION AND PAYMENT

Section 7. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

FISCAL YEAR

Section 8. The assessments as above authorized and levied for these proceedings will provide revenue and relate to the fiscal year commencing July 1, 2018 and ending June 30, 2019.

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

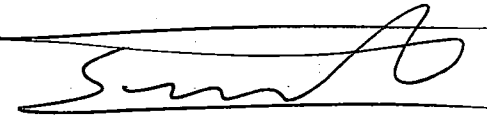
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RESOLUTION NO. 18-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP,
CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL
ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS FOR STORM DRAIN DISTRICT ZONE 1 AND STORM
DRAIN DISTRICT ZONE 1A FOR FISCAL YEAR 2018/19**

WHEREAS, the City Council has, as successor in interest to the County of San Joaquin and the Lathrop County Water District, the authority to assess and collect storm drain charges for the Lathrop Storm Drain Districts Zone 1 and 1A (hereafter referred to as the "Districts").

WHEREAS, on May 14, 2018 the City Council initiated proceedings for Fiscal Year 2018/19, pursuant to the provisions of the *Benefit Assessment Act of 1982, Division 2, Title 5 of the California Government Code (commencing with Section 54703)* (hereafter referred to as the "Act") that provides for the levy and collection of assessments by the County of San Joaquin for the City of Lathrop to pay the maintenance and services of all improvements and facilities related thereto; and

WHEREAS, on June 11, 2018, the City Council held a public hearing for the approval of the Final Engineer's report and ordering of the levy and collection of assessments; and

WHEREAS, a notice of the public hearing was mailed to each property owner within each District, and the public hearing was published in the Manteca Bulletin on May 24th & May 31st of 2018; and

WHEREAS, at this time all notice and public hearing requirements as required by the Act have been met relating to the levy of the annual assessments; and

WHEREAS, the City Council has received a final Engineer's Report (the "Report") from the Assessment Engineer (NBS Government Finance Group) for consideration and final approval which details the method of assessment including the proposed annual assessment of \$112.52 for Storm Drain District Zone 1 and \$199.92 for Storm Drain District Zone 1A. The Report is available for the public review; and

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of the maintenance district assessments, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Proposition 218;

WHEREAS, the City Council is satisfied with the assessment, diagram and all other matters as contained in the Report; and

WHEREAS, the City Council approves the Report and ordering of the levy and collection of the assessment in the amount of \$112.52 for Storm Drain District Zone 1 and \$199.92 for Storm Drain District Zone 1A;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AS FOLLOWS:

RECITALS

- Section 1. The above recitals are all true and correct.
- Section 2. This City Council hereby finds and determines that the procedures for the consideration of the levy of the annual assessments have been undertaken in accordance with the Act inasmuch as, the proposed assessments for Fiscal Year 2018/19 are not proposed to be increased over the assessments previously authorized to be levied.

DETERMINATION AND CONFIRMATION

- Section 3. The final assessments and diagram for the proceedings, as contained in the Engineer's Report, is hereby approved and confirmed.

Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed:

- a. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entity of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only the special benefits have been assessed.

The assessments for the District contained in the Engineer's Report for Fiscal Year 2018/19 are hereby confirmed and levied upon the respective lots or parcels within the District in the amounts set forth in the Engineer's Report.

ORDERING OF MAINTENANCE

Section 4. The public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Engineer's Report and as previously declared and set forth in the Resolution of Intention.

FILING WITH CITY CLERK

Section 5. The above-referenced Engineer's Report shall be filed in the Office of the City Clerk and shall remain open for public inspection.

ENTRY UPON THE ASSESSMENT ROLL

Section 6. The County Auditor shall enter onto the County Assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the Engineer's Report.

COLLECTION AND PAYMENT

Section 7. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

FISCAL YEAR

Section 8. The assessments as above authorized and levied for these proceedings will provide revenue and relate to the fiscal year commencing July 1, 2018 and ending June 30, 2019.

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

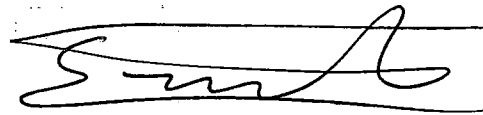
ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

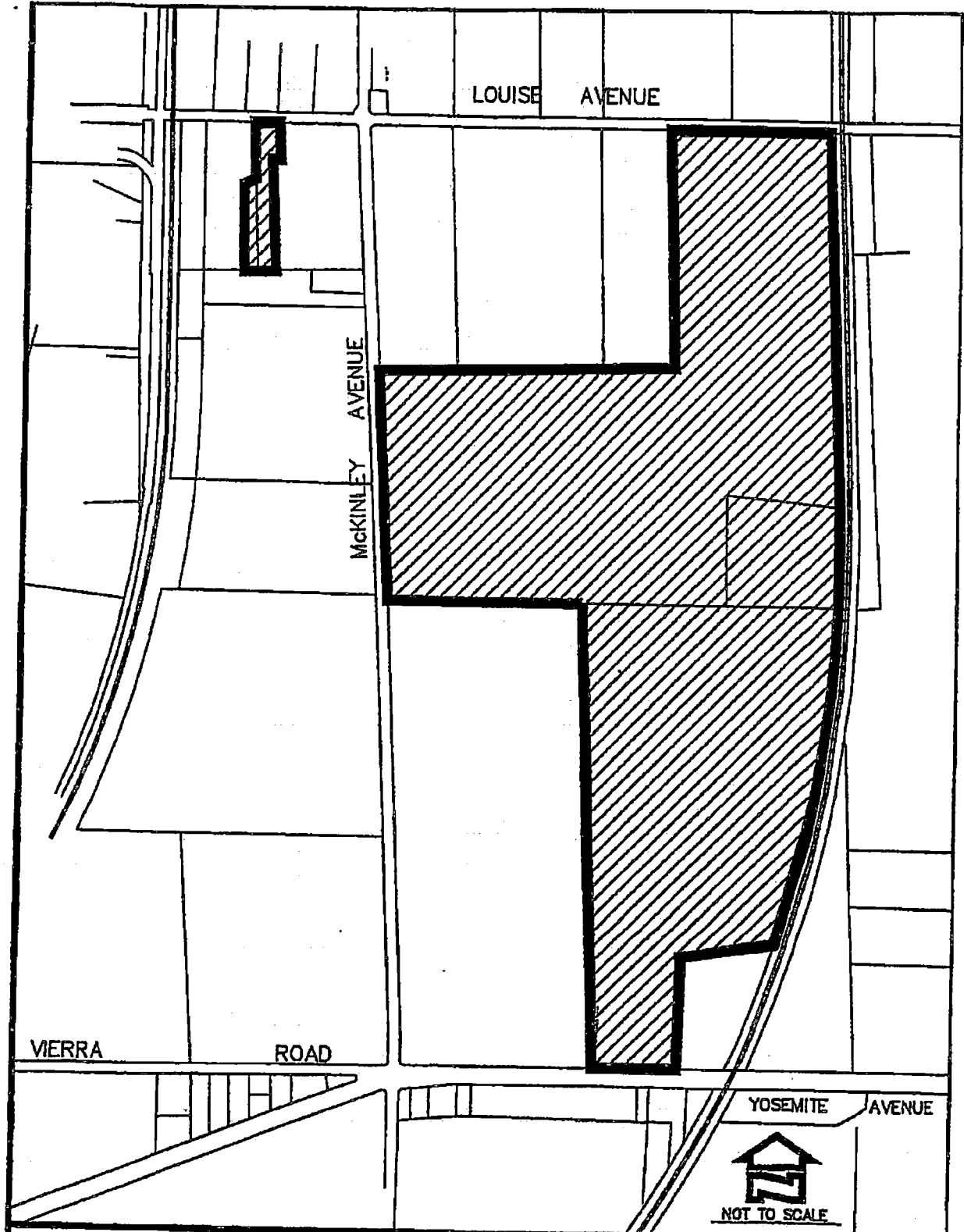
ATTEST:

APPROVED AS TO FORM:



Teresa Vargas, City Clerk

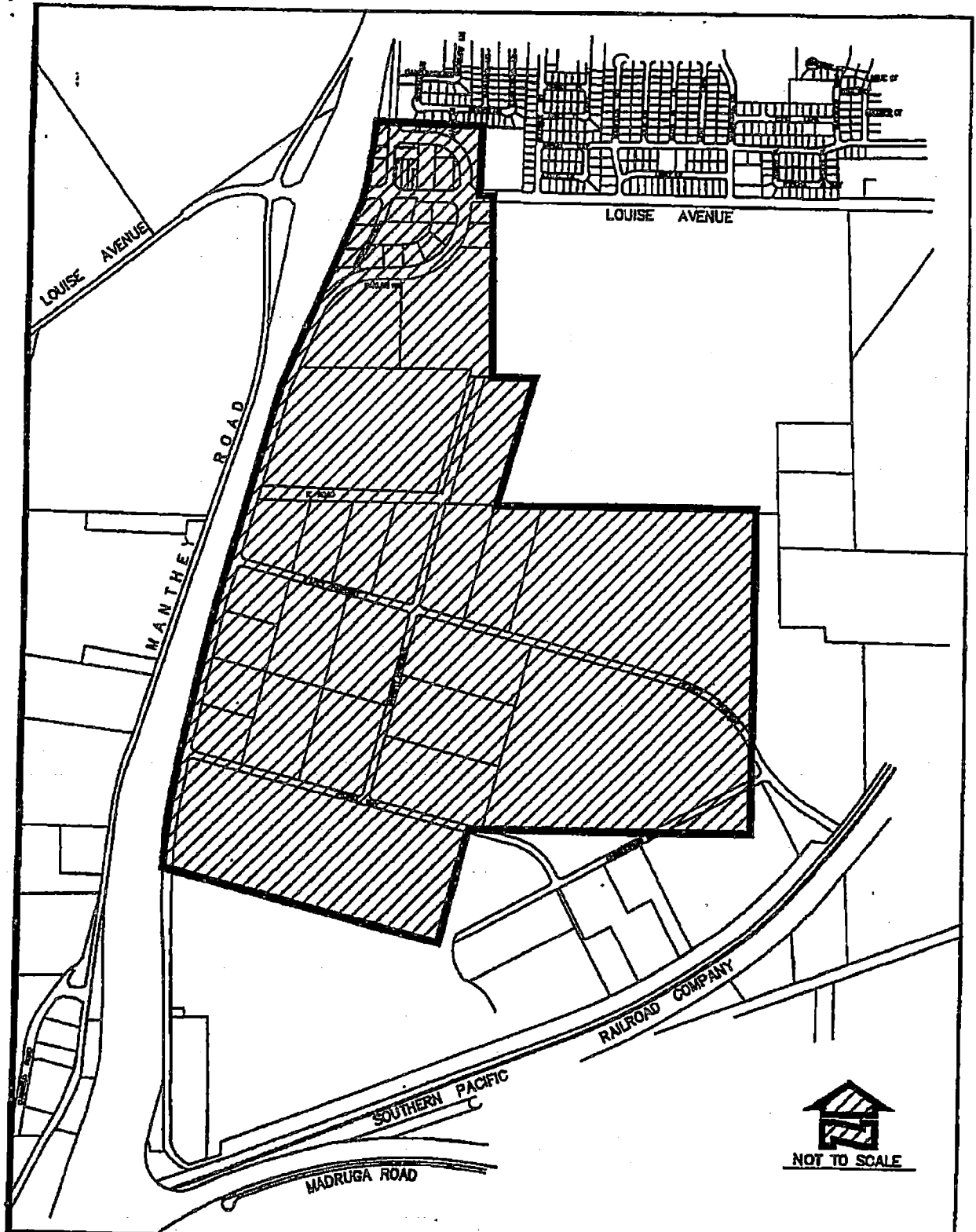
Salvador Navarrete, City Attorney




City of Lathrop
Industrial Lighting - Zone A



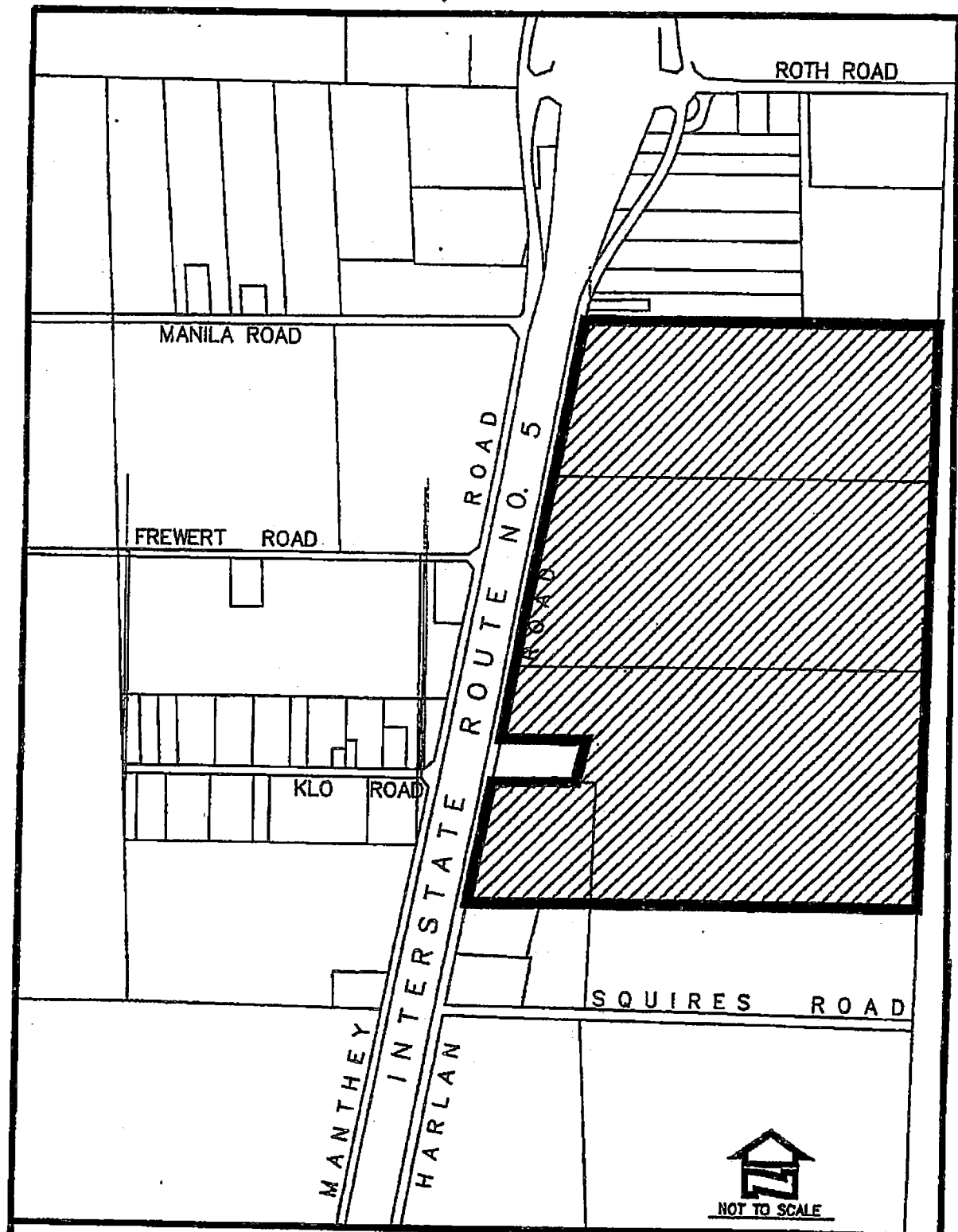
Date: February 1998



City of Lathrop
Industrial Lighting - Zone B



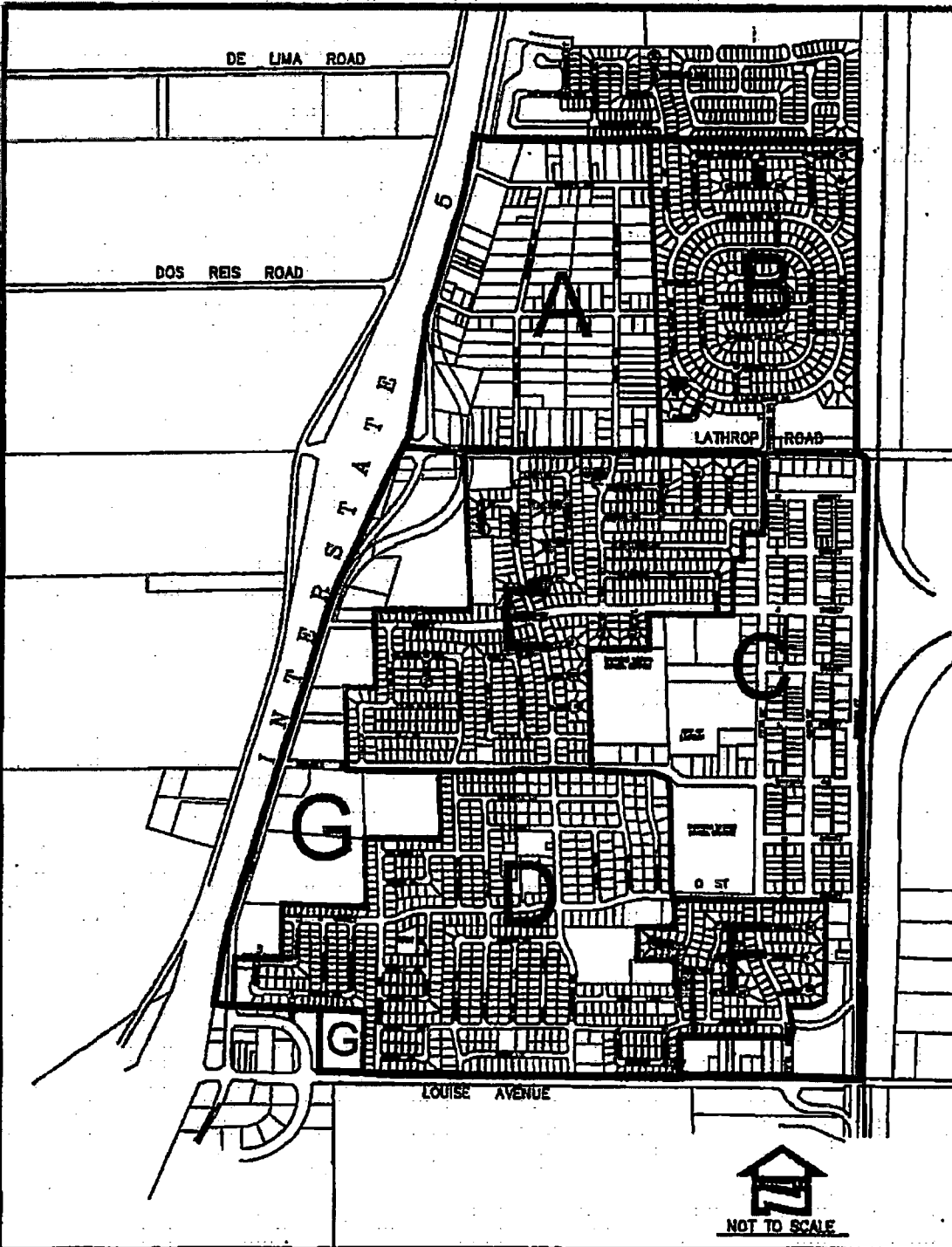
Date: February 1998



City of Lathrop
Industrial Lighting - Zone C



Date: February 1989



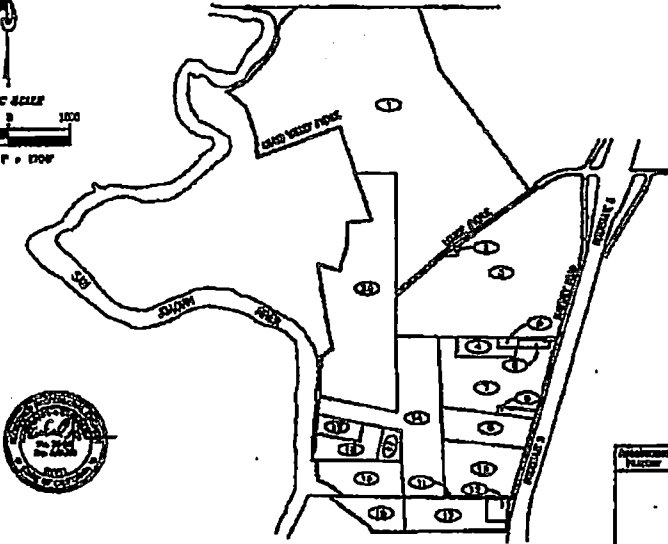
City of Lathrop
Residential Lighting District



Date: March 1999

ASSESSMENT DIAGRAM MOSSDALE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT

CITY OF LATHROP
COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA



N | B | S
 4221 Maple Grove Way, Suite 225
 Lathrop, CA 95250
 Local Government Solutions

I, John J. [Signature], City Clerk of the City of Lathrop, do hereby certify that the within diagram showing the proposed formation of Mossdale Landscape and Lighting Maintenance District was approved by the City Council of the City of Lathrop at a regular meeting, properly held on the 22nd day of January, 2004, by its resolution No. 1000000000.

I, John J. [Signature], City Clerk of the City of Lathrop, do hereby certify that the within diagram showing the proposed formation of Mossdale Landscape and Lighting Maintenance District was approved by the City Council of the City of Lathrop at a regular meeting, properly held on the 22nd day of January, 2004, by its resolution No. 1000000000.

Filed this 11th day of January, 2004, at the Court of San Joaquin A.M. in County of San Joaquin, State of California, by John J. [Signature], County Recorder.

NOTE: FOR A DETAILED DESCRIPTION OF THE LIMITS AND CHARACTERISTICS OF EACH PARCEL WITHIN THE DISTRICT REFER TO THE COUNTY OF SAN JOAQUIN RECORDS BOOK 1000000000.

BOOK 1000000000
 COUNTY OF SAN JOAQUIN
 RECORDS BOOK 1000000000
 PAGE 1000000000

Parcel No.	APN	Assessor's Parcel ID
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

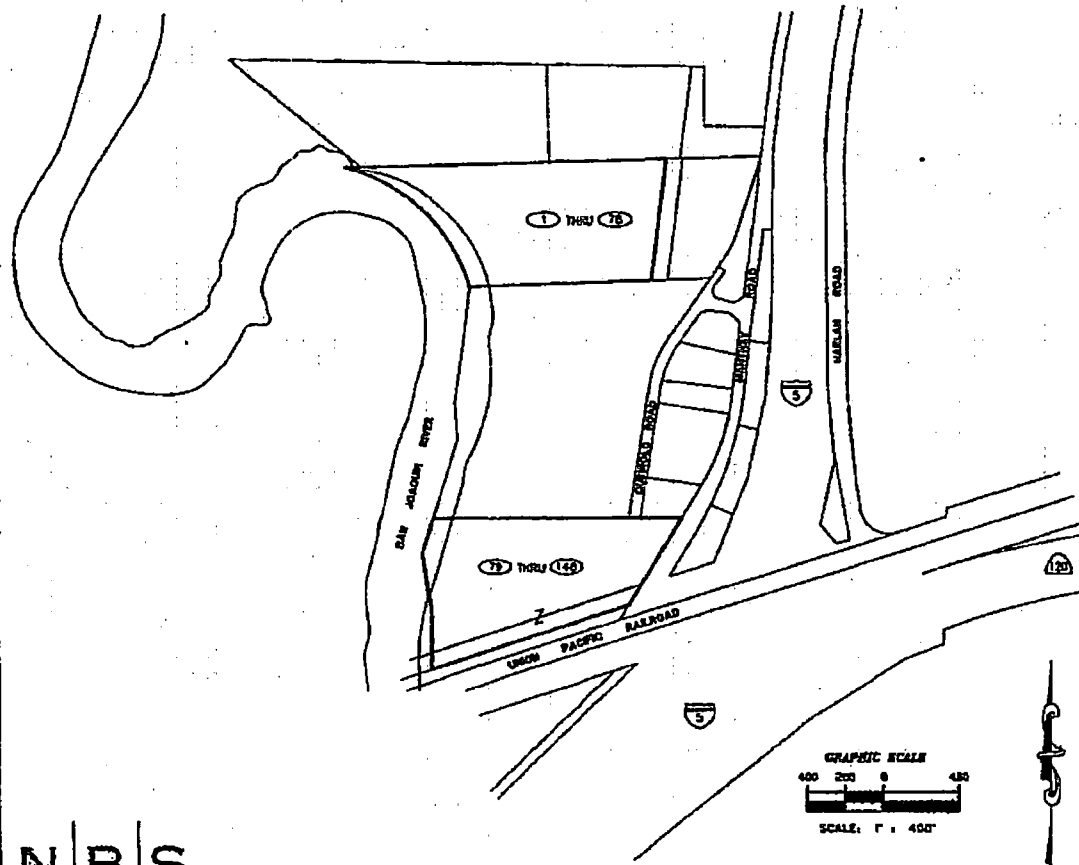
- LEGEND**
- ASSESSMENT DISTRICT BOUNDARY
 - PARCEL LINE
 - ⊙ ASSESSOR'S PARCEL IDENTIFICATION

5-151

SHEET 1 OF 2

ANNEXATION DIAGRAM MOSSDALE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT ANNEXATION NO. 1, ZONE 2 (MOSSDALE LANDING SOUTH)

CITY OF LATHROP
COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LATHROP
THIS 27th DAY OF December, 2002.

CITY CLERK
CITY OF LATHROP
SAN JOAQUIN COUNTY, CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE BOUNDARIES OF THE ANNEXATION OF TERRITORY INTO MOSSDALE LANDSCAPE MAINTENANCE DISTRICT, CITY OF LATHROP, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AT A REGULAR MEETING, HERETOBY HELD ON THE 22nd DAY OF December, 2002, BY ITS RESOLUTION NO. 02-0114.

CITY CLERK
CITY OF LATHROP
SAN JOAQUIN COUNTY, CALIFORNIA

FILED THIS 9th DAY OF February, 2007 AT THE HOUR OF 2:30 O'CLOCK P.M.
IN BOOK 2 AT PAGE 151 OF MAPS OF ASSESSMENT DISTRICTS OF THE OFFICE
OF THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

Grant W. Freedman by Christina M. Meade
DEPUTY
COUNTY RECORDER
COUNTY OF SAN JOAQUIN

NOTE: FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL WITHIN THE DISTRICT REFER TO THE COUNTY OF SAN JOAQUIN ASSESSOR'S MAPS.

DOC # 2007-008977
REVISED 11/22/07 10:18 AM
Page 2 of 2
Mossdale Landscape and Lighting Maintenance District
County of San Joaquin
Assessor's Office
Assessment Districts and Property Class

LEGEND
ASSESSMENT DISTRICT BOUNDARY
PARCEL LINES
ASSESSMENT NUMBER

GRAPHIC SCALE
400 200 0 400
SCALE: 1" = 400'

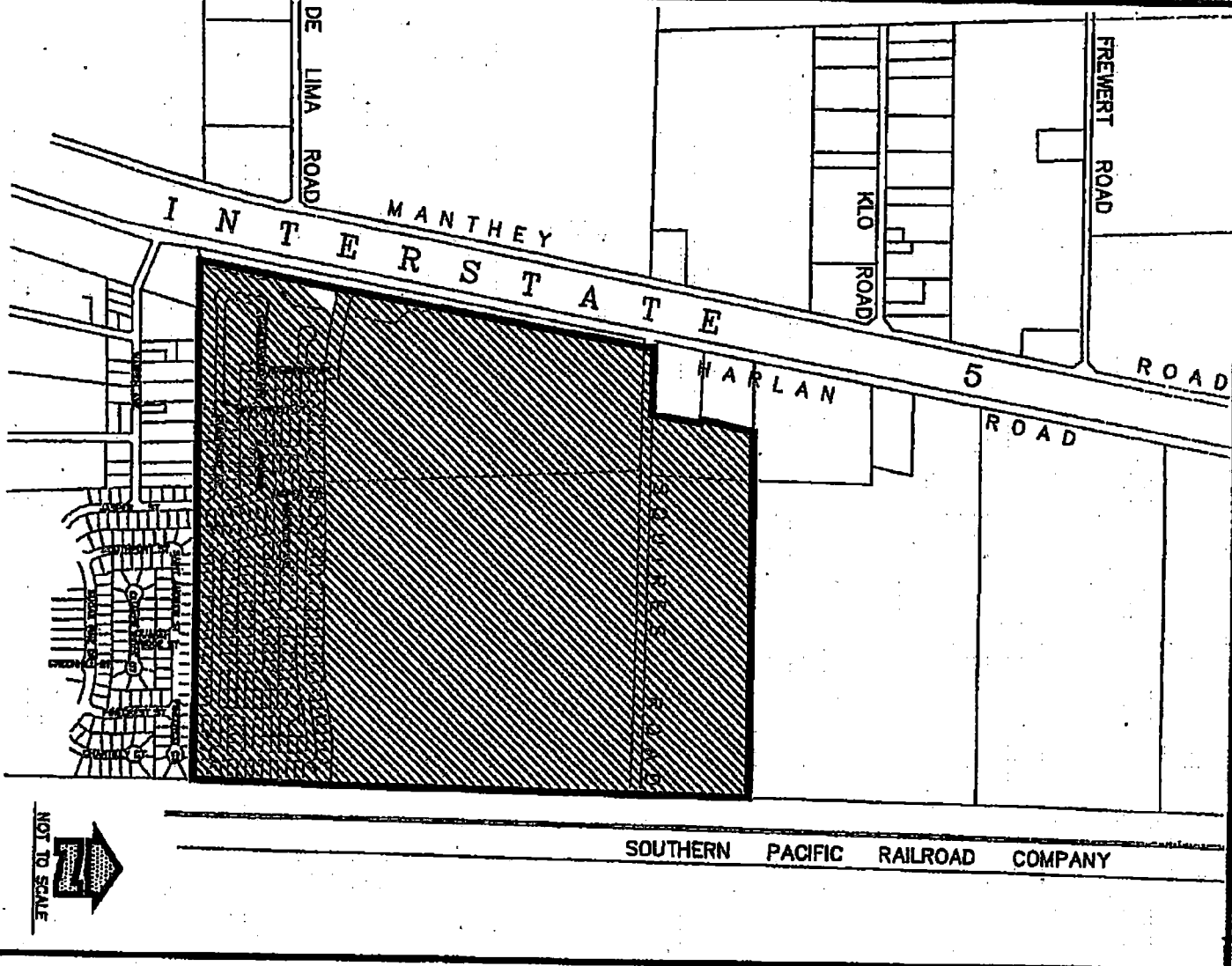


N | B | S
2700 North J Street, Suite 100
Lathrop, CA 95330
Local Government Solutions

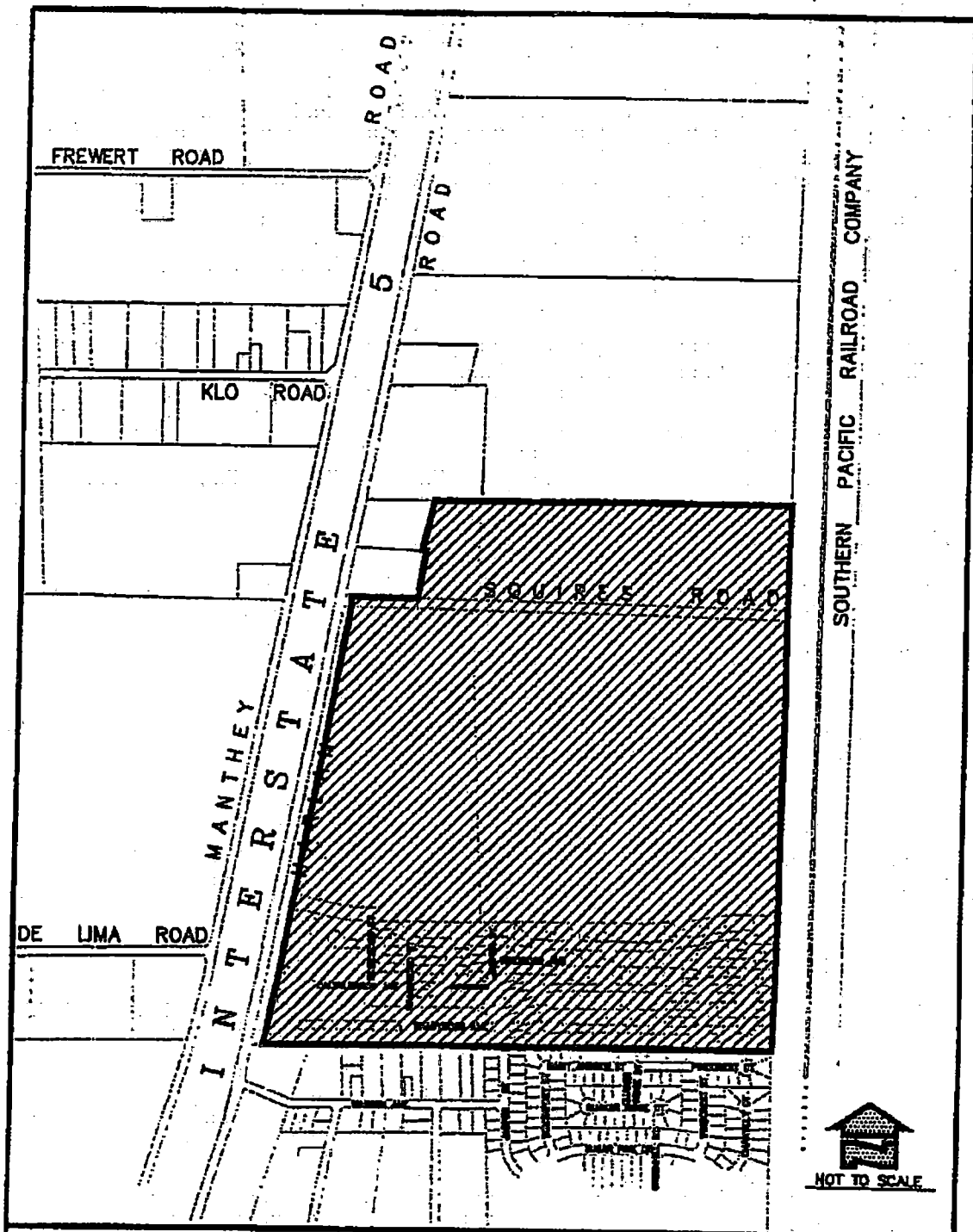
5-151

Stonebridge Landscaping District

City of Lathrop



Date: June 2001



SOUTHERN PACIFIC RAILROAD COMPANY



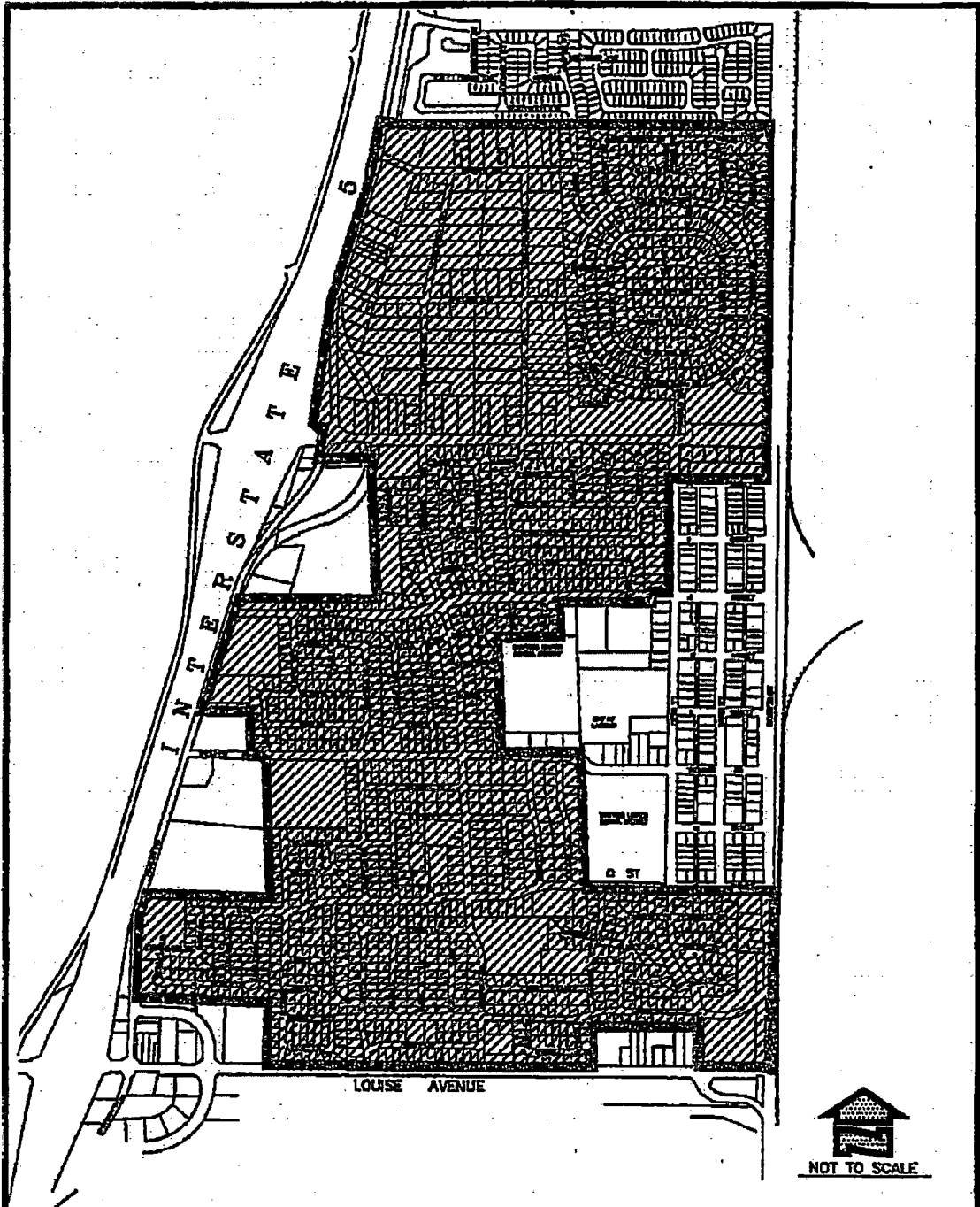
NOT TO SCALE

City of Lathrop

Stonebridge Drainage & Lighting District



Date: February 1999

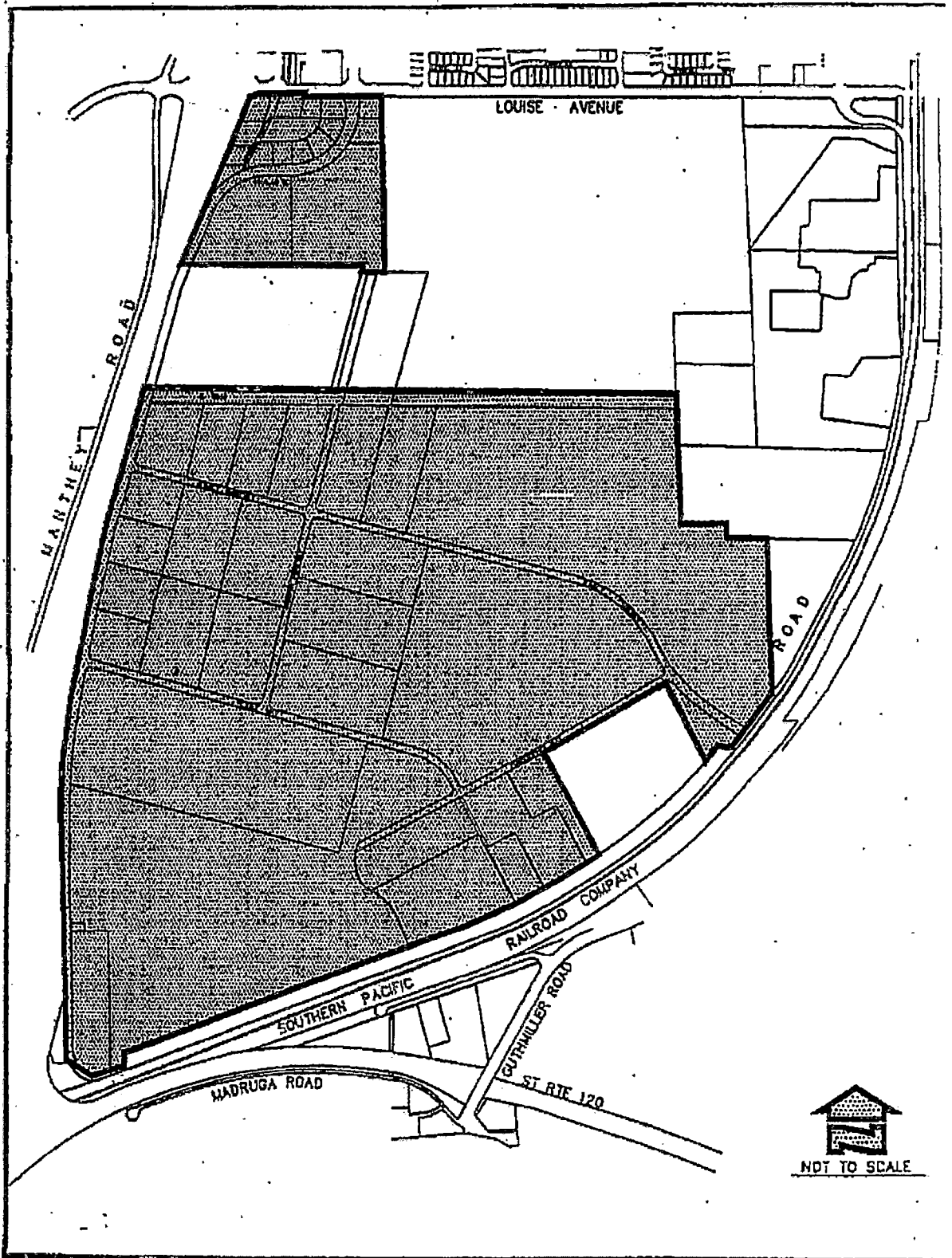


NOT TO SCALE

City of Lathrop
Storm Drain Zone 1



Date: February 1999



City of Lathrop
 Storm Drain Zone 1A

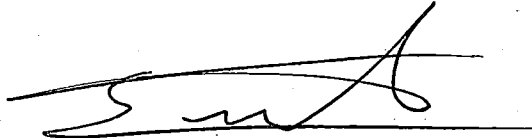


Date: February 15

CERTIFICATION OF ASSESSMENT

The City of Lathrop (the "City") hereby certifies that the special assessment(s), fee(s) or charge(s) listed below to be placed on the 2018-2019 Secured Property Tax bill by the City meets the requirements of Proposition 218 that added Articles XIII C and XIII D to the California State Constitution.

X _____
 Sonny Dhaliwal, Mayor City of Lathrop

X  _____
 Salvador Navarrete, City Attorney City of Lathrop

2018-2019 Special Assessments and/or Fixed Charges

District Name	SJ County Tax Code
A.D. 1 Sanitary Sewer District	65461
Zone 1 Storm Drain	72500
Industrial LMD	81940
Residential LMD	81960
Zone 1A Storm Drain	81980
Stonebridge Drain & Light	82440
Stonebridge Landscape	82460
Mossdale LLMD	82465
N Harlan 99-1	82480
Reassessment District No. 2013-1 (Mossdale Village)	82482
Reassessment District No. 2015-1 Mossdale Village	82468
Lathrop - CFD 2003-1	82484
Lathrop - CFD 2003-2	82486

District Name	SJ County Tax Code
Lathrop - CFD 2004-1	82488
CFD No. 2005-1	82490
CFD No. 2006-1	82491
CFD No. 2006-2	82493
CFD No. 2006-2 (PUBLIC SAFETY)	82494
CFD No. 2005-1 Annexation 1, Zone 2	82495
Lathrop DLQ Code Compliance	82496
Lathrop – CFD 2013-1	82498
Lathrop Crossroads 2015 (B)	82499

SAN JOAQUIN COUNTY SPECIAL ASSESSMENT CHARGE AGREEMENT WITH
CITY OF LATHROP

DATE: June 11, 2018

PARTIES: COUNTY: COUNTY OF SAN JOAQUIN
Auditor-Controller
44 North San Joaquin Street
Suite 550
Stockton, CA 95202

AGENCY: City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

AGREEMENT:

The County and the City of Lathrop (the "City") agree as follows:

Pursuant to Government Code Section 29304, the City agrees to pay the County one percent (1%) of the assessment amount levied or three dollars (\$3.00) per each assessment on a parcel, whichever is less, for the collection of special assessments or special assessment taxes.

IN WITNESS WHEREOF the parties have executed this agreement the year and date first written above.

COUNTY OF SAN JOAQUIN

CITY OF LATHROP

By _____
Adrian J. Van Houten
Auditor-Controller

By _____
Sonny Dhaliwal
Mayor

"COUNTY"

"CITY"

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER FISCAL YEAR 2018/19 ASSESSMENTS FOR THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 93-1 WOODFIELD PARK MAINTENANCE ZONE

RECOMMENDATION: Council to Consider the Following:

- 1. Hold a Public Hearing; and**
- 2. Adopt a Resolution Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Landscape and Lighting Maintenance District No. 93-1 Woodfield Park Maintenance Zone for Fiscal Year 2018/19**

SUMMARY:

At the May 14, 2018 City Council Meeting, Staff presented the preliminary Engineer's Report and Intent to Levy for the Landscape and Lighting Maintenance District No. 93-1 Woodfield Park Maintenance Zone ("Woodfield Park") or (LLMD 93-1") to Council for approval, and requested to set a public hearing date to initiate the final approval process.

The City Council approved the preliminary Engineer's Report and Intent to Levy for the LLMD 93-1, and set the public hearing date for June 11, 2018. A notice of the public hearing was mailed to each property owner within the District. The public hearing was published in the Manteca Bulletin on May 24th & May 31st.

The assessment of LLMD 93-1 for Fiscal Year 2018/19 shows that the revenues for Woodfield Park do not meet the expenditures, resulting in a shortfall of \$26,161. Consequently, the use of the District's reserves will be required to maintain current service levels for Woodfield Park. Staff estimates the beginning Fiscal Year 2018/19 District reserves to be \$14,856.

Woodfield Park is proposed to be levied at a rate of \$123.90 per Equivalent Dwelling Unit (EDU). The assessment rate of \$123.90 per EDU has been in effect since Fiscal Year 1998/99 and is not proposed to increase.

Table 1 below displays the current and proposed assessment rates.

Table 1

District	FY 17/18 Actual Rates	FY 18/19 Proposed Rates	% Change	Notes
Woodfield Park	\$123.90	\$123.90	0.00%	Rate unchanged since FY 1998/99

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
FISCAL YEAR 2018/19 WOODFIELD PARK BUDGET**

PAGE 2

Please note that the assessment and budget amounts shown in the Final Engineer's Report have not been modified from the approved preliminary Engineer's Report on May 14th.

Tonight, the City Council is being asked to approve the Final Engineer's Report for the Landscape and Lightning Maintenance District No. 93-1 Woodfield Park Maintenance Zone and order the levy and collection of annual assessments for Fiscal Year 2018/19.

City Council may order amendments to the Engineer's Report or confirm it as submitted. If approved, the assessment information will be submitted to the County Auditor-Controller, and included on the property tax roll for each benefiting parcel for Fiscal Year 2018/19. The collected monies will fund Woodfield Park operation and maintenance costs.

BACKGROUND:

Maintenance Districts are formed to fund services and improvements that provide special benefit to the properties within the District's boundaries. Improvements may include landscaping, park sites, street lightning and storm drainage. The Districts levies are made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act"), applicable to the provisions of Proposition 218 (California Constitutional Articles XIII C and XIII D).

Each parcel within a District is assessed in accordance to assessment methodology adopted and approved by the City Council at the time of District formation. The assessments are paid by the property owner as a part of each parcel's secured property tax bill.

NBS Government Finance Group performs an annual assessment of the Districts, evaluating costs of the maintenance, operations, and servicing of the improvements to be maintained. The assessment process is generally initiated in March. Upon the completion of the assessment, NBS submits a Preliminary Engineer's Report (the "Report") to City staff which includes a district overview, estimate of costs, method of apportionment, district diagrams, and parcel listing. City staff utilizes the Report findings to produce the District's annual budget.

The City of Lathrop has eight (8) Maintenance Assessment Districts (MAD): five (5) Landscaping and Lighting Districts (LLMD), including Woodfield Park; three (3) Benefit Assessment Districts (BAD). Woodfield Park was created to fund the cost of the operation and maintenance of specific park improvements within Tract 2051. This includes costs for personnel to maintain buildings and equipment and the cost for contracted park maintenance.

**CITY MANAGER'S REPORT
 JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
 FISCAL YEAR 2018/19 WOODFIELD PARK BUDGET**

Woodfield Park reporting is submitted on a stand-alone basis due to the size of the district and because two City Council members currently reside within the district. (Legal guidelines generally prohibit legislative body members from voting on matters involving districts where they reside if the district(s) in question comprise less than 10% of the agency's total residential parcels as defined by the County Assessor.)

In Fiscal Year 2018/19 Woodfield Park will receive \$54,764 in revenue from assessments. The total expenditures for this District are \$80,925, which creates a shortfall of \$26,161. The District is anticipated to begin Fiscal Year 2018/19 with a reserve fund balance of \$14,856, which will be used to partially offset the shortfall. A General Fund subsidy, in the amount of \$11,305, is required for Fiscal Year 2018/19.

Table 2 below displays the current and proposed assessment rates.

Table 2

District	FY 17/18	FY 18/19	% Change	Notes
	Actual Rates	Proposed Rates		
Woodfield Park	\$123.90	\$123.90	0.00%	Rate unchanged since FY 1998/99

Woodfield Park is proposed to be levied at a rate of \$123.90 per Equivalent Dwelling Unit (EDU). The assessment rate of \$123.90 per EDU has been in effect since Fiscal Year 1998/99 and is not proposed to increase.

The Woodfield Park District was created several years ago, without a revenue inflation factor. This means, Woodfield Park has a maximum assessment rate that does not escalate to mirror increases in district expenses. The imbalance of Woodfield Park's expenditures will continue due to the lack of the revenue inflation factor. In order to remedy this imbalance, a Proposition 218 balloting of Woodfield Park's property owners would have to be initiated and successfully completed.

By law, assessments may only increase to the maximum approved amount set by property owners at the time of district formation or annexation. Any proposed increase which exceeds the approved amount requires the approval of the then current property owners via a Proposition 218 ballot process. Each of the City's Districts has a maximum assessment amount. The City Council may authorize any level of assessment up to the maximum amount. If it is determined that the maximum amount is not needed, City Council may lower the actual annual assessment without jeopardizing the ongoing maximum assessment.

The Final Engineer Report for Woodfield Park is available for review at the City Clerk's office and the Public Works Department. Copies will be available at the City Council meeting per request.

REASON FOR RECOMMENDATION:

Maintain quality maintenance and service of Woodfield Park.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

Promoting Community Values by maintaining Parks, Recreation, and Community Services to its required service levels.

FISCAL IMPACT:

The Woodfield Park Landscaping and Lighting District has expenditures that exceed revenues. In order to maintain the current service levels in the district, utilization of \$14,856 in district fund reserves and a General Fund subsidy, in the amount of \$11,305, is required to cover the shortfall.

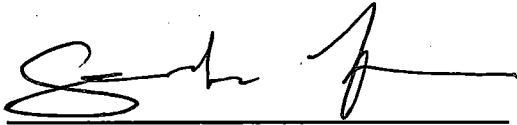
ATTACHMENTS:

- A. A Resolution Amending and/or Approving the Final Engineer's Report and Ordering the Levy and Collection of Assessments for the Landscape and Lighting Maintenance District No 93-1 (Woodfield Park) Maintenance Zone For Fiscal Year 2018/19
- B. Landscape and Lighting Maintenance District No. 93-1 (Woodfield Park) Boundary Map
- C. Certification of Assessment

*** Note – The Final Engineer Report is available for review upon request in the City Clerk's Office.**

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING
FISCAL YEAR 2018/19 WOODFIELD PARK BUDGET**

APPROVALS:



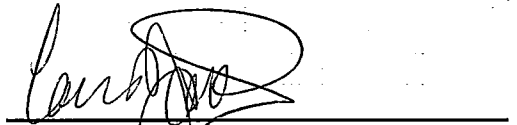
Sandra Frias
Budget Manager

6/4/18
Date



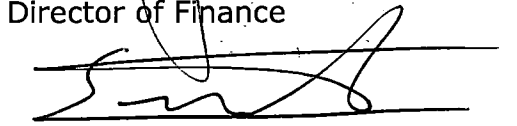
Vanessa Portillo
Deputy Finance Director

6.4.2018
Date



Cari James
Director of Finance

6/5/18
Date



Salvador Navarrete
City Attorney

6-5-18
Date



Stephen Salvatore
City Manager

6.6.18
Date

RESOLUTION NO. 18-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
AMENDING AND/OR APPROVING THE FINAL ENGINEER'S REPORT
AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR
THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO 93-1
WOODFIELD PARK MAINTENANCE ZONE FOR FISCAL YEAR 2018/19**

WHEREAS, on May 14, 2018 the City Council initiated proceedings and declared its intention to levy and collect annual assessments in a special maintenance district created pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Division 15, Part 2 of the Streets and Highways Code of the State of California* (the "Act") said special maintenance district known and designated as the City of Lathrop, Landscape and Lighting Maintenance District No. 93-1 Woodfield Park Maintenance Zone (hereinafter referred to as the "District"); and

WHEREAS, on June 11, 2018, the City Council held a public hearing for the approval of the final Engineer's report and ordering of the levy and collection of assessments; and

WHEREAS, a notice of the public hearing was mailed to each property owner within the District, and the public hearing was published in the Manteca Bulletin on May 24th & May 31st of 2018; and

WHEREAS, at this time all notice and public hearing requirements as required by the Act have been met relating to the levy of the annual assessments; and

WHEREAS, the City Council has received a final Engineer's Report (the "Report") from the Assessment Engineer (NBS Government Finance Group) for consideration and final approval which details the method of assessment including the proposed annual assessment of \$123.90. The Report is available for the public review; and

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of the landscape maintenance district assessments, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Proposition 218;

WHEREAS, the City Council is satisfied with the assessment, diagram and all other matters as contained in the Report; and

WHEREAS, the City Council approves the Report and ordering of the levy and collection of assessment in the amount of \$123.90;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LATHROP AS FOLLOWS:

RECITALS

- Section 1. The above recitals are all true and correct.
- Section 2. This City Council hereby finds and determines that the procedures for the consideration of the levy of the annual assessments have been undertaken in accordance with the Act inasmuch as, the proposed assessments for Fiscal Year 2018/19 are not proposed to be increased over the assessments previously authorized to be levied.

DETERMINATION AND CONFIRMATION

- Section 3. The final assessments and diagram for the proceedings, as contained in the Engineer's Report, is hereby approved and confirmed.

Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed:

- a. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entity of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only the special benefits have been assessed.

The assessments for the District contained in the Engineer's Report for Fiscal Year 2018/19 are hereby confirmed and levied upon the respective lots or parcels within the District in the amounts set forth in the Engineer's Report.

ORDERING OF MAINTENANCE

- Section 4. The public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Engineer's Report and as previously declared and set forth in the Resolution of Intention.

FILING WITH CITY CLERK

Section 5. The above-referenced Engineer's Report shall be filed in the Office of the City Clerk and shall remain open for public inspection.

ENTRY UPON THE ASSESSMENT ROLL

Section 6. The County Auditor shall enter onto the County Assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the Engineer's Report.

COLLECTION AND PAYMENT

Section 7. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.

FISCAL YEAR

Section 8. The assessments as above authorized and levied for these proceedings will provide revenue and relate to the fiscal year commencing July 1, 2018 and ending June 30, 2019.

The foregoing resolution was passed and adopted this 11th day of June 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

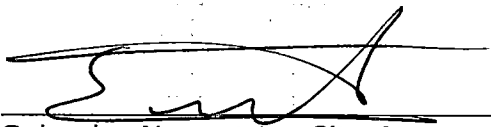
ABSTAIN:

Sonny Dhaliwal, Mayor

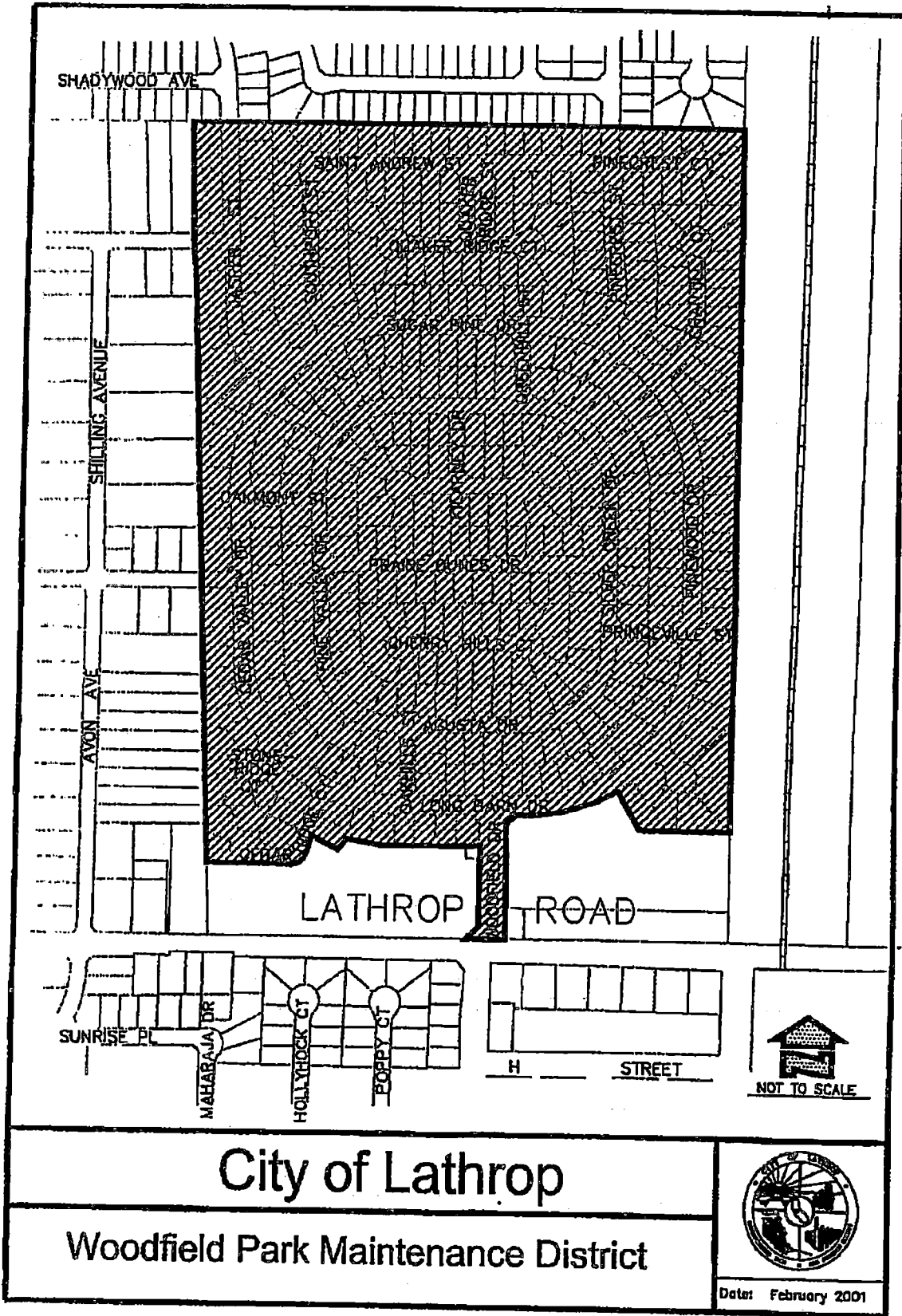
ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



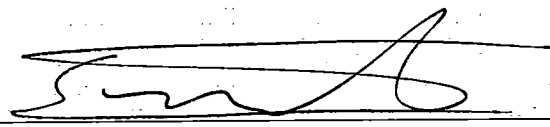
Salvador Navarrete, City Attorney



CERTIFICATION OF ASSESSMENT

The City of Lathrop (the "City") hereby certifies that the special assessment(s), fee(s) or charge(s) listed below to be placed on the 2018-2019 Secured Property Tax bill by the City meets the requirements of Proposition 218 that added Articles XIIC and XIID to the California State Constitution.

X _____
Mark Elliott, Vice Mayor City of Lathrop

X _____

Salvador Navarrete, City Attorney City of Lathrop

2018-2019 Special Assessments and/or Fixed Charges

District Name	SJ County Tax Code
Woodfield LLMD 93-1	82380

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**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING****ITEM: MAYOR'S REFERRAL****RECOMMENDATION: APPOINTMENT OF TWO (2) PLANNING COMMISSION
MEMBERS WITH TERMS EXPIRING JUNE 30, 2022****PLANNING COMMISSION – LMC Chapter 2.12:**

Exiting Commissioner(s)	Date of Appointment	Reappointment Date	Term Expiration Date
Diane Lazard	03/21/16	n/a	06/30/18
Jennifer Torres- O'Callaghan	07/10/14	n/a	06/30/18

APPLICANTS FOR CONSIDERATION:

1. Christopher Mateo
2. Irene Espinoza
3. Jennifer D. Torres - O'Callaghan
4. Diane Lazard
5. Diana Radonic, MBA
6. Ajit Singh Sandhu



COMMISSION/COMMITTEE APPLICATION RECEIVED

MAR 12 2010

Applying for: Planning Commissioner

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Christopher Mateo
Address: [redacted] City: Lathrop Zip: 95330
Telephone (home) [redacted] Telephone (work)
Telephone (cell) [redacted] Telephone (other)
Email [redacted] Resident of the City of Lathrop: 10 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:

Councilmember
Organization City of Lathrop Date 2008-2012
Location Position(s)

Responsibilities/accomplishments:

Organization Date
Location Position(s)

Responsibilities/accomplishments:

Community Activities that you have been involved with (feel free to attach additional pages)

Name of Organization Position/Responsibilities Dates

Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received:

Educational Information:

San Jose State University BS Economics 1987
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.)

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Signature [Handwritten Signature]

March 9, 2018
Date

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

RECEIVED

MAR 19 2018



COMMISSION/COMMITTEE APPLICATION CITY CLERK

Applying for: Planning Commission

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Irene Espinoza
Address: [redacted] City: Lathrop Zip: 95330
Telephone (home) [redacted] Telephone (work) [redacted]
Telephone (cell) [redacted] Telephone (other)
Email: [redacted] Resident of the City of Lathrop: 8 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:

Stanislaus County Dept of Workforce Development 12/2009
Organization Date
Modesto Family Service Specialist / Workforce Consultant
Location Position(s)

Responsibilities/accomplishments: Program Development and case management for programs and working with individuals reentering the workforce.

Organization Date
Location Position(s)

Responsibilities/accomplishments:

Community Activities that you have been involved with (feel free to attach additional pages)

Hope Family Shelter Volunteer provide employment workshop 2017-present
 Name of Organization Position/Responsibilities Dates

Lathrop Elementary Parent Involvement Volunteer classroom presentations
 parent presentations
 school functions 2007-present
 Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: _____

Educational Information:

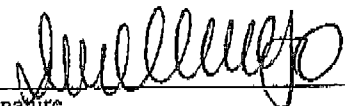
University of the Pacific B.S. Organizational Behavior 2007
 Educational Institution Degree/Diploma Field Year

Merritt College A.A. Social & Behavior Science 2001
 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 take with great pleasure and appreciation in submitting this application. As a resident, I would like to be part of a commission that continues to improve the quality of development. My interest has continued in preserving the character of residential neighborhoods and what better way to do so by joining the Planning Commission. It would be my pleasure to serve my great community accompanied with my lifelong interest in urban planning.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

 _____ Date 3/16/2018

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330

MAR 21 2018



COMMISSION/COMMITTEE APPLICATION CITY OF LATHROP COM. DEV. DEPT.

Applying for: Planning Commissioner

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Jennifer D. Torres - O'Callaghan

Address: [Redacted] City: Lathrop Zip: 95330

Telephone (home) [Redacted] Telephone (work) [Redacted]

Telephone (cell) [Redacted] Telephone (other)

Email: [Redacted] Resident of the City of Lathrop: 8+ 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:

City of Lathrop: Planning Commission 6/2014 - present

Lathrop, CA Chair, Vice Chair, Board Member

Responsibilities/accomplishments: Reviewing applications as required by zoning & subdivision codes. Reviewing & recommending to City Council (long range) City of Lathrop: General Plan. Reviewing of Capital Improvement program

City of Lathrop: Measure C Citizen's Oversight Committee 4/13 - 6/14

Lathrop, CA Chair

Responsibilities/accomplishments: Review projected city expenditures to be consistent w/ Measure C community priorities & revenue created by voter approved Measure C tax.

As chair, I presided over meeting, making decision, & dignity in proceedings.

Community Activities that you have been involved with (feel free to attach additional pages)

City of Lathrop: Parks & Recreation Committee : Vice Chair 7/12 - 6/14
Name of Organization Position/Responsibilities Dates

MSD: MESSDALE: School Site Council President & Chair 11/11 - present
Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: Law Ment Scholar, Board Govt Board, James B Smith Endowed Scholarship America, Written Award of Excellence in Legal Research & Writing & Real Estate Finance Law, Dean's List Honoree

Educational Information:

U.C. Berkeley B.A. Rhetoric 1995
Educational Institution Degree/Diploma Field Year

Golden Gate University School of Law J.D. Law 2009
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 have been serving on various committees in Lathrop since 2012. I love raising my family in Lathrop & am passionate about our community. I am an advocate for all citizens & especially for our children. I believe in fiscal responsibility and Lathrop's safety is always on my mind. I hope to continue on with the Planning Commission and continue working on projects to better Lathrop for everyone. Thank you.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Signature [Signature] Date 3/21/18

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330



COMMISSION/COMMITTEE APPLICATION

Applying for: Planning Commission

RECEIVED

APR 04 2018

CITY OF LATHROP
COM. DEV. DEPT.

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Diane Lazard
Address: [REDACTED] City: Lathrop Zip: 95228
Telephone (home): [REDACTED] Telephone (work) _____
Telephone (cell): [REDACTED] Telephone (other) _____
Email: [REDACTED] Resident of the City of Lathrop: 27 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:

Lathrop Lions 2009
Organization Date
Lathrop Secretary / Treasurer
Location Position(s)

Responsibilities/accomplishments: _____

Relay for life
Organization Date

Location Position(s)

Responsibilities/accomplishments: _____

Community Activities that you have been involved with (feel free to attach additional pages)

<i>Name of Organization</i>	<i>Position/Responsibilities</i>	<i>Dates</i>
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<i>Name of Organization</i>	<i>Position/Responsibilities/Accomplishments</i>	<i>Dates</i>
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Special Awards or Recognitions you have received: _____

Educational Information:

<i>Educational Institution</i>	<i>Degree/Diploma</i>	<i>Field</i>	<i>Year</i>
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<i>Educational Institution</i>	<i>Degree/Diploma</i>	<i>Field</i>	<i>Year</i>
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Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Diane Jayard

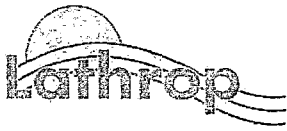
 Signature

8/31/2018

 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

MAY 08 2018

CITY OF LATHROP
MANAGER'S OFFICE

Applying for: Planning Committee
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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Diana Radonic, MBA
Address: [REDACTED] City: Lathrop Zip: 95330
Telephone (home) [REDACTED] Telephone (work) [REDACTED]
Telephone (cell) [REDACTED] Telephone (other) _____
Email: [REDACTED] Resident of the City of Lathrop: 1986 years

Do you have Transportation to attend the Commission meetings and Functions? Yes No

Background Information:

Are you related to a current City Employee? N/A
If yes, give name and relationship N/A

Employment/Volunteer Information:

California Health Care Facility, Corrections 2013 - current
Organization Date
9707 S. Austin Road, Stockton Staff Service Manager
Location Position(s)

Responsibilities/accomplishments: Responsible for CHCF - Patient Inmate
budgets, contracts, procurement, inventory.

Department of Developmental Services 2006 - 2013
Organization Date
9th Street, Sacramento, CA Community Program Specialist II
Location Position(s)

Responsibilities/accomplishments: Monitored and had oversight of licensed
residential Intermediate Care Facilities, approved program
plans for facilities that provide services to developmentally
delayed persons.

Community Activities that you have been involved with (feel free to attach additional pages)

Valley Mountain Regional Center, Community Liaison 1995 - 2006
Name of Organization Position/Responsibilities Dates

Ad QA Consultation, owner, business plans for new 2002 - present
Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: CMS - Certificate for auditing the intermediate care facilities,

Educational Information:

University of Phoenix Master Degree Business Administration 2007
Educational Institution Degree/Diploma Field Year

Humphreys College B.S. Paralegal Studies 1997
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 developed the admissions and discharge unit at the CHCF-PIP
I am the chair of the Forms Review Committee since 2014
I had monitored and was instrumental in the opening of many licensed residential facilities. I have extensive knowledge of local, state & federal regulation and how to access them. I worked with many entities in the community, state & federal level throughout my career.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Diana Redonic MEd
Signature

5/8/2018
Date

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

APR 10 2018



COMMISSION/COMMITTEE APPLICATION

CITY CLERK

Applying for: ~~Parks & Recreation Commission~~
Planning Commission ✓

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 50 years of age or over and a registered voter to serve on this commission.

Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: AJIT SINGH SANDHU

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: 9 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? NA

If yes, give name and relationship

Employment/Volunteer Information:

Organization: An Independent representative of Pramerica Life Ins. Coy. Date

Location: 4707 Greenleaf Ct. Suite 1 Modesto. 95358 Position(s): DIVISION LEADER

Responsibilities/accomplishments: An Independent representative of Pramerica Financial services marketing INC

Organization: Date

Location: Position(s)

Responsibilities/accomplishments:

Community Activities that you have been involved with (feel free to attach additional pages)

① Sikh Temple Fairfield Secy 2006-2007

Name of Organization Position/Responsibilities Dates

member of Memorial/Veteran's Day Committee of Lathrop
2 Sports club Selma County Advisor Since 2002

Name of Organization Position/Responsibilities/Accomplishments Dates

② Swim club member Lathrop, Parks & Recreation Commissioner
Special Awards or Recognitions you have received:

Life time achievement award in the field of water sport. Appreciation letters by city Council Lathrop

Educational Information:

INDIA Punjab BA Public Administration 1971
Educational Institution Degree/Diploma Field Year

NIS INDIA Punjab NIS Field Hockey 1972
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 you application.)

Civil Defence, Self Defence, Fire fighting
I Different Sport & cultural activity. I have been taking part to arrange camp for Blood Drive, Food Drive, Fund raising & other community activity.

Please sign and date you application and submit to the Office of the City Clerk at the address below..

Signature Aardh Date 04-10-2018

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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ITEM: MAYOR'S REFERRAL

RECOMMENDATION: APPOINTMENT OF THREE (3) SENIOR ADVISORY COMMISSION MEMBERS WITH TERMS EXPIRING JUNE 30, 2021

SENIOR ADVISORY COMMISSION – LMC Chapter 2.24:

Exiting Commissioner(s)	Date of Appointment	Reappointment Date	Term Expiration Date
Vada Klingman	07/20/15	n/a	06/30/18
Gerald Rose	07/20/15	n/a	06/30/18
Delores Lewis	07/17/17	n/a	06/30/18

APPLICANTS FOR CONSIDERATION:

1. Vada Klingman
2. Gerald Rose
3. Delores Lewis



COMMISSION/COMMITTEE APPLICATION

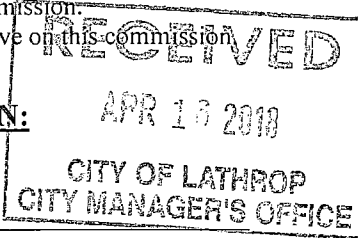
Applying for: Senior Advisory Commission

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 50 years of age or over and a registered voter to serve on this commission

Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission



PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Vada Klingman

Address: [redacted] City: Lathrop Zip: 95330

Telephone (home) [redacted] Telephone (work) 0

Telephone (cell) [redacted] Telephone (other) 0

Email [redacted] Resident of the City of Lathrop: 46 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:

Organization: Lathrop Senior Center Date: 2000 - present

Location: Lathrop Position(s): volunteer

Responsibilities/accomplishments: senior lunch program, S.A.C. Commission

Organization _____ Date _____

Location _____ Position(s) _____

Responsibilities/accomplishments: _____

Community Activities that you have been involved with (feel free to attach additional pages)

mayors Committees		2006 - present
<i>Name of Organization</i>	<i>Position/Responsibilities</i>	<i>Dates</i>

<i>Name of Organization</i>	<i>Position/Responsibilities/Accomplishments</i>	<i>Dates</i>
-----------------------------	--	--------------

Special Awards or Recognitions you have received: _____

Educational Information:

Delta College		Home Economics	1964-1966
<i>Educational Institution</i>	<i>Degree/Diploma</i>	<i>Field</i>	<i>Year</i>

<i>Educational Institution</i>	<i>Degree/Diploma</i>	<i>Field</i>	<i>Year</i>
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Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Vada Kleugman	3-28-18
<i>Signature</i>	<i>Date</i>

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

**City Clerk
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330**

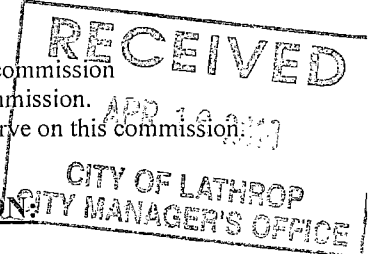


COMMISSION/COMMITTEE APPLICATION

Applying for: SENIOR ADVISORY 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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.



PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

Name: GERALD ROSE
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: 56 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:

Organization: FOOD PROGRAMS Date:
LATHROP SENIOR CENTER BAGGER
Location Position(s)

Responsibilities/accomplishments:

Organization Date
Location Position(s)

Responsibilities/accomplishments:

Community Activities that you have been involved with (feel free to attach additional pages)

LIONS CLUB TAIL TWISTER SINCE 2009
Name of Organization Position/Responsibilities Dates

Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: LATHROP / MANTECA
HALL of FAME

Educational Information:

MANTECA HIGH — 1956
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.)

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Gerald Noel 3-9-18
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

Applying for: Senior Advisory Commission

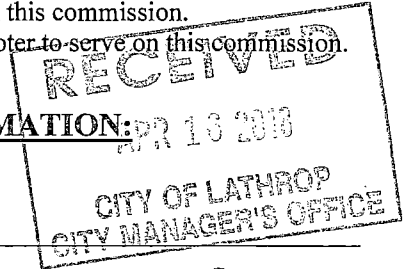
Special Requirements:

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 50 years of age or over and a registered voter to serve on this commission.

Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:



Name: Dolores Lewis

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: 3 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:

Organization: Lathrop Senior Center Date: Front desk
Location: 15707 Fifth Street Position(s):

Responsibilities/accomplishments: Greet guest, Answer phone, Take message
Setup & serve meals, work kitchen prep, outdoor activities set up and information guide

Organization: High Street Senior Home Date: Visitation Coordinator
Location: Oakland, CA Position(s):

Responsibilities/accomplishments: Weekly visits, Group meetings, Therapeutic music
Reading and book club, Sing alongs, Knit class and gift giving.

Community Activities that you have been involved with (feel free to attach additional pages)

Lathrop Senior center Front desk clerk
Name of Organization Position/Responsibilities Dates

ACTS Full Gospel Church Sick & Shutter coordinator
Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: Infant/Child and Adult Award for excellence in caring for others. SAFE place Award from San Mateo County Health Services

Educational Information:

Skyline College Basic Studies
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.)

As a person that prides themselves and hold themselves to a higher standard, I always try to remain calm and strong and work smart through any situation. I feel that I'm a person people come to when they need sound advice on different situations either big or small. I help by pointing out the details that may have been over looked talking the details out and simply being a sounding board. Sometimes thats all it takes.

Please sign and date your application and submit to the Office of the City Clerk at the address below.

Salma Lewis
Signature

4-16-18
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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ITEM: MAYOR'S REFERRAL

RECOMMENDATION: APPOINTMENT OF THIRTEEN (13) YOUTH ADVISORY COMMISSION MEMBERS WITH TERMS EXPIRING MAY 31, 2019

YOUTH ADVISORY COMMISSION – LMC Chapter 2.20:

Exiting Commissioner(s)	Date of Appointment	Reappointment Date	Term Expiration Date
Mushda Nawabi	08/21/17	n/a	05/30/18
Lizette Contreras	08/15/16	08/21/17	05/30/18
Muskaan Ralmilay	08/15/16	08/21/17	05/30/18
Zaiba Fazli	08/15/16	08/21/17	05/30/18
Taminya Nawabi	09/19/16	08/21/17	05/30/18
Khory Wilson	08/21/17	n/a	05/30/18
Aliyah Conley – <i>Appointed to Unscheduled Vacancy</i>	03/12/18	n/a	5/30/18
Harman Garcha	08/21/17	n/a	05/30/18
Mandeep Garcha	08/21/17	n/a	05/30/18
Micaela Estavillo	08/21/17	n/a	05/30/18
Jerald Asican	08/21/17	n/a	05/30/18
Virly Santos	09/19/16	08/21/17	05/30/18
Gwynneth Orlino	08/21/17	n/a	05/30/18

APPLICANTS FOR CONSIDERATION:

1. Juan Manuel Serrano
2. Junior Dhaliwal
3. Micaela Estavillo
4. Andrea Solis
5. Lizette Contreras
6. Harman Garcha
7. Funmilola Olamijulo
8. Mandeep Garcha
9. Mushda Nawabi
10. Taminya Nawabi
11. John Wall Jr.



COMMISSION/COMMITTEE APPLICATION

Applying for: Youth Advisory Committee

RECEIVED

MAR 28 2010

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

CITY CLERK

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Juan Manuel Serrano
Address: [redacted] City: Lathrop Zip: 95330
Telephone (home) [redacted] Telephone (work)
Telephone (cell) [redacted] Telephone (other)
Email: Resident of the City of Lathrop: 13 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? Yes.
If yes, give name and relationship Teresa Vargas, mother

Employment/Volunteer Information:

Organization Date
Location Position(s)
Responsibilities/accomplishments:

Organization Date
Location Position(s)
Responsibilities/accomplishments:

Community Activities that you have been involved with (feel free to attach additional pages)

Lathrop Little League (LLL)	Pitcher, 3rd Baseman	2008-to date
<i>Name of Organization</i>	<i>Position/Responsibilities</i>	<i>Dates</i>

<i>Name of Organization</i>	<i>Position/Responsibilities/Accomplishments</i>	<i>Dates</i>
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Special Awards or Recognitions you have received: Received MVP award in 2017; played in All-Star games in 2014, 2015, 2016 and 2017.

Educational Information:

River Islands Techonology Academy	8th Grade Diploma	graduated with honors	May 2018
<i>Educational Institution</i>	<i>Degree/Diploma</i>	<i>Field</i>	<i>Year</i>

Lathrop High School	will start August 2018	High School Diploma	Graduation 2022
<i>Educational Institution</i>	<i>Degree/Diploma</i>	<i>Field</i>	<i>Year</i>

Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

I have been a Lathrop resident all my life. My favorite hobbies are playing sports and learning new computer software for school and leisure.
 I would like the opportunity to help plan and develop new recreational programs for the younger citizens of the City of Lathrop.
 Thank you for your consideration of my application to the Youth Advisory Commission.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Juan Manuel Serrano	3/26/18
Signature	Date

José Valencia
 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
APR 19 2013
CITY OF LATHROP
CITY MANAGER'S OFFICE

Applying for: Youth Advisory Commission

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Junior Dhaliwal
Address: [REDACTED] City: Lathrop Zip: 95330
Telephone (home) _____ Telephone (work) _____
Telephone (cell) [REDACTED] Telephone (other) _____
Email: [REDACTED] Resident of the City of Lathrop: 20 years
16
Do you have Transportation to attend the Commission meetings and Functions? Yes No

Background Information:

Are you related to a current City Employee? Yes
If yes, give name and relationship Sonny Dhaliwal, Mayor

Employment/Volunteer Information:

NA
Organization _____ Date _____
NA
Location _____ Position(s) _____
Responsibilities/accomplishments: NA
NA
Organization _____ Date _____
NA
Location _____ Position(s) _____
Responsibilities/accomplishments: NA

Community Activities that you have been involved with (feel free to attach additional pages)

NA

Name of Organization Position/Responsibilities Dates

NA

Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: several honor roll and perfect attendance awards

Educational Information:

Lathrop High School Sophomore 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.)

I have been doing volunteer work at Sikh Temple Stockton during main events serving food, and help doing clean up after the events. I am a very responsible student, and am achieving close to a 4.0 GPA in academics. I love to volunteer and help my fellow americans.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Signature Date April 19 2018

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk City of Lathrop 390 Towne Centre Drive Lathrop, CA 95330



RECEIVED
MAY 24 2017

COMMISSION/COMMITTEE APPLICATION

Applying for: RECREATION YOUTH ADVISORY COMMISSION

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 50 years of age or over and a registered voter to serve on this commission.

Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: MICHELLE ESTAVILLO
Address: [REDACTED] City: LATHROP Zip: 95330
Telephone (home) _____ Telephone (work) _____
Telephone (cell) [REDACTED] Telephone (other) _____
Email: [REDACTED] Resident of the City of Lathrop: 4 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:

VITAS HOSPICE CARE OFFICE 03/01/17
Organization Date
16956 Marlan Road, Lathrop volunteer
Location Position(s)

Responsibilities/accomplishments: Filing medical records, faxing records to doctors, organizing paper work.

MUSCULAR DYSTROPHY ASSOCIATION 05/01/18
Organization Date
Modesto Apple Canyon volunteer
Location Position(s)

Responsibilities/accomplishments: ~~Take~~ Take care of children with disabilities and guide them.

Community Activities that you have been involved with (feel free to attach additional pages)

Youth Advisory Commission Treasurer 08/17
Name of Organization Position/Responsibilities Dates

Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: Hispanic Excellence in Academics,
Spartan Gold Academic Award, Student of the Month,
Volunteer of the Month.

Educational Information:

Lathrop High School Still Enrolled
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.)

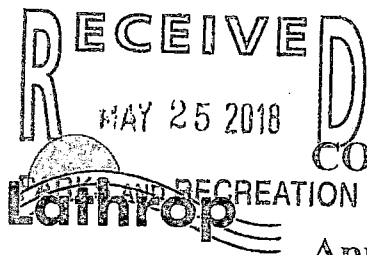
I'm president for the Youth For Change Club at the ~~high~~ Lathrop High which can help the Youth ~~Advisory~~ Advisory Commission in spreading events and gaining volunteers when needed.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Miranda Estrella 05/24/18
Signature Date

William Estrella
Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330



COMMISSION/COMMITTEE APPLICATION

Applying for: Youth advisor commission

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Andrea Sois
Address: [Redacted] City: Lathrop Zip: 95330
Telephone (home) [Redacted] Telephone (work)
Telephone (cell) [Redacted] Telephone (other)
Email: [Redacted] Resident of the City of Lathrop: 16 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:

Link Crew 5/23/18
Organization Date
Lathrop High School Link crew leader
Location Position(s)
Responsibilities/accomplishments: Had the responsibility to help the freshman with locker, classes, clubs, and school activities
Give Every Child a Chance Jan. 2017 - May 2017
Organization Date
Joseph Widmer Tutor
Location Position(s)

Responsibilities/accomplishments: I had the responsibility of helping children with their homework.

Community Activities that you have been involved with (feel free to attach additional pages)

Name of Organization	Position/Responsibilities	Dates
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Name of Organization	Position/Responsibilities/Accomplishments	Dates
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Special Awards or Recognitions you have received: I have received awards and recognitions for my 4.0 grade point average

Educational Information:

Educational Institution	Degree/Diploma	Field	Year
Veritas Elementary	Promotion		2016

Educational Institution	Degree/Diploma	Field	Year
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Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

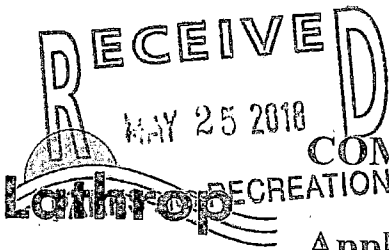
I am a patient person, with a ~~flexible~~ flexible schedule. I am a very social person, and I have new ideas to bring to the group. I am extremely motivated and will be engaged in whatever activities come my way.

Please sign and date your application and submit to the Office of the City Clerk at the address below.

Signature:  Date: 5/23/18

Parent/Guardian Signature (Required for Youth Advisory Candidates only)

**City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330**



COMMISSION/COMMITTEE APPLICATION

Applying for: Youth Advisory Commission

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Lizette Contreras

Address: [redacted] City: Lathrop Zip: 915330

Telephone (home) [redacted] Telephone (work) _____

Telephone (cell) _____ Telephone (other) _____

Email: [redacted] Resident of the City of Lathrop: 11 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:

Organization: Youth Advisory Commission Date: 2016-2018
Location: Lathrop Position(s): Secretary (17-18)

Responsibilities/accomplishments: Bunny Breakfast (2); Santa Breakfast (1); Cleaning garden (earthday event)

Organization: College bound Date: 2016-2018

Location: Lathrop high school Position(s): member

Responsibilities/accomplishments: Harley Davidson fundraisers (2); selling Jamba Juice cards

Community Activities that you have been involved with (feel free to attach additional pages)

Youth Advisory Secretary	Secretary	2016-2018
Name of Organization	Position/Responsibilities	Dates

Name of Organization	Position/Responsibilities/Accomplishments	Dates
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Special Awards or Recognitions you have received: Spartan Silver/Glad (2016-2018)
Sustainable Agriculture Outstanding Education (2017)
award;

Educational Information:

Joseph Widmer	Elementary Promotion	Promotion	2016
Educational Institution	Degree/Diploma	Field	Year

Educational Institution	Degree/Diploma	Field	Year
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Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

I have been in the YAC for 2 years now & it has opened my eyes to how teens can really make a difference in their community. I would love the opportunity to be a part of this amazing group again this coming year. I will put my all into the events as well as being dedicated to everything we do.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Lizettel	5/24/18
Signature	Date

	5/24/18
Parent/Guardian Signature (Required for Youth Advisory Candidates only)	Date

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330



RECEIVED
MAY 30 2018

COMMISSION/COMMITTEE APPLICATION
PARKS AND RECREATION

Applying for: Youth Advisory Commission

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 50 years of age or over and a registered voter to serve on this commission.

Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Harman Garcha

Address: [REDACTED] City: Lathrop, CA Zip: 95330

Telephone (home) [REDACTED] Telephone (work) _____

Telephone (cell) [REDACTED] Telephone (other) _____

Email: [REDACTED] Resident of the City of Lathrop: _____ 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:

Doctor's Hospital of Manteca student volunteer May - now
Organization Date

1205 E North St, Manteca, CA 95336 student volunteer
Location Position(s)

Responsibilities/accomplishments: RUN specimen to the lab, help patients by asking them for their needs, comforting them, directing friends and families, helping nurses, etc.

Internship End of July
Organization Date

Lathrop Elementary Teacher Assistant/Helper/worker
Location Position(s)

Responsibilities/accomplishments: WORK with younger children to establish learning guidelines to assess skills indicative of school readiness.

Community Activities that you have been involved with (feel free to attach additional pages)

LINK CREW AS LINK crew leaders we welcome new freshman students to our campus and we promote school spirit and a lot more. END OF Freshman year - now

Name of Organization	Position/Responsibilities	Dates
LINK CREW	AS LINK crew leaders we welcome new freshman students to our campus and we promote school spirit and a lot more.	END OF Freshman year - now
COLLEGE BOUND CLUB	publicity com. (sophomore yr.) vice prez (junior yr.) we help fundraise to go to different colleges such as UCS, CSUS, etc.	Freshman year to Now

Special Awards or Recognitions you have received: Lathrop Varsity Sports Block Letter, Lathrop Academic Block Letter, Spartan Gold 4.0 & Above, V.O.L Sports Patch, Student of the Month 2018 (for chem), Certificate of Recognition for Academic Decathlon (10th grade)

Student of the Month 2018 (for chem), Certificate of Recognition for Academic Decathlon (10th grade)

Educational Information:

Educational Institution	Degree/Diploma	Field	Year
Lathrop High School	High School Diploma		2020

Educational Institution	Degree/Diploma	Field	Year
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Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

I want to be a youth advisory commissioner because I want the teens to feel welcome anywhere they go in the city of Lathrop. Through this opportunity, I would like to encourage teen responsibility through involvement and leadership. I know this chance and experience will allow me to further be involved in the Lathrop community. The satisfaction of helping someone even in the smallest shape or form is a great feeling and I know this opportunity will be beneficial.

Please sign and date your application and submit to the Office of the City Clerk at the address below.

Signature: [Signature] Date: 5/29/18

Parent/Guardian Signature (Required for Youth Advisory Candidates only): [Signature]

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330



COMMISSION/COMMITTEE APPLICATION

RECEIVED
APR 31 2018

PARKS AND RECREATION

Applying for: Youth Advisory Commission

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 50 years of age or over and a registered voter to serve on this commission.

Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Funmilola Tolu Olamijulo

Address: [REDACTED] City: Lathrop Zip: 95330

Telephone (home) [REDACTED] Telephone (work) _____

Telephone (cell) [REDACTED] Telephone (other) _____

Email: [REDACTED] Resident of the City of Lathrop: _____ 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:

Lathrop High School Interact club April 12th 2018
Organization Date

Lathrop High School usher
Location Position(s)

Responsibilities/accomplishments: I have been honored to serve the people at St' marys, helping them cook and feeding the less fortunate.

St' mary's Food Bank Alliance and Community Outreach April 21st 2018
Organization Date

St mary's Server/waitress
Location Position(s)

Responsibilities/accomplishments: I have volunteer to help serve the people at my church. I served them food and drinks during mother's day

Community Activities that you have been involved with (feel free to attach additional pages)

Jesus House Central Valley Church. Server/Worship Leader
Name of Organization Position/Responsibilities Date
May 13th 2018

Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: I have been honored, to have received the Student of the month Award, African American Academic Achievement, N. 75 Gpa Awards, Honor roll Students Awards, Academic 2 Block, Athletic Award, Excellence in Chemistry Award, African American Thriving to achieve, about 3.4.0 Gpa awards. And also the Caught being good award.
Educational Information:

Lathrop High School
Educational Institution Degree/Diploma Field Year
2019

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 have had the privilege to volunteer, for my school, Lathrop High school, during an evening food drive-through for elderly seniors. I have babysat children for free, while their parents were at work. I absolutely love working with people, putting a smile on their faces, being the seed of positive mood, motivating people and myself to thrive for more, and to help keep our community safe and peaceful. I will love to have the chance to work with you, learn more, appreciate our community and also to be the voice that will promote peaceful, safe and happy surroundings for everyone of us, because happy citizens makes a happy community. Please sign and date your application and submit to the Office of the City Clerk at the address below.

Signature Date
May 29th 2018
5/29/18
Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330



COMMISSION/COMMITTEE APPLICATION 2018

RECEIVED

Applying for: Youth Advisory Commission PARKS AND RECREATION

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Mandeep Garcha

Address: [redacted] City: Lathrop Zip: 95330

Telephone (home) [redacted] Telephone (work)

Telephone (cell) [redacted] Telephone (other)

Email: [redacted] Resident of the City of Lathrop: 13 years

Do you have Transportation to attend the Commission meetings and Functions? Yes [checked] No []

Background Information:

Are you related to a current City Employee? NO.

If yes, give name and relationship

Employment/Volunteer Information:

Give Every Child A Chance Summer of 2016 and 2017
Organization Date

Mossdale and Lady of Guadalupe Church Volunteer Tutor
Location Position(s)

Responsibilities/accomplishments: I tutored children in elementary school who struggled with certain subjects, such as math and reading.

Manteca Unified School District Internship Summer of 2016, 2017, and 2018
Organization Date

Mossdale Elementary School TK Intern
Location Position(s)

Responsibilities/accomplishments: I assisted a Kindergarten teacher with daily activities of the children in a school setting.

Community Activities that you have been involved with (feel free to attach additional pages)

Youth Advisory Commission Commissioner/Volunteer 2017-2018
Name of Organization Position/Responsibilities Dates

Campaigning Office volunteer/voter Outreach Program 2018
Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: In school I have received many awards for my grades. In regards to volunteering I have received awards from the Doctors Hospital of Manteca for the amount of hours I have volunteered.

Educational Information:

Lathrop High School Graduation Year 2019 12th grade
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.)

I am very familiar with volunteering as I have been a commissioner before, I have been a volunteer tutor, I volunteer at a Doctors Hospital of Manteca, and I volunteer at a campaigning office. Also, I am involved in many clubs at school which may be able to overlap in my duties as a commissioner. As a commissioner I plan to commit to attend every meeting and every event as best as I can. I am looking forward to having a greater role in my community.

Please sign and date your application and submit to the Office of the City Clerk at the address below.

Mandy Stueck 6/6/18
Signature Date

1072 BPA SA
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 JUN 06 2013 PARKS AND RECREATION

Applying for: youth advisory commission

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Mushda Nawabi
Address: [redacted] City: Lathrop Zip: 95330
Telephone (home) [redacted] Telephone (work)
Telephone (cell) [redacted] Telephone (other)
Email: [redacted] Resident of the City of Lathrop: 8 years

Do you have Transportation to attend the Commission meetings and Functions? Yes [checked] No []

Background Information:

Are you related to a current City Employee? NO.
If yes, give name and relationship

Employment/Volunteer Information:

GECAC 2015-2017
Organization Date
Joseph Widmer Tutor children (1-5)
Location Position(s)

Responsibilities/accomplishments: Tutored kids and made sure they did better in school me & the student got an award for the childs quick improvements

Organization Date

Location Position(s)

Responsibilities/accomplishments:

Community Activities that you have been involved with (feel free to attach additional pages)

YAC youth Commissioner 2017-2018
 Name of Organization Position/Responsibilities Dates

Bunny Breakfast Server & ^{set} made the plate meals March 24, 2018
 Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: Honor roll certificates(24),
Elementary school Diploma, character counts for respect
and responsibility, Silver spartan certificate for GPA and 5
reading medals

Educational Information:

Lathrop Highschool N/A N/A 2017-now
 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.)

This would be my second year as a yac member
and I am a sophomore. I would be honored to be
a part of YAC again.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

Muslala June 6, 2018
 Signature Date

[Signature]
 Parent/Guardian Signature (Required for Youth Advisory Candidates only)

**City Clerk
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330**



COMMISSION/COMMITTEE APPLICATION

Applying for: Youth Advisory Commission

RECEIVED JUN 06 2018 PARKS AND RECREATION

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: Taminya Nawabi

Address: [redacted] City: Lathrop Zip: 95330

Telephone (home) [redacted] Telephone (work) [redacted]

Telephone (cell) [redacted] Telephone (other)

Email: [redacted] Resident of the City of Lathrop: 8 years

Do you have Transportation to attend the Commission meetings and Functions? Yes [checked] No []

Background Information:

Are you related to a current City Employee? NO

If yes, give name and relationship

Employment/Volunteer Information:

Organization: GECAC Date: 2014-2015

Location: Joseph Widmer Position(s): TUTOR FOR children (6-1)

Responsibilities/accomplishments: Was able to tutor children from 3rd to 8th grade. made many of their math and science grades go up.

Organization: McDonald's Date: 2018-now

Location: Louise Ave. Position(s): Crew member

Responsibilities/accomplishments: I am a crew member who has been in charge of grill, handout, cash register, back booth, and lobby.

Community Activities that you have been involved with (feel free to attach additional pages)

YIAC YIAC member 2015 - 2018
 Name of Organization Position/Responsibilities Dates

4th of July / Lathrop Birthday setup help etc. 2015-2018
 Name of Organization Position/Responsibilities/Accomplishments Dates

Special Awards or Recognitions you have received: 4x Gold Lathrop High
Medals for academics, Lathrop L for academics, and
SJGH ~~award~~ for setting up a very successful magazine /
recognition book drive.

Educational Information:

Lathrop High School N/A N/A 2015 - now
 Educational Institution Degree/Diploma Field Year

Delta College N/A N/A 2015 - now
 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 you application.)

I have been in YIAC for 2 years and if
accepted, I am ready to make a few necessary
changes and bring out many activities and events for
the Lathrop Community. As someone who is organized
and loves to plan I think as YIAC as not only a
priority but something I am part of to enjoy. I
also have a lot of experience in leadership positions
and many connections with LHS departments. I am part of

Please sign and date you application and submit to the Office of the City Clerk at the address below..

Jaminye Naval
 Signature

06/06/18
 Date

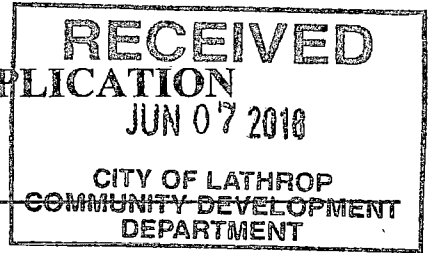
Student
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 and
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 of
 Astoria
 Club.

[Signature]
 Parent/Guardian Signature (Required for Youth Advisory Candidates only)

City Clerk
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330



COMMISSION/COMMITTEE APPLICATION



Applying for: Youth Advisory Commission

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 50 years of age or over and a registered voter to serve on this commission.
Planning and Parks & Recreation Commissions: Must be a Lathrop resident and a registered voter to serve on this commission.

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

Name: John Wall Jr.
Address: [redacted] City: Lathrop Zip: 95330
Telephone (home) [redacted] Telephone (work)
Telephone (cell) [redacted] Telephone (other)
Email: [redacted] Resident of the City of Lathrop: 10 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:

Second Harvest Food Bank 2016-2018
Organization Date
Manteca Office Volunteer
Location Position(s)

Responsibilities/accomplishments: I help with mobile fresh pop ups that occur during non-school hours. My job has been to hand out fresh food items to recipients and to assist taking food to their car.

Lady of Guadalupe 2015-2018
Organization Date
Lathrop Volunteer
Location Position(s)

Responsibilities/accomplishments: I help with several different events. Getting ready for fundraising events, food gathering and distribution, and other local events the church participates in.

Community Activities that you have been involved with (feel free to attach additional pages)

RiTechA	Leadership	2016-2018
<i>Name of Organization</i>	<i>Position/Responsibilities</i>	<i>Dates</i>

<i>Name of Organization</i>	<i>Position/Responsibilities/Accomplishments</i>	<i>Dates</i>
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Special Awards or Recognitions you have received: Special awards have been from my school.
 Perfect attendance 2017 and 2018, 4 good character recognitions, Gold Honor Roll (4.0) more than 10 times

Educational Information:

River Islands Technology Academy	8th Grade	NA	2018
<i>Educational Institution</i>	<i>Degree/Diploma</i>	<i>Field</i>	<i>Year</i>

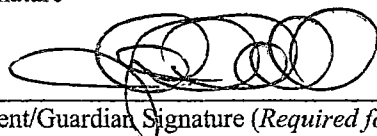
<i>Educational Institution</i>	<i>Degree/Diploma</i>	<i>Field</i>	<i>Year</i>
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Additional Information (Please provide any other information which you feel would be useful to the City Council in reviewing your application.)

I have lived in Lathrop since I was three and love my city. As a family, we have been able to attend and help plan several events here in Lathrop. Working with my mom and dad, I have been able to help with the Chamber of Commerce, help give food to those that need it with Second Harvest Food Bank, and help my neighbors win the National Night Out. I enjoy being able to help others like my parents do. I think being part of the Youth Advisory Commission will be one way I can do that as I move on to high school. I have benefitted from the many things the city has done and now I can be part of it. I hope you consider me as one of your YAC members. I will make you, my parents, and my city proud. Thank you for your consideration.

Please sign and date your application and submit to the Office of the City Clerk at the address below..

John Wall Jr. _____
 Signature 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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