

January 29, 2018 – City Council Special 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
Rebecca Schmidt, 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.



JANUARY 29, 2018 – City Council Special Meeting Agenda – 7:00 p.m.



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See Reverse

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 SPECIAL MEETING
MONDAY, JANUARY 29, 2018
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

AGENDA

PLEASE NOTE: There will be no Closed Session. The Regular Meeting will commence at 7:00 p.m.

1. PRELIMINARY

- 1.1 CALL TO ORDER
- 1.2 ROLL CALL
- 1.3 INVOCATION
- 1.4 PLEDGE OF ALLEGIANCE
- 1.5 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER
- 1.6 INFORMATIONAL ITEM(S) - None
- 1.7 DECLARATION OF CONFLICT(S) OF INTEREST

2. PRESENTATIONS - None

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 Special Council Meeting of December 11, 2017
- 4.3 **APPROVAL OF MINUTES**
Approve Minutes for the Regular Council Meeting of December 18, 2017
- 4.4 ***SECOND READING AND ADOPTION OF ORDINANCE 18-384 ADOPTING A MUNICIPAL CODE AMENDMENT TO UPDATE VARIOUS SECTIONS TO STREAMLINE PROCEDURES, MINOR CLARIFICATIONS AND INCORPORATE UPDATED POLICIES**
Second Reading and Adoption of Ordinance 18-384 Adopting Various Amendments to the Lathrop Municipal Code to Modernize, Simplify, and Streamline Various Sections of Title 17, the Zoning Code, Section 10.25.030 and 10.25.100 of Title 10, Vehicles and Traffic, Section 16.12.070 of Title 16, Subdivisions, Section 8.16.020 of Title 8, Health and Safety, and Repeal of Chapter 8.25 of Title 8, Health and Safety
- 4.5 ***SECOND READING AND ADOPTION OF ORDINANCE 18-385 ADOPTING AN ORDINANCE OF THE LATHROP CITY COUNCIL TO AMEND CHAPTER 2.36 "PURCHASING SYSTEM" AND CHAPTER 3.30 "INFORMAL BIDDING" OF LATHROP MUNICIPAL CODE TO INCREASE CITY MANAGER'S APPROVAL LIMITS AND MODIFY PROCEDURES**
Second Reading and Adoption of Ordinance 18-385 Adopting an Ordinance Amending Chapter 2.36 "Purchasing System" and Chapter 3.30 "Informal Bidding" of the Lathrop Municipal Code to Increase City Manager's Approval Limits and Modify Procedures
- 4.6 ***CAPITAL FACILITY FEE FUNDS REPORT FOR FISCAL YEAR 2016 2017**
Review and Accept the Capital Facility Fee Funds Report for Fiscal Year 2016-2017
- 4.7 ***APPROVE TASK ORDER NO. 8 WITH 4LEAF, INC. FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTANT SERVICES**
Adopt a Resolution Approving Task Order No. 8 to the Master Professional Consulting Services Agreement with 4Leaf, Inc. Dated September 21, 2015 for Interim Chief Building Official Consulting Services

- 4.8 APPROVE TASK ORDER 9 WITH MUNICIPAL RESOURCE GROUP, LLC
Adopt a Resolution Approving Task Order No. 9 with Municipal Resource Group, LLC to Evaluate Potential Law Enforcement Alternatives and Related Budget Amendments
- 4.9 RATIFY AGREEMENT WITH EKI FOR BASIN BOUNDARY MODIFICATION FOR SUSTAINABLE GROUNDWATER MANAGEMENT ACT COMPLIANCE CIP PW 16-04
Adopt a Resolution Ratifying an Agreement with EKI Environment & Water, Inc., to Provide Technical Support Services for a Basin Boundary Modification for Sustainable Groundwater Management Act Compliance CIP PW 16-04
- 4.10 RATIFY AMENDMENT NO. 1 WITH EKI ENVIRONMENT & WATER, INC. FOR WASTEWATER MASTER PLAN UPDATE WW 15-08 AND A RELATED BUDGET AMENDMENT
Adopt a Resolution Ratifying Amendment No. 1 with EKI Environment & Water, Inc., for a Wastewater Flow Monitoring Study to Support the Wastewater System Master Plan Update WW 15-08 and a Related Budget Amendment
- 4.11 APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 25 LOTS IN TRACT 3912 VILLAGE "O" WITHIN EAST VILLAGE DISTRICT
Adopt Resolution Approving Final Map for Tract 3912 Village "O" within East Village District, Totaling 25 Single Family Lots and a Subdivision Improvement Agreement with River Islands Development, LLC
- 4.12 APPROVE STREET NAME RECOMMENDATIONS ASSOCIATED WITH THE STANFORD CROSSING PROJECT
Adopt Resolution Approving the Two Street Name Changes:
- "Lathrop Road" to "Spartan Way" from existing Land Park Drive to Barbara Terry Boulevard; and
 - "Land Park Drive" to "Stanford Crossing" from north of Spartan Way to Golden Valley Parkway

5. SCHEDULED ITEMS

- 5.1 *URGENCY ORDINANCE MAKING FINDINGS AND EXTENDING AN EXISTING TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMMERCIAL CANNABIS ACTIVITIES FOR A PERIOD OF 22 MONTHS AND 15 DAYS
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Adopt an Urgency Ordinance making findings and extending an existing temporary moratorium on the establishment and operation of commercial cannabis activities for a period of 22 months and 15 days

- 5.2 *PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE TO PROHIBIT COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF LATHROP
Council to Consider the Following:
1. Hold a Public Hearing; and
 2. Introduce an Ordinance to Modify Chapter 17.18 and Add a New Chapter 5.26 to the Lathrop Municipal Code to Prohibit the Establishment and Operation of Commercial Cannabis Activities in the City of Lathrop
- 5.3 *REQUEST TO APPROVE AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY (SJAFCA) TO ADD THE CITY OF LATHROP AND THE CITY OF MANTECA AS MEMBERS AND APPOINT TWO BOARD MEMBERS
Adopt Resolution Approving an Amended and Restated Joint Exercise of Powers Agreement (JEPA) for the San Joaquin Area Flood Control Agency (SJAFCA) to Add the City of Lathrop and the City of Manteca as Members and Appointing Two Board Members
- 5.4 APPLICATION FOR STATE OF CALIFORNIA LAND AND WATER CONSERVATION FUND GRANT APPLICATION FOR THE LATHROP COMMUNITY SPORTS PARK
Adopt Resolution Authorizing the Submission of an Application for State of California Land and Water Conservation Funds for the Lathrop Community Sports Park Project

6. COUNCIL COMMUNICATIONS

- 6.1 *MAYOR DHALI WAL REFERRAL – Update Appointment of Alternate Representative to the New Tri-Valley – San Joaquin Valley Regional Rail Authority Board of Directors
- 6.2 MAYOR DHALI WAL REFERRAL – Solar Lighting Improvements at Mossdale Park
- 6.3 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)*
 - *San Joaquin Partnership Board of Directors (Salvatore)*
 - *San Joaquin Regional Rail Commission (Dresser)*
 - *San Joaquin Valley Air Pollution Control District (Akinjo/Dhaliwal)*
 - *Water Advisory Board (Dhaliwal/Elliott)*
- 6.4 MAYOR & COUNCILMEMBER COMMENT(S)

7. ADJOURNMENT



Teresa Vargás, CMC
City Clerk



City Council Chamber
390 Towne Centre Drive
Lathrop, California



**CITY OF LATHROP
CITY COUNCIL SPECIAL MEETING
MONDAY, DECEMBER 11, 2017
6:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

1. PRELIMINARY

- 1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 6:02 p.m.
- 1.2 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Akinjo; Councilmembers: Dresser, Elliott, and Salcedo

Absent: None

2. SCHEDULED ITEM

- 2.1 FOLLOW-UP DISCUSSION FROM THE SPECIAL MEETINGS OF AUGUST 28, 2017, AND SEPTEMBER 25, 2017, REGARDING A NEW LATHROP POLICE SERVICES LOCATION

Finance Director Cari James provided the presentation, which included information for Council’s continued discussions regarding a new Police Services location to be funded with City funds with location options in Mossdale (vacant lot located across City Hall), or improve the current leased location on 7th Street, and developer funds with a location in River Islands (south of Bradshaw’s Crossing Bridge along River Islands Parkway). A question and answer period ensued throughout the presentation.

Jack Varrella (Lathrop, CA) and Arnita Yopez (Lathrop, CA) spoke in support of relocating the Police Services Department to a centralized location; supported the option in Mossdale. Bennie Gatto (Lathrop, CA) and Tosh Ishihara (Lathrop, CA) spoke in support of relocating the station to River Islands; expressed concern with using City funds. Robert Klingman (Lathrop, CA) spoke in support of relocating the station to River Islands as the most economical option; suggested other potential locations near City Hall, the Skate Park on 7th Street, and the Headstart facility. John Smith (Lathrop, CA) spoke in support of the Mossdale

location option; suggested the Manteca Unified School District Annex as a potential location; and expressed opposition in relocating the station to River Islands. Linda Rose (Lathrop, CA) spoke in opposition in improving the existing leased building location; supported the option to relocate to River Islands as the most economical option; expressed concern with River Islands breaking away from the City in the future; expressed concern with the City issuing bonds for a new location in Mossdale.

The question and answer period continued. City Manager Stephen Salvatore and City Attorney Salvador Navarrete provided additional information.

Jim Canale (Lathrop, CA) commented on relocating the station to River Islands as the most economical option; expressed concern with River Islands breaking away from the City in the future. Susan Dell'Osso (River Islands Development, Lathrop, CA) thanked staff for the public outreach; addressed consents and clarified that the River Islands development will not break away from the City; indicated the River Islands option as the most centralized location; thanked the public for their input. Diane Lazard (Lathrop, CA) spoke in support of relocating the station to River Islands as the most economical option; spoke in support of having a City operated Police Department.

Laura Silva (Lathrop, CA) expressed concern with River Islands having limited entrances into the development; spoke in support of relocating the station to Mossdale. Adriana Lopez (Lathrop, CA) requested information on the areas that would potentially experience a diminished response time; availability of future agreements for public access.

The question and answer period continued. City Manager Stephen Salvatore and City Attorney Salvador Navarrete provided additional information.

Kati Bradley (Lathrop, CA) expressed concern with social media comments of an apparent disconnect between the River Islands and other development communities in the City; supported relocating the station to River Islands.

The question and answer period continued. Mayor Dhaliwal expressed interest on a potential location on the corner of Towne Centre Drive and Golden Valley Parkway. City Manager Stephen Salvatore provided additional information. Vice Mayor Akinjo requested additional information related to the City Hall lease and a potential satellite Police Services station location. Finance Director Cari James and Police Chief James Hood provided additional information. Mayor Dhaliwal expressed interest in seeing actual costs related to potential real property acquisitions.

Councilmember Dresser commented on the River Islands option as the most economical and centralized option; expressed concern with the City assuming the risk of developing the station and using the City's General Fund; expressed concern with SB5 impacts in Mossdale.

Carlos (Lathrop, CA; purple card not provided) requested information related to the traffic circle improvements on Towne Centre Drive. City Manager Stephen Salvatore provided the information. John Smith (Lathrop, CA) returned to the lector; expressed concern with comments made related to the future growth of Lathrop. Bennie Gatto (Lathrop, CA) returned to the lector; commented on the City's and Lathrop-Manteca Fire Department's share of Measure C revenues collected.

The question and answer period continued. Councilmember Elliott requested additional information related to the issuance of bonds and availability of existing staff to manage the construction of a City funded facility. City Manager Stephen Salvatore provided additional information. Councilmember Elliott expressed concern with the City assuming the risk of developing the station; expressed concern with not having the personnel to oversee the project in-house; expressed interest in selecting the most cost-effective option.

Robert Klingman (Lathrop, CA) returned to the dais; expressed concern with Historical Lathrop being overlooked for new developments. Susan Dell'Osso (River Islands Development, Lathrop, CA) returned to the dais; commented on the Economic Development Fee paid by River Islands benefiting areas outside of River Islands.

The question and answer period continued. Councilmember Salcedo thanked the public for their input; expressed the importance in selecting an option that is favorable to the majority. Mayor Dhaliwal commented on the current location not being an option; expressed support with options in River Islands and Mossdale; requested that staff obtain additional information, including actual costs related to both option locations. Vice Mayor Akinjo expressed interest in selecting opportunities that invest in the City's infrastructure; and selecting the most economical option. Nellie Zavala (Lathrop, CA) added to comments made by others related to perceptions in the community. City Manager Stephen Salvatore provided additional information related to Measure C funds mainly used to improve areas in Historic/East Lathrop, and employ additional police officers. The question and answer period continued.

Bennie Gatto (Lathrop, CA) returned to the dais; spoke in opposition of continuing the item; expressed interest in selecting the option with the least risk. Ariana Mergado (Lathrop, CA; purple card not provided) commented on obtaining additional information related to each option. Arnita Yopez (Lathrop, CA) returned to the dais; expressed her trust in Council's ability to make decisions benefiting the public's interest.

Jeremy Coe (Lathrop-Manteca Fire Department Board member) expressed concern with the use of Measure C Funds; commented on the River Islands developer funded option as the least risk for the City; commented on the current least location. Susan Dell'Osso (River Islands Development, Lathrop, CA) returned to the dais; provided additional details related to the River Islands proposal. The question and answer period continued.

On a motion by Mayor Dhaliwal, seconded by Councilmember Salcedo, to continue discussions to the Regular Meeting of January 8, 2018.

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

MOTION FAILED

The question and answer period continued. City Attorney provided additional information.

On a motion by Councilmember Dresser, seconded by Vice Mayor Akinjo, the City Council voted to move forward with Option 2 (location in River Islands Development).

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

- 3. ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 8:43 p.m.


Teresa Vargas, City Clerk

This meeting was called by a majority of the City Council per Government Code Section 54956.

**CITY OF LATHROP
CITY COUNCIL REGULAR MEETING
MONDAY, DECEMBER 18, 2017
7:00 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive
Lathrop, CA 95330**

MINUTES

PLEASE NOTE: There was no Closed Session. The Regular Meeting commenced at 7:01 p.m.

1. PRELIMINARY

- 1.1 CALL TO ORDER – Mayor Dhaliwal called the meeting to order at 7:01 p.m.
- 1.2 ROLL CALL Present: Mayor Dhaliwal; Vice Mayor Akinjo
Councilmembers: Dresser, Elliott, and Salcedo

Absent: None
- 1.3 INVOCATION – Pastor Troy Stein, New Life Church, provided the invocation.
- 1.4 PLEDGE OF ALLEGIANCE – Pastor Troy Stein led the pledge of allegiance..
- 1.5 ANNOUNCEMENT(S) BY MAYOR / CITY MANAGER –
Mayor Dhaliwal wished everyone a happy holiday season.
- 1.6 INFORMATIONAL ITEM(S) - None
- 1.7 DECLARATION OF CONFLICT(S) OF INTEREST – None

2. PRESENTATIONS

- 2.1 INTRODUCTION OF NEW EMPLOYEE(S):
- Juanita McKinney, Accounting Specialist II
 - Mark Meissner, Assistant Community Development Director

Deputy Finance Director Vanessa Portillo introduced Accounting Specialist II Juanita McKinney, and Community Development Director Rebecca Schmidt introduced Assistant Community Development Director Mark Meissner. Councilmembers welcomed the new staff.

- 2.2 MAYOR'S COMMITTEE REPORT(S)

Parks and Recreation Director Zach Jones provided an update on past and upcoming City events and programs, including:

- *Breakfast with Santa and Christmas Parade*
Reported on events held December 9, 2017.

- *Holiday Light Contest*
Registration closed December 15, 2017, judging to take place on December 20, 2017.

Mr. Jones also encouraged the public to participate in the planning of the upcoming 2018 community special events.

3. CITIZEN'S FORUM

Nellie Zavala (Commission on Aging) reported her attendance to the San Joaquin County Commission on Aging meeting held on December 11, 2017.

4. CONSENT CALENDAR

On a motion by Councilmember Dresser, seconded by Mayor Dhaliwal, the City Council approved the Consent Calendar 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 December 4, 2017.

4.3 2018 ONE VOICE TRIP PROJECT NOMINATIONS

Adopted **Resolution 17-4328** approving staff recommended project nominations for the 2018 San Joaquin One Voice Trip.

4.4 ACCEPT INSTALLATION OF THE PICNIC SHADE STRUCTURES AT SANGALANG PARK AND MOSSDALE PARK CIP PK 17-10

Adopted **Resolution 17-4329** accepting installation of the picnic shade structures from Miracle Playsystems Inc. at Sangalang Park and Mossdale Park, CIP PK 17-10, and approved release of contract retention.

4.5 ADDITIONAL PAVEMENT WORK ASSOCIATED WITH CIP PS 17-12 HARLAN ROAD PAVEMENT REHABILITATION PROJECT AND RELATED BUDGET AMENDMENT

Adopted **Resolution 17-4330** approving a contract change order for additional pavement work associated with the Harlan Road Pavement Rehabilitation Project, CIP PS 17-12, and approved related budget amendment.

4.6 APPROVE AMENDMENT NO. 6 WITH PACIFIC ADVANCED CIVIL ENGINEERING INC. (PACE) FOR DESIGN MODIFICATIONS TO LATHROP CONSOLIDATED TREATMENT FACILITY (LCTF) PHASE 2 EXPANSION CIP WW 14-14

Adopted **Resolution 17-4331** approving Amendment No. 6 with PACE for design modifications to the LCTF Phase 2 expansion, CIP WW 14-14, including design modifications, operator training, and S5 pump station automation.

4.7 APPROVE FUNDING FOR A TEMPORARY SECOND LEGAL SECRETARY OR LEGAL ASSISTANT POSITION IN THE CITY ATTORNEY'S DEPARTMENT

Pulled by Mayor Dhaliwal. City Attorney Salvador Navarrete provided additional information.

Adopted **Resolution 17-4332** approving funding of a temporary second Legal Secretary or Legal Assistant position in the City Attorney's Department.

5. SCHEDULED ITEMS

5.1 LAW ENFORCEMENT SERVICES REVIEW

Council to Receive Review by Municipal Resource Group Regarding Law Enforcement Services and Consider Future Contracting Options

City Manager Stephen Salvatore introduced Law Enforcement Consultants Mike Oliver and Dan Drummond, with Municipal Resource Group, LLC, (MRG). Mr. Salvatore provided an overview of the City's law enforcement services since incorporation and current analysis of the reevaluation of the City's law enforcement options. Mr. Oliver, Mr. Drummond, and Finance Director Cari James provided additional information related to the law enforcement analysis, including cost comparison; staffing levels; and assessment of potential services provided by City of Manteca, City of Tracy, and current services provided by San Joaquin County. A question and answer period ensued throughout the presentation. Bennie Gatto (Lathrop, CA) commented on the rising costs related to the law enforcement contract with San Joaquin County and spoke in support of exploring other cost savings options. Sheriff Steve Moore (San Joaquin County) commented on the information provided by staff and MRG; expressed support in providing continued services to the City, and supported the formation of the City's own police department.

Board of Supervisor Tom Patti (San Joaquin County) encouraged staff to continue negotiations with County staff; commented on information provided by staff and MRG.

The City Council received information related to the City's law enforcement services and considered future contracting options. Council consensus directed staff to obtain additional information related to potential services provided by City of Tracy, including transition costs and operation costs, continue negotiation discussions with San Joaquin County, and agendaize the matter to a future Council Meeting.

5.2 URGENCY ORDINANCE MAKING FINDINGS AND ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMMERCIAL CANNABIS ACTIVITIES FOR A PERIOD OF 45 DAYS

Community Development Director Rebecca Schmidt provided the presentation, including a summary of approved medical cannabis legislation; and overview of proposed urgency ordinance prohibiting commercial cannabis operations within the City limits for a period of 45 days. A question and answer period ensued. City Attorney Salvador Navarrete provided additional information.

Mayor Dhaliwal opened the public hearing. Troy Stein (New Life Church, Lathrop, CA) expressed opposition to allowing commercial cannabis activities in the City; supported the approval of the urgency ordinance. Justin Danner (The People's Remedy, Patterson, CA) expressed support for commercial cannabis operations in the City for medicinal purposes. There were no other speakers on the matter. Mayor Dhaliwal closed the public hearing. Councilmember Salcedo expressed opposition to allowing commercial cannabis activities in the City.

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

1. Held a Public Hearing; and
2. Adopted **Urgency Ordinance 17-383** making findings and establishing a temporary moratorium on the establishment and operation of commercial cannabis activities for a period of 45 days.

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

5.3 PUBLIC HEARING TO CONSIDER MUNICIPAL CODE AMENDMENT TO UPDATE VARIOUS SECTIONS TO STREAMLINE PROCEDURES, MINOR CLARIFICATIONS AND INCORPORATE UPDATED POLICIES

Community Development Director Rebecca Schmidt provided the presentation. A question and answer period ensued throughout the presentation. Senior Planner Rick Caguiat provided additional information related to the proposed amendments.

Mayor Dhaliwal stepped down from the dais at 9:16 p.m.

The presentation continued.

Mayor Dhaliwal returned to the dais at 9:22 p.m.

The question and answer period continued. City Attorney Salvador Navarrete provided additional information. Councilmembers discussed proposed amendments to Central Commercial District Section 17.44.030 related to the addition of "Hookah Lounges, Vapor Bars, and Tattoo/Body Art Establishments" as permitted uses. Council consensus directed staff to remove proposed permitted use amendments to Section 17.44.030 from the Municipal Code Amendment No. 17-101. Councilmembers discussed proposed amendments to Types and Placement of Containers Section 8.16.020 related to the placement of residential garbage containers. A question and answer period ensued. Police Chief James Hood provided additional information related to the matter.

Vice Mayor Akinjo stepped down from the dais at 9:36 p.m.

The presentation continued.

Vice Mayor Akinjo returned to the dais at 9:38 p.m.

Mayor Dhaliwal opened the public hearing. There were no speakers. Mayor Dhaliwal closed the public hearing.

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

1. Held a Public Hearing; and
2. Introduced and held first reading of an ordinance adopting various amendments to the Lathrop Municipal Code to modernize, simplify, and streamline various sections of Title 17, the Zoning Code, Section 10.25.030 and 10.25.100 of Title 10, Vehicles and Traffic, Section 16.12.070 of Title 16, Subdivisions, Section 8.16.020 of Title 8, Health and Safety, and repeal of Chapter 8.25 of Title 8, Health and Safety; and removed proposed amendments to Central Commercial District Section 17.44.030 related to the addition of "Hookah Lounges, Vapor Bars, and Tattoo/Body Art Establishments" as permitted uses from the proposed ordinance.

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

5.4 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING CHAPTER 2.36 "PURCHASING SYSTEM" AND CHAPTER 3.30 "FORMAL BIDDING" OF THE LATHROP MUNICIPAL CODE TO INCREASE CITY MANAGER'S APPROVAL LIMITS AND MODIFY PROCEDURES

City Attorney Salvador Navarrete provided the presentation. Mayor Dhaliwal opened the public hearing. There were no public speakers on the matter. Mayor Dhaliwal closed the public hearing. A question and answer period ensued. City Attorney Salvador Navarrete provided additional information. Councilmember Salcedo expressed interest in an oversight process led by the Mayor.

Mayor Dhaliwal re-opened the public hearing. Adriana Lopez (Lathrop, CA) commented on increasing the budget from \$24,999 to \$50,000. Bennie Gatto (Lathrop, CA) commented on Council's expectations of the City Manager and City Attorney. There were no other speakers. Mayor Dhaliwal closed the public hearing.

The question and answer period continued. Councilmember Akinjo expressed support to the proposed ordinance. The question and answer period continued. City Attorney Salvador Navarrete provided additional information.

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

1. Held a Public Hearing; and
2. Introduced and held first reading of an ordinance adopting an ordinance amending Chapter 2.36 "Purchasing System" and Chapter 3.30 "Formal Bidding" of the Lathrop Municipal Code to increase the City Manager's approval limits and modify procedures.

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

2. COUNCIL COMMUNICATIONS

6.1 MAYOR DHALIWAL REFERRAL – Appointment of Vice Mayor for 2018

Mayor Dhaliwal provide an overview and appointed Councilmember Mark Elliott as Vice Mayor for 2018.

On a motion by Councilmember Salcedo, seconded by Councilmember Dresser, the City Council ratified Mayor Dhaliwal's appointment of Vice Mayor for 2018.

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

6.2 MAYOR DHALI WAL REFERRAL – Appointment of One (1) Representative to the New Tri-Valley – San Joaquin Valley Regional Rail Authority Board of Directors

Mayor Dhaliwal provide an overview and appointed Councilmember Akinjo as the City's Representative, and City Manager Stephen Salvatore as an Alternate, to the new Tri-Valley / San Joaquin Valley Regional Rail Authority Board of Directors for 2018.

On a motion by Vice Mayor Elliott, seconded by Councilmember Salcedo, the City Council ratified Mayor Dhaliwal's appointments to the Tri-Valley / San Joaquin Valley Regional Rail Authority.

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

6.3 MAYOR DHALI WAL REFERRAL – Mayor and Councilmember Assignments for 2018

Mayor Dhaliwal provided an overview. Council consensus directed the City Clerk to keep assignments for 2018 unchanged from 2017:

<u>Assignment</u>	<u>Delegate</u>	<u>Alternate</u>
Central Valley Executive Committee	Salcedo	Akinjo
Council of Governments	Dresser	Dhaliwal
Integrated Waste Mgmt. Task Force	Akinjo	Elliott
Reclamation District 17 JPA	Salvatore	N/A
SJC Commissions on Aging	Zavala	N/A
SJ Partnership Board of Directors	Salvatore	N/A
SJ Valley Air Pollution Control District	Akinjo	Dhaliwal
Water Advisory Board	Dhaliwal	Elliott
SJ Regional Rail Commission	Dresser	N/A
2x2 Meetings with LMF	Dhaliwal	Dresser
2x2 Meetings with MUSD	Dhaliwal	Dresser
2x2 Committee for Police Services Review	Dhaliwal	Akinjo

6.4 MAYOR & COUNCILMEMBER COMMITTEE REPORT(S)

Councilmember Akinjo and City Manager Stephen Salvatore reported their attendance to the Discovery Challenge Academy Graduation Ceremony held December 16, 2017. Councilmember Dresser reported his attendance to a recent SJCOG meeting, in which information related to Caltrans projects, Measure K, and the new Tri-Valley / San Joaquin Valley Regional Rail Authority were discussed.

6.5 MAYOR & COUNCILMEMBER COMMENT(S)

Councilmembers thanked those in attendance and wished everyone a happy holiday season. Vice Mayor Elliott commented on projects and developments throughout the City, encouraged unity and expressed his support to the community.

7. **ADJOURNMENT** – There being no further business, Mayor Dhaliwal adjourned the meeting at 10:11 p.m.


Teresa Vargas, CMC
City Clerk

ORDINANCE NO. 18-384**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING VARIOUS AMENDMENTS TO THE LATHROP MUNICIPAL CODE TO MODERNIZE, SIMPLIFY, AND STREAMLINE VARIOUS SECTIONS OF TITLE 17, THE ZONING CODE, SECTION 10.25.030 AND 10.25.100 OF TITLE 10, VEHICLES AND TRAFFIC, SECTION 16.12.070 OF TITLE 16, SUBDIVISIONS, SECTION 8.16.020 OF TITLE 8, HEALTH AND SAFETY, AND REPEAL OF CHAPTER 8.25 OF TITLE 8, HEALTH AND SAFETY**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a special meeting on November 29, 2017, at which they adopted PC Resolution No. 17-12 recommending City Council adopt Municipal Code Text Amendment No. TA-17-101 pursuant to the Lathrop Municipal Code; and

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing at a regular meeting on December 18, 2017 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, chapter 17.124 of the Lathrop Municipal Code mandates the transmittal of a Planning Commission recommendation to the City Council by resolution; and

WHEREAS, the proposed code amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "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 City Council finds that the proposed code amendment is consistent with applicable provisions of the Lathrop General Plan and will implement the City's Economic Development goals by providing streamline procedures, minor clarifications and incorporate updated policies; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve Municipal Code Amendment as shown Attachments "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17", "18", "19" and "20", incorporated by reference herein.

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

Section 1. The Lathrop Municipal Code is hereby amended as shown in Attachments "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17", "18", "19" and "20", 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 18th day of December 2017, and was **PASSED AND ADOPTED** at a special meeting of the City Council of the City of Lathrop on 29th day of January 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

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Chapter 17.80 ~~Second Unit Housing~~ Accessory Dwelling Units

17.80.010 Application

Application. This chapter provides standards by which the city shall evaluate and ministerially approve ~~administrative approval~~ an applications for the siting and construction of a ~~second housing~~ accessory dwelling unit on a lot with an existing one-family residence located in the UR, RA, R, RM or PO zoning districts. (Ord. 16-365 § 1; Ord. 16-355 § 1; Ord. 97-151; Ord. 92-73)

17.80.020 Developmental Standards

All ~~second housing~~ accessory dwelling units shall meet the following standards:

A. **Maximum Floor Area.** An ~~second housing~~ accessory dwelling unit which is detached from the existing residence shall not exceed one thousand two hundred (1,200) square feet of floor area and shall conform to the development standards of this title. An ~~second housing~~ accessory dwelling unit which is attached to the existing residence shall not exceed ~~thirty~~ fifty percent (~~50~~ 30%) of the existing residence and shall conform to the setback, lot coverage and height requirements for the primary dwelling, with a maximum increase in floor area of 1,200 square feet.

B. **Development Standards.** Detached ~~second dwelling~~ accessory dwelling units shall comply with the following standards:

1. **Setbacks.** Have minimum interior side and rear setbacks of five feet and street side setback of ten (10) feet.

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

3. **Height.** Not exceed one story or fifteen (15) feet in height, except that a detached ~~second~~ accessory dwelling unit may be constructed above a detached garage to a maximum height of thirty (30) feet.

4. **Location.** Be constructed at the rear or interior side of an existing single-family residence, or otherwise appear secondary in nature, and not be constructed in front of the primary structure.

5. **Lot Size.** ~~Second dwelling~~ Accessory dwelling units are permitted on lots with a minimum area of five thousand (5,000) square feet. Only one accessory dwelling ~~second~~ unit is allowed per lot.

6. **Compatibility.** The addition of an ~~second dwelling~~ accessory dwelling unit is compatible with the existing house as to height, style, materials, and colors.

C. Access. Doorway access shall be provided either to the side or rear of the second housing accessory dwelling unit. Direct doorway access to the front yard is prohibited. The accessory second-dwelling unit shall utilize the same vehicular access which serves the existing dwelling unit.

D. Off-Street Parking. At least one additional off-street parking space shall be provided for the second housing accessory dwelling unit. The parking spaces required for the second accessory dwelling unit can be in tandem to the required parking of the main residential structure, may be uncovered, and can be located within the front setback as long as all other yard requirements are met.

E Off-Street Parking Exemption. Off-street parking shall not be imposed in any of the following instances:

1. The accessory dwelling unit is located within one-half mile of public transit.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one block of the accessory dwelling unit.

FE. Utility Service and Kitchen Facilities. Second housing Accessory dwelling units shall be provided with adequate water, sewer and other utilities (sewer allocation for one residential unit will suffice for both). The applicant shall have the option of paying installation cost and a monthly fee for a second water meter. The applicant shall also have the option of taking all sewer flow through the existing sewer lateral, or of paying the installation cost and monthly fee for a second lateral. The second unit shall also be provided with full kitchen facilities including range, oven, sink and refrigerator, as determined by the city building official.

GF. Visual Appearance. An second housing accessory dwelling unit shall be designed and constructed so as to blend with and complement the existing one-family unit to which it is attached in terms of height, roofing and siding materials, and color.

HG. Mobilehomes or Manufactured Housing. Mobilehomes or manufactured housing on permanent foundations shall be permitted as an second housing accessory dwelling unit, only if they are installed on permanent foundations, and the mobilehome complies with the 1974 National Manufactured Housing Construction and Safety Act.

IH. Compliance with Other Regulations. Notwithstanding the above standards, all second housing accessory dwelling units established under this chapter shall meet all of the requirements of the UR, RA, R, RM and PO zoning districts as to fences, walls and hedges; site area; frontage; width and depth of site; coverage; yard requirements; height of structures; distance between structures; signs;

applicable building and fire codes and general provisions and exceptions. (Ord. 16-355 § 1; Ord. 97-151; Ord. 92-73)

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Chapter 17.77 Drive-In and Drive-Through Facilities

17.77.010 Purpose

The purpose of this Chapter is to establish regulations for drive-in and drive-through businesses to address vehicle circulation, pedestrian access and circulation, and noise.

17.77.020 Applicability

The regulations contained in this Chapter shall apply to all new drive-in and drive-through sales and service facilities as defined in Section 17.04.080 (Definitions) and shall be in addition to any other development standards and regulations contained elsewhere within the Zoning Code (e.g. lighting). Drive-in and drive-through sales and service facilities shall only be authorized in conjunction with the permit requirements of the zoning code.

17.77.030 Development and Design Standards

The following standards shall be the minimum requirements for all drive-in and drive-through sales and service facilities. Modifications to these provisions may be considered in conjunction with the discretionary review:

A. Drive Aisles. The minimum standards for drive-through and remote teller aisles are as follows:

1. On Curves. Aisles shall have a minimum 10-foot interior radius and a minimum of 12-foot width.

2. On Straight Sections. Aisles shall have a minimum 12-foot minimum width on straight sections.

3. Aisles shall provide at least 180 feet of stacking for each facility, as measured from the furthest service window or unit to the entry point into the drive-up lane. Non-food and/or non-beverage businesses may reduce the stacking space to a minimum of 60 feet. Exceptions may be granted when an applicant demonstrates that the required stacking space is unnecessary.

5. Aisles shall be separated from the site's ingress and egress routes or access to a parking space.

B Pedestrian Access and Crossings. Pedestrian walkways should not intersect the drive-through aisles, but where they do the walkways shall have a clear visibility and shall be delineated by textured and colored paving and shall be clearly signed to alter vehicles in the drive-through aisles.

D. Noise. Drive-up windows and their order stations with amplified sound shall be 100 feet from residential structures measured from the amplified sound source. Drive-up windows or remote tellers without amplified sound may reduce the separation distance to a minimum of 75 feet

from residential structures. These minimum separation standards may be reduced where an applicant produces a noise analysis by a qualified acoustical professional to demonstrate that the proposed noise source will meet all of the City's adopted noise standards for nearby residences.

E. Signs. Signage for drive-up windows and remote tellers shall be consistent with the requirements of Chapter 17.84 (Signs).

17.77.050 Required Findings

Findings below shall be made in order to approve a drive-in and drive-through sales and service facility.

A. The design and location of the facility and lane will not contribute to increased congestion on public or private streets adjacent to the subject property.

B. The design and location of the facility and lane will not impede access to or exit from the parking lot serving the facility nor impair normal circulation within the parking lot.

C. The design and location of the facility will not create a nuisance for adjoining properties.

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

Chapter 17.116 NONCONFORMING USES AND STRUCTURES

[...]

17.116.050 Abandonment of a nonconforming use.

Whenever a nonconforming use has been abandoned, discontinued or changed to a conforming use for a continuous period of six months, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located. (Prior code § 184.08(E))

17.116.053 Abandonment of a nonconforming structure or site

Whenever a nonconforming structure and/or site has been abandoned or discontinued for a continuous period of six months, the nonconforming structure and/or site shall not be reestablished until the structure and/or site conform to the regulations and site improvements for the district in which it is located.

[...]

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Chapter 17.112 CONDITIONAL USES

[...]

17.112.070 Conditions of approval.

In approving a conditional use permit, the planning commission shall state those conditions of approval necessary to protect the public health, safety and general welfare. Such conditions may cover any of the considerations listed in Section 17.100.040. (Ord. 92-73)

~~17.112.080 Review by city council.~~

~~——— A. ——— At the first, regular meeting of the city council held more than ten (10) days after a decision on a use permit application by the planning commission, the city council shall review the decision. The council may affirm, reverse or modify a decision of the planning commission, provided that if a decision denying a use permit is reversed, or a decision granting a use permit is modified, the council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings prerequisite to the granting of a use permit prescribed in Section 17.112.060.~~

~~——— B. ——— A use permit shall become effective immediately after it is granted by resolution of the city council. (Ord. 92-73)~~

17.112.0980 Building permit.

Before a building permit shall be issued for any building or structure proposed as part of the approved conditional use permit application, the planning director shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions approved by the planning commission. (Ord. 92-73)

17.112.1090 Lapse of use permit.

A use permit shall lapse and shall become void thirty-six (36) months following the date on which the use permit became effective unless by conditions of the use permit, a lesser or greater time is prescribed in accordance with Section 17.112.110, or unless prior to the expiration of thirty-six (36) months, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. A use permit may be renewed for an additional period of twelve (12) months or for a lesser or greater period as prescribed in Section 17.112.110, provided that, prior to the expiration of the time period granted, an application of renewal of the use permit is filed with the planning department. The planning commission may grant or deny an application for renewal of a use permit. Notwithstanding, if

a development agreement has been adopted for a subject site, the expiration date of subsequent project approvals may be set forth in the development agreement.

The period of time specified in this section shall not include any period of time in which the city is precluded from approving discretionary permits, discretionary entitlements, and/or ministerial permits related to urban level flood protection pursuant to Government Code Section 65962. (Ord. 16-361 § 1; Ord. 97-151; Ord. 92-73)

17.112.10~~10~~ Time limit for development—Extension.

The planning commission or city council may establish a lesser or greater time limit than that provided by Section 17.12.100, within which the subject property and use or any stage or phase thereof shall be commenced and completed. The time limits set by the commission or council shall be reasonable, based on the size, nature and complexity of the proposed development. The time limit may be extended by the commission or council for good cause, such as proof of an unusual hardship not of the applicant's own making. (Ord. 92-73)

17.112.11~~20~~ Pre-existing conditional uses and use permits.

A. A conforming conditional use established prior to enactment of this chapter shall be permitted to continue. A conditional use permit granted under the provisions of the county zoning code and amendments thereto prior to the enactment of this chapter shall, upon the annexation of the property affected to the city, become null and void at the end of six months following the date of its original approval or extension thereof granted by the county prior to the annexation, unless a building permit has been issued by the county and construction has commenced. Alteration or expansion of a conditional use established prior to enactment of this chapter may be permitted upon the granting of a use permit. Accessory structures may be permitted under the provisions of Chapter 17.108.

B. A use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this chapter if the structure is destroyed by fire, or other calamity, or by act of God, or by the public enemy, to the extent of sixty percent (60%) or more. The extent of damage or partial destruction shall be determined by the building official on the basis prescribed in Section 17.116.060. (Ord. 92-73)

17.112.12~~30~~ Revocation.

Upon violation of any applicable provisions of this chapter, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for noncompliance by the planning department. Within thirty (30) days of the suspension, the city council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the city council may revoke the use permit or take

such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions. (Ord. 92-73)

17.112.13~~40~~ Notification on conditional use map.

The location of a conditional use permit shall be indicated on a map maintained for the purpose of identifying the location of such permit. The location shall be indicated by the use permit number (for example, CUP _____) on or pointing to the site. (Ord. 92-73)

17.112.14~~50~~ New application.

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within six months from the date of denial or revocation of the use permit, except when the city council has acted to deny “without prejudice.” (Ord. 92-73)

17.112.15~~60~~ Use permit to run with land.

A use permit granted pursuant to the provisions of this chapter shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application. (Ord. 92-73)

17.112.16~~70~~ Minor revisions to a previously approved conditional use permit.

A use permit granted under the provisions of this chapter or a conforming conditional use established prior to the enactment of this chapter may be revised ~~as to features of the site plan previously approved~~; provided, that such revisions are minor, as determined by the planning commission. Application for minor revisions ~~to the site plan~~ shall be made in writing ~~including three copies of the revised site plan to the commission~~. The commission may approve such revisions without public hearing, provided that the commission can determine that the revisions will not substantially change the intensity or character of the use as previously approved by the city. (Ord. 92-73)

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Chapter 17.100 SITE PLAN REVIEW

17.100.010 Purposes and application.

A. The purposes of the site plan review process are to enable the planning commission to make a finding that the proposed development is in conformity with the intent and provisions of this chapter, and to guide the building official in the issuance of building permits. More specifically, site plan review is provided to ensure the following:

1. That structures, parking areas, walks, refuse containers, landscaping and street improvements are properly related to their sites and to surrounding sites and structures;
2. To prevent excessive grading of the land and creation of drainage hazards;
3. To prevent the indiscriminate clearing of property and the destruction of trees and shrubs of ornamental value;
4. To avoid unsightly, inharmonious, monotonous and hazardous site development, and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community. The site plan review process is intended to provide for expeditious review of environmental impact assessments required by official policy of the city and laws of the state.

B. Site plan review provisions of this chapter shall apply to the following uses:

1. Any use within the RCO, UR, RA, R, RM, PO, C and I districts, excepting single-family residential use, which is to be constructed on a residential site with complete street improvements;
2. Any use subject to an environmental impact assessment under applicable provisions of city policy as adopted by resolution pursuant to the California Environmental Quality Act of 1970, as amended.

C. Minor Changes in Property Use or Change in Occupancy.

1. Minor changes in property use or occupancy that do not warrant full site plan review as determined by the planning department will be required to make reasonable minor improvements or upgrade existing improvements under the provisions of Chapter 17.101~~Section 17.100.040~~.
2. Minor changes in property use or occupancy that are obviously in a neglected state of repair or maintenance, as determined by the department, will be required to be processed as a site plan review and be required to totally upgrade the property under the provisions of Section 17.100.040.

~~3. A separate site plan review shall not be required of any use approved as a conditional use under Chapter 17.112. (Prior code § 187.01)~~

[...]

Section 17.100.130 Minor revisions to a previously approved site plan.

A site plan granted under the provisions of this chapter may be revised as to features of the site plan previously approved; provided, that such provisions are minor as determined by the planning director in accordance with Chapter 17.101: Minor Site Plan Review. ~~Application for minor revisions shall be made in the same manner as prescribed by Section 17.112.170.~~ (Ord. 92-73)

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Chapter 17.49 Crossroads Overlay District

17.49.010 Purpose

The Crossroads overlay district is intended for use on properties located in the Crossroads Area shown in Section 17.49.060 of this chapter. This district is intended:

A. To allow more flexibility and consideration of commercial and industrial uses and activities to meet the intent of the original Crossroads Project Development Agreement, circa 1992 and 2001;

B. Incorporate uses and development standards that were included in the Crossroads Project;

C. To create opportunities to attract and retain businesses within the city of Lathrop.

17.49.020 Applicability

Crossroads overlay district regulations apply specifically to the Crossroads area as defined in the map contained in Section 17.49.060 of this Chapter. These regulations add commercial and industrial uses to the based district for the purposes set forth herein. However, these regulations are not all inclusive and therefore must be used in concert with the balance of the city of Lathrop zoning regulations.

Any use legally established prior to the enactment of this Chapter are allowed to continue subject to Chapter 17.116.

17.49.030 Highway commercial / highway service overlay

A. The specified properties in the Crossroads overlay district shall include all uses permitted by Section 17.44.050 of this title and the following permitted uses:

1. Motels, hotels;
2. Eating places (including those dispensing alcoholic beverages);
3. Automobile service stations;
4. Newsstands, gift and souvenir shops, arts and crafts studios, self-service ice dispensers, laundry and dry cleaning agencies, and vending machines;
5. Factory outlet malls on parcels of no less than 10 acres.
6. Roadside information offices providing directions and information necessary for travelers, roadside park and rest areas, limited to temporary parking, picnic, and other outdoor recreational facilities.

7. Agriculture.

8. Commercial office space and related uses.

B. The specified properties in the Crossroads overlay district shall include all uses conditionally permitted by Section 17.44.050 of this title and the following conditional uses:

1. Banks, carwashes, new car and farm equipment sales;

2. Nightclubs, including places providing dancing;

3. Kennels for household pets when accessory to a motel or hotel;

4. Commercial recreation;

5. Barbershops, beauty shops;

6. Nurseries and greenhouses;

7. Public utility and communications equipment buildings and studios;

17.49.040 General industrial / general manufacturing overlay

A. The specified properties in the Crossroads overlay district shall include all uses permitted by Section 17.48.030 of this title and the following permitted uses:

1. Commercial and industrial uses:

a. Automobile rental (drive-it-yourself agency); automobiles, used, sales;

b. Bag cleaning; blacksmith shop; body and fender works; bottling works; business, wholesale; bus terminal;

c. Cabinet shop; café; carnival; circus; revival tent or other transient enterprises; carpenter shop; carpet or rug cleaning; clothes cleaning and dyeing;

d. Express office;

e. Forge plant or foundry;

f. Garage, public;

g. Hospital, animal;

h. Incinerator, nonaccessory;

i. Laboratories, research and testing; laundry;

j. Machine shops;

k. Offices, business and professional;

- 1. Parking lot; public buildings; public transit yards;
- m. Railroad yard, shop or roundhouse;
- n. Service station; sewage disposal or treatment plant; sheetmetal products, light; signs, advertising, outdoor; stone monument works;
- o. Theater, outdoor; truck repairing and overhauling;
- 2. Manufacture, fabrication, assembly, canning, processing, treatment or storage of the following:
 - a. Airplanes; bicycles; billboards; boats, small; boilers; brass; brick; business machines and byproducts; copper; cork;
 - b. Candles; cans; canvas; cellophane; celluloid; cement; ceramic; cinder; clay; cloth; concrete coke oven and byproducts; copper; cork;
 - c. Dystuffs;
 - d. Electric and neon signs; emery cloth; excelsior;
 - e. Feather; felt; fibers;
 - f. Atmospheric, nonatmospheric, industrial, and medical gases in their liquid or vapor state, including, but not limited to, acetylene, argon, hydrogen, nitrogen, and oxygen; glass; glucose; gypsum;
 - g. Hair; hardware; horn;
 - h. Ink;
 - i. Lampblack; leather; lime; linoleum
 - j. Machinery and machine parts; matches; metal product treatment and processing; mortar; musical instruments;
 - k. Novelties;
 - l. Oilcloth, oiled rubber goods; oil or grease compounding; optical goods;
 - m. Paint; paper; paving material; petroleum refining and storage; photographic equipment; plaster; plaster of paris; plastic; pottery; precious or semiprecious metals or stones; pump; pumice stone;
 - n. Crushing of raw materials such as but not limited to rock, gravel or metals, provided that such crushing facilities shall be located not closer than two hundred (200) feet to any property line; rubber;

- o. Shell, shellac; shipbuilding; shoe polish soap and detergent; soda; stamps; rubber or metal; stone, cast; stove polish; straw;
- p. Tools, motor-powered; toys; trailers; turpentine;
- q. Varnish, venetian blinds and window shades;
- r. Wood; wool;
- 3. Food and kindred processing, wholesale:
 - a. Confections, honey extraction;
 - b. Dairy products;
 - c. Eggs;
 - d. Fruit, nut, vegetable and mushroom concentration, preservation, and preparation;
 - e. Grain-mill products;
 - f. Meats, sausages or prepared meat products, fish;
 - g. Poultry and small game dressing and packing;
 - h. Canning, bottling, processing, treatment or storage of the following: Brewery, cereal or flour mill, feed, malts, oleomargarine, pickles, salt, sauerkraut, starch, sugar, syrup, vinegar, yeast;
- 3. Laboratories manufacturing, compounding, processing, packaging or treatment or such products as: cosmetics, drugs, perfumes, pharmaceuticals, toiletries;
- 4. Assembling: radio, television and phonograph sets, electric and electronic appliances and devices;
- 5. The following uses, provided that they are located three hundred (300) feet from any zone boundary and not less than one hundred (100) feet from any other use, except those incidental to and located upon the same piece of property as the use specifically herein permitted:
 - a. Acid; ammonia; animal byproducts plant; asphalt;
 - b. Bleaching powder and chlorine; bones;
 - c. Chemicals of a dangerous nature; coal, fuel, or wood; creosote;
 - d. Disinfectants or insecticides;
 - e. Explosives;
 - f. Fat rendering; fertilizer; fireworks; furs;

g. Gas, natural; gelatin; glue or size;

h. Hides;

i. Ore beneficiation;

j. Roofing or waterproofing materials;

k. Smelting or refining of materials, steel or iron mill;

l. Transit mix;

m. Wool; wine;

6. The following uses, provided they are conducted within a building or an area which is enclosed by a solid wall or uniformly painted board fence eight (8) feet high:

a. Building material sales yard;

b. Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors;

c. Lumberyards;

d. Motion picture studio;

e. Planing mill;

f. Storage warehouses, excluding flammable fluids and explosives

7. Membership organizations: Business associations, professional membership organizations, labor unions and similar labor organizations, and civic, social and fraternal associations.

B. The specified properties in the Crossroads overlay district shall include all uses conditionally permitted by Section 17.48.030 of this title and the following conditional uses:

1. Residential buildings and structures when incidental to a permitted use located on the subject parcel to provide living quarters for the owner and/or operator or employee. In no case shall a new residential subdivision be permitted;

2. Flea markets;

3. Heliports and private airstrips;

4. Power generating facilities;

5. Transfer company; trucking terminal;

6. Dumps;

7. Junkyards;

8. Assembly uses.

17.49.050 General industrial / commercial manufacturing overlay

A. The specified properties in the Crossroads overlay district shall include all uses permitted by Section 17.48.030 of this title and the following permitted uses:

1. The following manufacturing uses:

a. Apparel and other finished products made from fabrics and similar materials;

b. Bakery products, candy, dairy products, tobacco products, bottled and canned soft drinks and carbonated waters;

c. Converted paper and paperboard products, printing, publishing and allied industries, veneer and plywood containers, except boxes and crates;

d. Drugs;

e. Electric lighting and wiring equipment, electronic components and accessories, x-ray apparatus and tubes;

f. Small household appliances;

g. Glass products made of purchased glass, professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks;

h. Jewelry, silverware, and plated ware, musical instruments and parts, toys, amusement, sporting and athletic goods; pens, pencils, and other office and artists' materials, costume jewelry, buttons, and notions, brooms and brushes, lamp shades, morticians' goods, umbrellas, parasols, and canes;

i. Cutlery, hand tools and general hardware, screw machine products, bolts, nuts, screws, rivets, and washers;

2. Uses primarily engaged in the wholesaling of:

a. Air-conditioning and refrigeration equipment and supplies;

b. Amusement and sporting goods, jewelry, leather and merchandise of a similar nature;

c. Automotive equipment, tires and tubes;

d. Drugs and druggists' sundries;

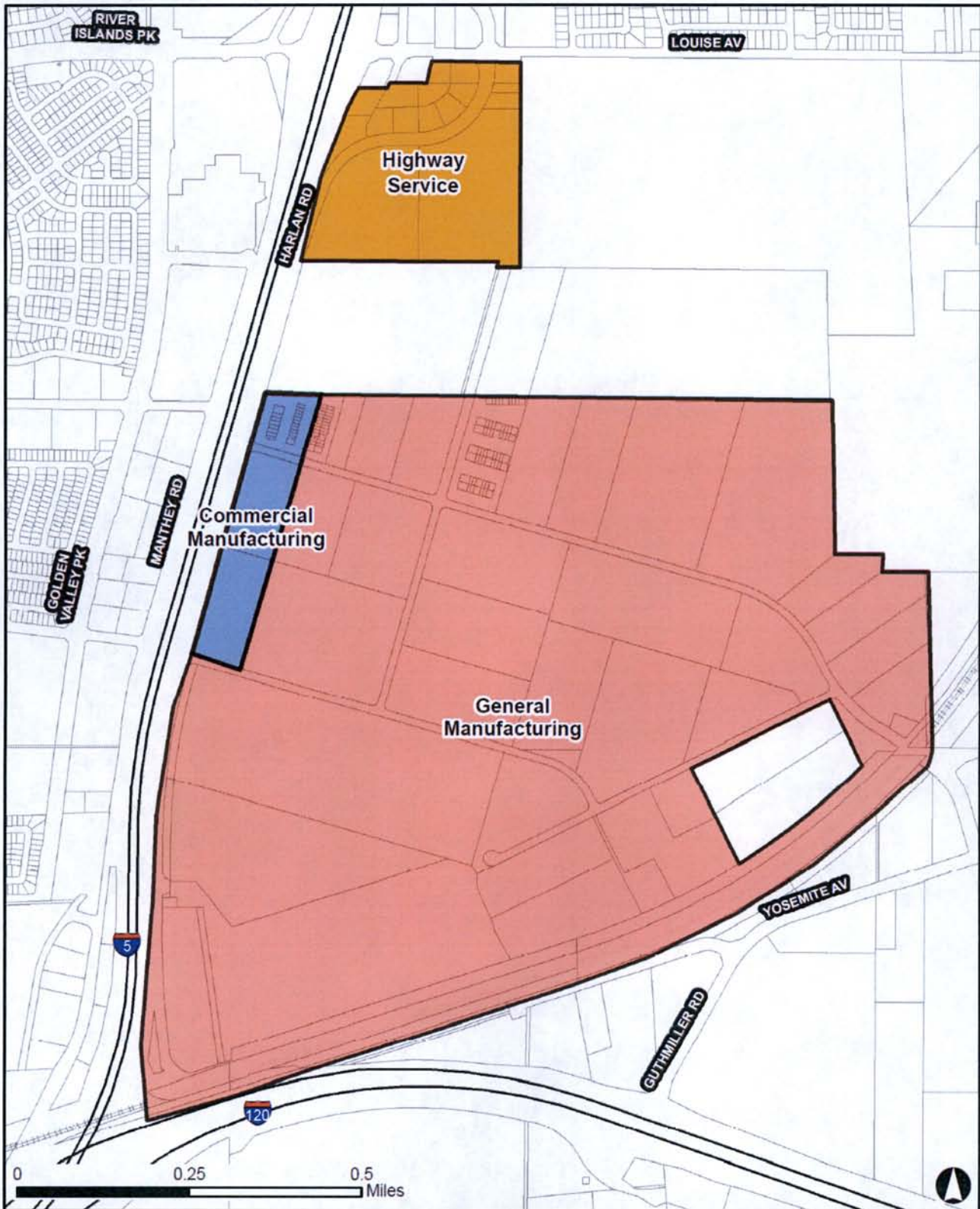
e. Dry goods and apparel;

f. Electrical and electronic equipment and supplies;

- g. Furniture and home furnishings;
- h. Groceries and related products, except fresh poultry, meats, fish, fruits, and vegetables;
- i. Hardware and household appliances;
- j. Paper and paper products;
- k. Plumbing and heating equipment and supplies;
- l. Professional equipment and supplies;
- m. Service establishment equipment and supplies;
- 3. Construction contractors' offices, and establishments of specialized contractors engaged in the following lines of work:
 - a. Carpentering and flooring;
 - b. Concrete work;
 - c. Electrical work;
 - d. Glass and glazing work;
 - e. Masonry, stonework, tile setting and plastering;
 - f. Ornamental metalwork;
 - g. Painting, paper hanging and decorating;
 - h. Plumbing, heating and air-conditioning;
 - i. Roofing and sheet metal work;
 - j. awning and antenna installation, insulation and acoustical work, and similar specialized contractors;
- 4. The following services:
 - a. Automobile repair, automobile services and garages;
 - b. Business services, including finance, insurance, and real estate;
 - c. Engineering and architectural services, educational and scientific research agencies, accounting, auditing, and bookkeeping services; artists' and related services;
 - d. Hotels, tourist courts, roominghouses, and other lodging places;
 - e. Medical and other health services, educational services, legal services;

- f. Motion picture production, distribution, services and theatres; theatrical productions;
- g. Nonprofit membership organizations;
- h. Personal services;
- i. Repair services other than automotive;
- j. Animal specialty services, including but not limited to: breeding and boarding of animals other than cattle, horses, hogs, sheep, goats and poultry; grooming, pedigree record service, showing of pets; training of pets, vaccinating of pets;
- 5. Retail establishments;
- 6. Terminal and service facilities for motor vehicle passenger transportation, trucking and storage of furniture and household goods, radio and television broadcasting;
- 7. Residential buildings where incidental to a permitted use, but not residential subdivisions shall be permitted in this zone;
- 8. Accessory uses customarily incidental to the uses permitted in this zone;
- 9. Enclosed individual storage units for rent or lease.
- 5. The following uses are permitted:
 - a. Dance halls;
 - b. Studios and schools;
 - c. Bowling alleys, billiard and pool parlors;
 - d. Swimming pools and skating rinks;
 - e. Other commercial sports and amusement services;
 - f. Any otherwise permitted use which requires the outside storage or display of materials or equipment, outside fabricating operations or performance of services, or outside consumption on the premises of goods sold;
 - g. Recreational vehicle storage.
- C. The specified properties in the Crossroads overlay district shall include all uses conditionally permitted by Section 17.48.030 of this title and the following conditional uses:
 - 1. Gas and/or oil wells.
 - 2. Assembly uses.

17.49.060 Crossroads overlay district map



Crossroads Overlay District
City of Lathrop

- General Manufacturing
- Highway Service
- Commercial Manufacturing

Disclaimer: Data shown may not be accurate and is for mapping purposes only. Contact the City for more information

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Chapter 16.12 Tentative Maps

[...]

Section 16.12.070 Expiration of tentative map approval.

A. Failure to record a final map within twenty-four (24) months of the date of approval or conditional approval of the tentative map shall terminate all proceedings; provided, however, that upon application of the subdivider in writing, an extension not exceeding two~~one~~ years may be granted by the planning commission, except as provided under subsections B and C of this section. In the event the commission denies the subdivider's application for extension, the subdivider may appeal to the city council. Where proceedings have terminated because of failure to record a final map or failure to receive extension by the planning commission or city council, a new tentative map shall be filed in accordance with the provisions of this chapter before a final map may thereafter be recorded or any lot sold.

B. If the subdivider is required to expend an amount equal to or exceeding that amount prescribed by California Government Code Section 66452.6(a) to construct, improve or finance public improvements wholly outside of and not abutting the boundaries of the tentative map, each filing of a final map authorized by this chapter shall extend the expiration of the approved or conditionally approved tentative map by thirty-six (36) months from the date of its expiration, or the date of the previously filed final map, whichever is later, up to a maximum period of ten (10) years from the original approval. The number of phased final maps shall be determined by the planning commission at the time of initial tentative map consideration.

C. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the planning commission or city council for a period or periods not exceeding a total of six~~three~~ years per the Subdivision Map Act.

D. The date of approval of the tentative map shall be deemed to be the date of adoption of the resolution of the council declaring approval or conditional approval of the tentative map, provided that if the council shall fail to act on the tentative map and the approval thereof is certified by the clerk, the date of such approval shall be deemed to be upon the last day of the maximum period of time as would be allowed for action by the council as provided in this title. The date of such approval of the tentative map shall be certified by the clerk on the face of the tentative map.

[...]

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~~Chapter 8.25 RECREATIONAL VEHICLE REGISTRATION~~

~~8.25.010 Findings and purpose.~~

~~———— The city council finds that the parking of recreational vehicles by non-residents on city streets may present a health and safety problem to the residents and to the occupants of such vehicles when used for living purposes because of inadequate sanitation and wastewater disposal facilities. Accordingly, the council adopts this chapter to regulate the registration of recreational vehicles by residents to insure that such vehicles are used for recreational purposes only and not for living accommodations. (Ord. No. 02-207 § 1)~~

~~8.25.020 Definitions.~~

~~———— For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:~~

~~———— “Administrative enforcement” shall mean the administrative enforcement procedures set forth in Chapter 1.12 of this code.~~

~~———— “Lathrop recreational vehicle permit sticker” means a permit sticker issued annually by the city of Lathrop to Lathrop residents for the purpose of identifying resident-owned recreational vehicles on residential streets.~~

~~———— “Recreational vehicle” shall mean a vehicle generally designed for short-term habitation, including, but not limited to, a travel trailer, truck camper, camp trailer, motorhome, and tent trailer. Recreational vehicles shall not mean manufactured housing or mobile homes, as defined in Chapter 17.68 of this code.~~

~~———— “Resident” shall mean a person or persons domiciled in the city of Lathrop. Proof of residence may include a utility service account, property tax bill, or voter registration indicating a Lathrop address in the name of the person submitting such information.~~

~~———— “Residential area” means any street or district in which there is situated one or more lots developed with single-family or multi-family dwelling units, regardless of the zoning of said area.~~

~~———— “Residential streets” means any street abutting a block in a residential area. For purposes of this chapter, “residential streets” includes alleys. (Ord. No. 02-207 § 1)~~

~~8.25.030 Lathrop recreational vehicle permit sticker required.~~

~~It is unlawful for any person to park, stand or allow a recreational vehicle registered to that person to park or stand on any residential street in the city of Lathrop unless that vehicle displays a current "Lathrop recreational vehicle permit sticker." Each day that a vehicle does not display a current Lathrop recreational vehicle permit sticker shall be a separate violation. (Ord. No. 02-207 § 1)~~

~~8.25.040 Lathrop recreational vehicle permit sticker application.~~

~~A. All applications for a Lathrop recreational vehicle permit sticker shall be made to the community development department on forms furnished by the community development department and shall state all facts necessary and proper to be known and stated for the issuance of such permit sticker. There shall be no charge or fee for the application or issuance of a permit under this chapter.~~

~~B. In order to obtain a Lathrop recreational vehicle permit sticker, a Lathrop resident shall present proof of residency as set forth in this chapter and shall present proof of ownership of the recreational vehicle for which the permit sticker is sought.~~

~~C. A separate Lathrop recreational vehicle permit sticker shall be required for each recreational vehicle to be parked on a residential street. A resident may have no more than two Lathrop recreational vehicle permit stickers issued to their residence address as established in the proof of residency. (Ord. No. 02-207 § 1)~~

~~8.25.050 Community development department to issue Lathrop recreational vehicle permit sticker.~~

~~Upon receipt of all information set forth in Section 8.25.03, supra, it shall be the duty of the community development department to issue the Lathrop recreational vehicle permit sticker. (Ord. No. 02-207 § 1)~~

~~8.25.060 Revocation and appeal.~~

~~A. The city council, under advisement of the community development department, reserves the right to revoke any permit issued under this chapter for good cause shown.~~

~~B. No permit shall be revoked until after hearing before the city council, notice of which hearing shall be given to the permittee not less than fifteen (15) days in advance of such hearing. Notice shall be delivered by the community development department personally or by mail service delivery. The decision of the city council shall be final. (Ord. No. 02-207 § 1)~~

~~8.25.070 Compliance with other laws.~~

~~———— The display of a Lathrop recreational vehicle permit sticker shall not excuse compliance with all other regulations relating to the parking of vehicles, including, but not limited to, Chapter 10.24, “Parking,” of this code. (Ord. No. 02-207 § 1)~~

~~8.25.080 Violation, enforcement and penalty.~~

~~———— A. ——— In the event of any violation of this chapter, enforcement shall be pursuant to the administrative enforcement procedures set forth in this code.~~

~~———— B. ——— A violation of this chapter shall be punishable at the rate of thirty dollars (\$30.00) per violation per day.~~

~~———— C. ——— Nothing in this chapter shall be deemed to prevent the city from ordering the commencement of any other proceedings, whether criminal or civil, to abate the violation or from pursuing any other remedy available under applicable law. (Ord. No. 02-207 § 1)~~

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Chapter 10.25 VEHICLE PARKING IN YARDS OF RESIDENTIAL AREAS

[...]

Section 10.25.030 Front yard vehicle parking.

A. It is unlawful and a public nuisance for any responsible person to maintain or allow to be maintained, the parking of vehicles in the front yard on lawns, vegetation, dirt, or any other surface(s).

B. Residential properties may have additional impervious surface provided that a minimum of thirty-five percent (35%) of the required front yard is landscaped as prescribed in Chapter 17.92.~~A responsible person may add additional vehicle space by properly covering, with an approved surfacing material or compacted gravel, the area immediately adjacent to the driveway and in front of the side yard. This does not allow for the covering over of a lawn or any other surfaces for more parking in the front yard of a residence. The existing area in the front yard shall have a minimum of fifteen percent (15%) of the net site area landscaped with approved landscaping materials.~~

C. If the responsible person has no garage, as of the date of adoption of the ordinance codified in this chapter, he or she may only park vehicles as will fit in the existing straight-on drive space that meets the definition of a driveway and additional vehicle space. ~~The existing area in the front yard shall have a minimum of fifteen percent (15%) of the net site area landscaped with approved landscaping materials.~~ (Ord. 09-292 § 1)

[...]

Section 10.25.100 Exemption – Front yards with approved materials.

Notwithstanding the above, properties which have any portion of the front yard covered with any of the approved parking surfaces prior to the effective date of the ordinance codified in this chapter, shall be allowed to use them as driveways or additional vehicle spaces (with the driveway being used as the only entrance and exit or unless additional entrances and exits are approved by the public works department in the form of an encroachment permit), provided that, if an expansion or remodeling greater than twenty-five percent (25%) of the assessed value of the existing structure is undertaken, the approved materials in the front yard must be removed and approved landscaping materials shall be installed and a driveway must be installed with approved surfacing materials. ~~The existing area shall have a minimum of fifteen percent (15%) of the net site area landscaped with approved landscaping materials.~~ (Ord. 09-292 § 1)

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Chapter 17.04 GENERAL PROVISIONS

[...]

Section 17.04.080 Definitions.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. The masculine shall include the feminine and neuter.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Accessory structure” means an attached or detached structure that is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid or limited roof covering. Examples include, but are not limited to, greenhouses, pool houses, sunrooms, workshops, storage sheds, barns, as well as carports, patio covers, gazebos and stables. Accessory structures also include play equipment, windmills, water towers, and other similar agricultural structures.

“Accessory use” means a use incidental, related, appropriate and clearly subordinate to the main use of the site or building, which accessory use does not alter the principle use of the site.

[...]

“Design review committee” and “committee” mean the architectural design review committee of the city.

“Drive in and Drive Through Facility” means an establishment (such as a theater or restaurant) so laid out that patrons can be accommodated while remaining in their automobiles.

“Drive-in theater” means an establishment which serves food or beverages to persons while seated in or on a motor vehicle, and/or which serves food or beverages for consumption off the premises of the restaurant.

[...]

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Chapter 17.92 LANDSCAPING AND SCREENING STANDARDS

[...]

Section 17.92.070 Parking, noise attenuation, and screening.

[...]

K. Fence and Wall Design and Maintenance Standards.

1. Fencing Materials. Fences and walls shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, tubular steel, or stone).

2. Prohibited Fencing Materials. Unless approved as a condition of approval or in conjunction with another entitlement, walls or fences of sheet or corrugated iron, sheet steel, concertina wire, or sheer aluminum are prohibited. Barbed wire fencing, concertina wire, serpentine wire, razor wire, and other similar fencing materials shall not be constructed or placed on top of a fence except where property is used for agricultural, open space, or industrial uses.

3. Maintenance. Fences and walls shall be continuously maintained in an orderly and good condition.

4. Temporary Fences. Nothing in this chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the city adopted building code and other applicable provision of the municipal code. (Ord. 16-355 § 1; Ord. 92-96)

[...]

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Chapter 17.32 R ONE-FAMILY RESIDENTIAL DISTRICT

[...]

Section 17.32.050 Property development standards

[...]

K. Accessory structures and landscape features shall conform to the following development standards:

1. Minimum Setback Distance from Property Line.

Height	Front*	Street Side (corner lot)	Side (interior)	Rear
≤ 8 feet	Not allowed	5 ft	0 ft	0 ft
> 8 feet to 15 feet	Not allowed	5 ft	5 ft	5 ft

* Landscape features are allowed in the front yard. See definition of landscape feature.

2. Setback Measurement. Minimum setback distance between property line and accessory structure shall be measured from the wall or post(s) of the supporting structural member of the structure. Overhangs are allowed consistent with the city adopted building code.

3. Separation Between Structures. All accessory structures shall maintain the minimum separation between other buildings as required under the city adopted building code.

4. Building Permit Required. A building permit shall be obtained as required under the city adopted building code.

5. Accessory structure and landscape feature are defined in Section 17.04.080 Definitions. (Ord. 16-355 § 1; Ord. 96-136; Ord. 92-96; Ord. 92-95; Ord. 92-73)

L. Swimming pools and hot tubs shall conform to the following development standards:

1. Swimming pools and hot tubs shall be constructed at least fifty feet from the front lot line. Such pool or tub may not be located closer than three feet from any rear lot line or side lot line measured from water line.

2. Pool equipment for such pools and tubs shall not be located in a required front yard.

3. Fencing around all swimming pools shall be installed in compliance with the California Building Code.

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Chapter 17.84 SIGNS

[...]

Section 17.84.020 General provisions and exceptions

[...]

I. Special Signs—Prohibition. Animated signs, the movement of which is simulated by variations in the intensity, color, pattern or illumination of the sign, and 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:

1. A sign changing so as to show time and/or temperature;
2. An on-premises barber pole;
3. A sign changing the price of gasoline, diesel or other retail fuel in accordance with applicable state law;
4. A sign located on a city owned property or facility;
5. A sign approved in accordance with the provisions of Chapter 17.84.100.
- ~~6.~~ 5. Electronic Display 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.
 - 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:

1. 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 banners 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 meet:

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 is securely attached or anchored to the building.~~

45. The banner or banners are limited to advertising the business name, event, and products or services available at the subject business location.

56. The banner or banners are approved for display by the property owner or authorized property owner agent for the subject business location. (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)

[...]

17.84.050 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 nonilluminated 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.

ED. Nonilluminated 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;

FE. 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;

GF. One non-illuminated temporary 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. 09-287 § 3; 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 sign 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. 16-355 § 1; Ord. 10-298 § 1; Ord. 08-277 § 1; Ord. 97-151; Ord. 93-99; Ord. 92-73)

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Chapter 17.101 MINOR SITE PLAN REVIEW

17.101.010 Purposes and application

A. The minor site plan review provides for minor modifications to previously approved plans or permits where the change is in substantial conformity with the approved plan or permit.

17.101.020 Procedure

A. An application for minor site plan review shall be submitted to the planning department on a form prescribed by the department. The application shall include a statement of the use proposed and a site plan prepared in accordance with Chapter 17.100.

B. The director shall review the proposed use to ascertain all facts pertinent thereto, and in writing, shall state either approval or approval with conditions of the proposed use, together with his or her findings and reasons for such decision within fifteen (15) working days of the filing of the application.

C. In approving the use, the director shall impose such conditions and requirements as may be applicable as listed under Section 17.100.060 and 17.112.070.

17.101.030 Findings

The community development director shall make all of the following findings to approve or conditionally approve a minor site plan review application:

1. Substantial conformance with previously approved plans.

2. The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the City;

3. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;

4. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, is compatible with and complements the existing surrounding environment and ultimate character of the area under the general plan; and

5. The proposed architecture, including character, scale, and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior

appurtenances, exterior lighting and signing, and similar elements, establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

17.101.040 Notice of decision

One copy of the written decision shall be signed and dated by the director and mailed to the applicant.

17.101.050 Appeals

A. In the event the applicant is not satisfied with any condition or conditions of approval by the director, the applicant may submit an application to the planning commission for a conditional use permit in the manner prescribed in Chapter 17.112. In submitting an application for a conditional use permit, only that information and data required under Chapter 17.112 need be submitted, which is required in addition to that previously submitted as part of the application for minor site plan review.

B. Except as provided in subsection C below, in the even the application for minor site plan review is disapproved by the director, the application, upon written appeal from the applicant within ten (10) days following the notice of the decision date pursuant to the provisions in Section 17.100.040, shall automatically become an application for conditional use permit, and shall be processed in the manner prescribed in Chapter 17.112. The applicant shall submit such information and data required by the provisions of Chapter 17.112 as not previously submitted with his application for minor site plan review within five days following the filing of an appeal.

C. Within ten (10) days following the date of decision by the director, the decision may be appealed in writing to the planning commission by the applicant or any interested party. An appeal shall be filed with the planning department, and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the director, or wherein the decision is not supported by the evidence in the record.

D. The commission shall hear the appeal at its next regular meeting, to be held not less than fourteen (14) days after the filing of the appeal. The commission may affirm, modify or reverse a decision of the director, provided that if the decision is modified or reversed, the commission shall, on the basis of the record and such additional evidence as may be submitted, make the determination required under Section 17.112.060.

17.101.060 Lapse of site plan approval

A minor site plan review approval shall lapse and shall become void thirty-six (36) months following the date on which approval by the director became effective unless, prior to the expiration of thirty-six (36) months, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the minor site plan review.

Approval may be extended for an additional period not to exceed twelve (12) months upon written application to the director before expiration of the first approval. Notwithstanding, if a development agreement has been adopted for a subject site, the expiration date of subsequent project approvals may be set forth in the development agreement.

The period of time specified in this section shall not include any period of time in which the city is precluded from approving discretionary permits, discretionary entitlements, and/or ministerial permits related to urban level flood protection pursuant to Government Code Section 65962.

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

17.44.020 CN: neighborhood commercial district.

A. Application. The neighborhood commercial district is intended primarily for the provision of retail and personal service facilities to satisfy the convenience needs of the consumer relatively close to the consumer's place of residence.

B. Permitted Uses. Retail stores, offices and service establishments which supply goods or provide services primarily to meet the convenience of residents of one or more residential neighborhoods shall be permitted, including the following:

Permitted Uses for CN Districts:

[...]

D. Conditional Uses—Commission Approval Required. The following conditional uses may be permitted in accordance with Chapter 17.112:

1. Bowling alleys;
2. Assembly uses;
3. A state authorized licensed day care center for thirteen (13) or more children;
3. Restaurants and cafés, including the serving of alcoholic beverages when incidental to food service;
4. Expansion or remodeling of an existing nonconforming use of a structure or land, limited to fifty percent (50%) or less of the value of existing structures, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than two hundred dollars (\$200.00), and nonconforming fences, walls and hedges;
5. Expansion, remodeling or additions to a conditional use that are not considered an incidental or accessory use as defined in Section 17.04.080;
6. Service stations (gasoline), excluding automotive repair services not included in the definition of "service station" in this chapter; provided, all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least three sides;
7. Other uses which are added to this list according to the procedure in Section 17.16.020. (Ord. 16-355 § 1; Ord. 99-168; Ord. 92-73)

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8.16.020 Types and placement of containers.

A. Residential. Residential customers shall be provided with three color-coded carts which shall designate which cart is being used for with type of solid waste: blue shall be for recyclables; green shall be for yard waste; and brown shall be for residential solid waste.

1. Residential customers may select a container size residential solid waste, excluding recyclables and yard waste, from the following industry classification sizes: thirty (30) gallon, sixty (60) gallon, or ninety (90) gallon. Selection of container size may be made only once per billing period and shall be effective the entire billing period. In the event that a residential customer desires to change the designation of the container, said residential customer shall notify the contractor no later than the fifteenth of the month preceding the month when the change in container size shall be effective.

2. The monthly fee shall be no higher than that permitted by resolution, as adopted herein and shall be dependent on the size of the container specified by the customer for residential solid waste. No other containers shall be collected or utilized. Additional service in excess of the selected level of service shall be available at an extra cost to the customer.

3. Residential customers shall place carts on the edge of the pavement, off the sidewalk. Any animals shall be restrained. Ashes must be cold and bagged, and animal droppings must be bagged in a nonpermeable material. Failure to meet any of these conditions shall constitute cause for the contractor's refusal to perform collection services. The contractor shall, after collection, return carts to the location from which they were collected.

4. Containers shall not be placed at the curb or in the alley earlier than twenty-four (24) hours prior to collection day, and shall be removed within twenty-four (24) hours after collection.

B. Commercial and Industrial. Commercial and industrial customers shall place solid waste in a location on their premises that is readily accessible to the contractor's/licensee's collection vehicles and that has received the contractor's/licensee's prior approval as conforming to its specifications and requirements for solid waste container facilities. The contractor or licensee shall make such specifications and requirements available upon request by a customer. Failure to place containers in an approved location shall constitute cause for the contractor's refusal to perform solid waste services.

[...]

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

17.62.071 Purpose and application.

The CO-CL zoning district provides a range of large and small scale commercial development opportunities for the location of professional and commercial offices; retail; financial; governmental; professional, business services and entertainment activities; clean light industrial uses; and other uses to serve the local and regional community. (Ord. 04-245 § 3)

[...]

17.62.074 Conditional uses: commission approval required.

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

- A. Ambulance stations.
- B. Any use permitted in High Density Residential-CL.
- C. Any use permitted in Public/Semi-Public-CL.
- D. Any use permitted with site plan review in High Density Residential-CL.
- E. Any use conditionally permitted in Neighborhood Commercial-CL.
- F. Any use conditionally permitted in High Density Residential-CL.
- G. Boat and recreational vehicle storage.
- H. Cold storage/food lockers.
- I. Communications equipment.
- J. Dwellings over a permitted use in accordance with density requirements of the High Density Residential-CL.
- K. Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined by Section 17.04.080 of the Lathrop Zoning Ordinance.
- L. Farmer's markets, including indoor and outdoor facilities.
- M. Gas and electrical transmission lines.
- N. Gunsmiths.

O. Home occupations in accordance with Chapter 17.64.

P. Lumber yards (not including planing mills or sawmills).

Q. Packing and crating

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

S. Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent (50%) or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than two hundred dollars (\$200.00), and nonconforming fences, walls and hedges.

T. Pawnshops.

U. Truck sales, including sales and installation of parts and accessories and repairs incidental to vehicle dealerships

VU. Unenclosed commercial recreation facilities including amusement or theme parks, drive-in theaters, golf driving ranges, pony ride rings, race tracks, riding stables, skating rinks, sports arenas and sports stadiums.

WV. Other uses which are added to this list according to the procedure in Section 17.16.020 (Ord. 04-245 § 3)

[...]

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

17.44.050 CH: highway commercial district.

A. Application. The highway commercial district is intended primarily for application to areas along major highway entrances to the city in accord with policies of the general plan, where controlled access to the highway is afforded for the convenience of patrons traveling the highway by the provision of frontage roads, interchanges, channelized intersections and control over driveway spacing.

B. Permitted Uses.

1. The following highway commercial uses are permitted:

[...]

C. Permitted Uses—Administrative Approval Required.

1. Gas and electric transmission lines, in accordance with the provisions of Section 17.108.080;

2. Public buildings and grounds;

3. Temporary uses such as a circus, carnival, religious revival, Christmas tree lot, promotion and sale in trucks or trailers, animal show or display, and pumpkin patch pursuant to Section 17.108.080;

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

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

D. Conditional Uses—Commission Approval Required.

1. Factory outlet malls: drive-in theaters, golf driving ranges, pony riding rings, race tracks, riding stables, skating rinks, sports arenas and sports stadiums, and other similar open, unenclosed commercial recreation facilities;

2. Overnight parking for recreational vehicles;

3. Travel plaza or truck stop as defined by Section 17.04.080;

4. Service stations as defined by Section 17.04.080;

54. Expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent (50%) or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures,

nonconforming uses occupying a structure with an assessed valuation of less than two hundred dollars (\$200.00), and nonconforming fences, walls and hedges;

65. Expansion, remodeling or additions to a conditional use that are not considered an incidental or accessory use as defined in Section 17.04.080;

76. Incidental and accessory structures and uses located on the same site as a conditional use;

87. Other uses which are added to this list according to the procedure in Section 17.16.020. (Ord. 16-355 § 1; Ord. 07-268 § 1; Ord. 99-168)

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

[...]

17.76.030 Standards for off-street and on-street parking facilities.

Off-street parking facilities shall conform to the following standards:

A. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the public works director.

B. Entrances and exits to parking lots and other parking facilities shall be provided only at locations approved under site plan review procedures of this code.

C. Each parking space shall be not less than twenty (20) feet and not more than twenty-six (26) feet in length, except as allowed under Section 17.76.110(A) of this code, and nine to twelve (12) feet in width, exclusive of aisles and access drives, except that up to forty percent (40%) of all spaces may be provided for compact cars with such spaces not less than seventeen (17) feet in length and eight feet in width, and marked for compact cars. The length of a parking space may be reduced by two feet where the space heads into any one side of a curbed planter at least four feet in width for cars or on both sides of a curbed planter which is at least six feet in width. Spaces for the handicapped shall meet state standards.

D. Parking lot lighting shall be deflected away from abutting sites so as not to cause annoying glare to such sites.

E. A Photometric Plan shall be prepared for parking lots with five (5) or more spaces. Parking lots, driveways, trash enclosure/areas shall be illuminated during the hours of darkness with a minimum maintained 1 foot-candle of light and an average not to exceed 4 foot-candles of light. The illumination shall not exceed 10 foot-candles in any one location.

FE. No commercial repair work or servicing of vehicles shall be conducted on a parking site.

GF. The parking area, aisles and access drives shall be paved so as to provide a durable, dustless surface, and shall be so graded and drained as to dispose of surface water, with the design and specifications of such work subject to city standards and the approval of the director of public works.

HG. Parking spaces shall not be allowed in tandem except where parallel parking is provided along a driveway having sufficient width for the purpose, or in the driveways of single-family houses or in parking lots operated as a commercial enterprise apart from any other use.

IH. The requirements of this section shall apply to all uses for which a site plan must be approved in accordance with the provisions of Chapters 17.100 and 17.112.

JI. At least one on-street parking space shall be provided for each single-family residence within any residential zoning district. (Ord. 98-164; Ord. 92-73)

[...]

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ORDINANCE NO. 18-385**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING CHAPTER 2.36 "PURCHASING SYSTEM" AND CHAPTER 3.30 "INFORMAL BIDDING" OF THE LATHROP MUNICIPAL CODE TO INCREASE CITY MANAGER'S APPROVAL LIMITS AND MODIFY PROCEDURES**

WHEREAS, the City of Lathrop Municipal Code currently requires all purchases or agreements over \$24,999.99 to be approved by City Council; and

WHEREAS, State law allows the City to streamline the procurement process for goods and services to increase efficiency and reduce the staff time and resources utilized in the performance of day to day operations; and

WHEREAS, consistent with other municipalities, the City Council desires to increase the City Manager's authority to allow the City Manager to authorize purchases up to \$75,000;

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

Section 2.36.050 (C) is hereby amended as follows:

C. Written Quotation Procedure. For the purchase of any covered supplies, equipment, and/or services with a purchase price, exclusive of sales tax, use tax, shipping, handling or delivery charges from five thousand (\$5,000) to ~~twenty-four thousand nine hundred ninety nine dollars and 99 cents (\$24,999.99)~~ seventy-five thousand dollars (\$75,000). Department Heads shall then review the quotations, make a selection, and attach copies of the written quotations to the purchase order form, as described in Section 2.36.070.

Section 2.36.060(A) is hereby amended to read as follows:

A. General. Except as otherwise provided by this chapter or in section 2.36.090, purchases and contracts for supplies, services, equipment, and sale of personal property of estimated value of ~~twenty-five thousand dollars (\$25,000)~~ seventy-five thousand (\$75,000) dollars or more shall be by written contract with the lowest or highest responsible bidder, as the case may be, pursuant to the procedure described in this chapter.

Section 2.36.110(B) is hereby amended to read as follows:

B. The contracting for the purchase of any item less than ~~twenty-four thousand nine hundred ninety nine dollars and 99 cents (\$24,999.99)~~ seventy-five thousand dollars (\$75,000), exclusive of sales or use tax, shipping, handling or delivery charges from other governmental agencies, sole source purchases, or from the Office of Procurement, Department of General Services of the state of California shall be exempt from the bidding procedures.

Section 2.36.140 (B) and (C) are hereby amended to read as follows:

B. For any contracts for which the purchase price, exclusive of sales tax, use tax, delivery charges, shipping and/or handling is two thousand five hundred (\$2,500) dollars to ~~twenty-four thousand nine hundred ninety-nine dollars and 99 cents (\$24,999.99)~~ seventy-five thousand dollars (\$75,000), or for public works contracts required in section 2.36.090, and the cost of which is included within the budget appropriations for that department, the city manager shall have the authority to negotiate and execute contracts on behalf of the city without prior authorization from the city council.

C. For any contracts for which the purchase price, exclusive of sales tax, use tax, delivery charges, shipping and/or handling exceeds ~~twenty-five thousand (\$25,000)~~ seventy-five thousand (\$75,000) dollars or which requires a budgetary appropriation, city council authorization shall be required prior to the execution of any agreement.

Section 3.30.030 is hereby amended to read as follows:

3.30.030 Work of ~~\$30,000.00~~ \$45,000.00 or less.

Pursuant to Public Contract Code Sections 220033 and 22-32, any work as defined in this Chapter, of ~~thirty thousand dollars (\$30,000.00)~~ forty-five thousand dollars (\$45,000.00) or less may be performed by the employees of the city by force account, by negotiated contract, or by purchase order.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the 18th day of December 2017, and was **PASSED AND ADOPTED** at a special meeting of the City Council of the City of Lathrop on 29th day of January 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

**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**

**ITEM: CAPITAL FACILITY FEE FUNDS REPORT FOR
FY 2016-2017**

**RECOMMENDATION: Review and Accept the Capital Facility Fee
Funds Report for Fiscal Year 2016-2017**

SUMMARY:

Pursuant to Government Code Section 66006 et seq., the City of Lathrop is required to provide an annual overview of fees collected by the Capital Facility Fee (CFF) program as a result of new development. This report presents the background for each fee and shows the fee schedules and history for last year. The information provided is required by the Government Code to be made available for public review and subsequently reviewed by City Council at the next regular meeting after being made public.

BACKGROUND:

The City's Capital Facility Fee (CFF) program was first instituted on October 10, 1990 to provide adequate capital facility improvements to serve new development within the City. In 2003, the CFF program was amended to include a broad range of capital facility fees and establish fees for new development planned for the area West of I-5, mainly River Islands and Mossdale Landing. The CFF 2005 Update established fees for the Central Lathrop Specific Plan area. The Capital Facility Fee program provides a source of revenue by which new development within the City contribute their fair share of the costs that directly impact the need to construct infrastructure or expand community public facilities to meet growth needs. The City's Capital Facility Fee program funds improvements in the following categories:

1. Transportation
 - a. Local
 - b. Regional
2. Culture and Leisure
3. Municipal Services
4. Storm Drainage
5. Administration
6. San Joaquin County Multi-species Habitat
7. Environmental Mitigation
8. Park In Lieu
9. Water
10. Surface Water
11. Sewer

**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING
CAPITAL FACILITY FEES FUND REPORT FOR FY 2016-2017**

PAGE 2

The attached Annual CFF report, required by California Government Code 66006 et seq., was developed to identify the balances of fees in the Capital Facility Fee funds. The annual report provides the following information for each fee:

- a detailed description
- the fee amount
- beginning and ending balances for the fiscal year
- fees collected & interest earned
- transfers, refunds, and expenditures

The expenditures have been further broken down to identify the public improvements on which the fees were expended and the amount of expenditures for each improvement.

The Five-Year Capital Facilities Fee Fund Report provides an overview of the improvement projects identified in the 2005 CFF Update. The report lists the estimated cost for each project and the approximate date available. The fees and project costs are adjusted annually based on the annual changes to the Engineering News-Record Construction Cost Index (ENR CCI). The annual adjustment utilizing the ENR CCI ensures the current cost of construction and appropriate fees reflect the effects of inflation.

REASON FOR RECOMMENDATION:

The attached report was made public on December 19, 2017; section 66006 of the California Government Code requires a detailed report regarding collection and expenditure of fees in the Capital Facilities Fee program. Under the California Government Code, the report is required to be made public. City Council shall review the information made available to the public at its next regular scheduled meeting.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

This agenda item promotes team work by keeping the community and Council informed about the Capital Facility Fee program.

FISCAL IMPACT:

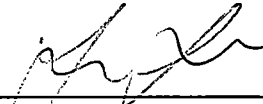
The cost for this item was staff time and materials to complete the attached report.

ATTACHMENTS:

- A. Capital Facility Fee Funds Report for Fiscal Year 2016-2017
- B. Five Year Capital Facility Funds Report

**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING
CAPITAL FACILITY FEES FUND REPORT FOR FY 2016-2017**

APPROVALS:



Yesenia Linnell
Senior Management Analyst

1-17-18

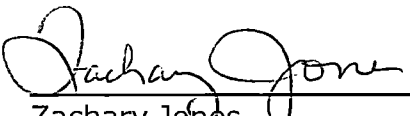
Date



Rebecca Schmidt
Director of Community Development

1-17-18


Date



Zachary Jones
Director of Parks & Recreation

1-18-2018

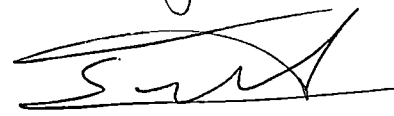
Date



Cari James
Director of Finance

1/18/18

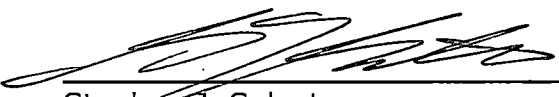
Date



Salvador Navarrete
City Attorney

1-18-18

Date



Stephen J. Salvatore
City Manager

1-18-18

Date

City of Lathrop

Capital Facility Fee Funds Report 2016 – 2017



Made Pursuant to Government Code
Section 66000 et seq.

Made Available for Public Review on:
December 20, 2017

City Council Agenda Date:
January 8, 2018

For further information please contact:
Yesenia Linnell, Public Works Department
(209) 941-7430



Capital Facility Fee Fund Listing

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Regional Transportation Impact Fee – 2230

1. Fee Information

a. Description and History of Fee: This fee was collected to fund street improvements for Lathrop’s regional roadways. The fee originated in 1990 and was adopted by Lathrop City Council on October 10, 1990. The Regional Transportation Fee was calculated in coordination with the San Joaquin County Council of Governments to provide countywide transportation improvements for street and highway projects identified in the Congestion Management Program (CMP). Improvements to both Lathrop and Interstate 5 are included in the CMP.

The fee was reevaluated in the November 1, 1994 CFF Update and was updated to reflect the effects of inflation. In addition, the McKinley Avenue and Yosemite Avenue Intersection Improvements were added to the CFF. Updates to the Regional fee were also done in September of 2003 and again in August of 2005. The 2003 and 2005 studies included adjusting the previous Capital Facility Fee in Historic Lathrop (East) to reflect the effects of inflation.

The San Joaquin Regional Transportation Impact Fee (RTIF) is automatically adjusted on an annual basis at the beginning of each fiscal year (July 1) based on the Engineering News Record California Construction Code Index (CCCI).

b. Amount of Fee: The Regional Transportation Fee was changed to the San Joaquin Regional Transportation Impact Fee (RTIF) as of February 20, 2006. Funds collected as a result of the newly adopted fee are reported in Funds 2340 and 2360. **As of February 20, 2006, the Regional Transportation Fee is no longer collected.**

Land Use Type	Unit	FY 16/17
Residential (Single-Family)	DUE	\$-0-
Residential (Multi-Family)	DUE	\$-0-
Retail	Sq. Ft	\$-0-
Office	Sq. Ft	\$-0-
Commercial/Industrial	Sq. Ft	\$-0-



2. Fund Information (During Reporting Period)

	<u>Source</u>	<u>Amount</u>
a.	Beginning Fund Balance as of July 1, 2016	-
b.	Fees Collected	-
c.	Interest Earned	-
d.	Expenditures	-
e.	Transfer Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	-

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2230 expended during the reporting period? No

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2230 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 2230 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

There are no project expenditures planned for Fiscal Year 2017-18. Please refer to the City’s 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



Local Transportation Impact Fee – 2250

1. Fee Information

a. Description and History of Fee: This fee is collected to fund street improvements for existing city streets to accommodate for increased road usage due to new development. The Crossroads fee is an exception in that it is collected to reimburse the developer for infrastructure that was built with the original project. The fee originated in 1990 and was adopted by the Lathrop City Council on October 10, 1990. The original fee was designed to fund the widening of local roads from two lanes to four lanes as well as the addition of traffic signals and turning lanes to increase the capacity of intersections. In 1990 the Engineering Report for the Lathrop Traffic Mitigation Fee identified an estimated 6.4 million in signal system, intersection and road widening improvements.

An update to the fee was adopted by the Lathrop City Council and adopted on November 1, 1994. The update included the same projects that were included in the original CFF, with the exception of Louise Avenue and the addition of the McKinley Avenue Mainline Improvements. The widening and improvements of Louise Avenue between Harlan Road and Fifth Street were completed prior to the 1994 update (with CFF funds as a contributing source) which is why Louise Avenue was omitted from the 1994 update.

The Local Transportation CFF was reevaluated in September 2, 2003 and again in August 1, 2005. The studies included adjusting the previous Capital Facility Fee in Historic Lathrop (East) to reflect the effects of inflation.

b. Amount of Fee: The amount of the fee varies by land use type and location.

<u>East Lathrop/North Harlan</u> <u>Land Use Type</u>	<u>Unit</u>	<u>July 1, 2016 to</u> <u>Dec. 31, 2016</u>	<u>Jan. 1, 2017 to</u> <u>June 30, 2017</u>
Single Family Residential	DU	\$3,303	\$3,399
Multi-Family Residential	DU	\$2,428	\$2,499
Commercial	1,000 sqft	\$4,510	\$4,641
Industrial	1,000 sqft	\$1,328	\$1,367

<u>Crossroads</u> <u>Land Use Type</u>	<u>Unit</u>	<u>July 1, 2016 to</u> <u>Dec. 31, 2016</u>	<u>Jan. 1, 2017 to</u> <u>June 30, 2017</u>
Commercial	Acre	\$27,304	\$28,096
Industrial	1,000 sqft	\$ 991	\$ 1,020



2. Fund Information (During Reporting Period)

	<u>Source</u>	<u>Amount</u>
a.	Beginning Fund Balance as of July 1, 2016	\$ 1,039,081
b.	Fees Collected	\$ 987,999
c.	Interest Earned	\$ 9,665
d.	Expenditures	\$ -
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 2,036,745

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2250 expended during the reporting period? No

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2250 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 2250 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

There are no project expenditures planned for Fiscal Year 2017-18. Please refer to the City’s 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



Culture and Leisure Capital Facility Fee – 2260

1. Fee Information

a. Description and History of Fee: The Culture and Leisure Capital Facility Fee is collected to fund costs for the completion of Neighborhood, Community and Linear Parks, a Library, Cultural Center, Senior Center and Community Center.

The Culture and Leisure Capital Facility Fee was first implemented with the adoption of the October 10, 1990 CFF Study Report. The original fee collected funds merely for Parks and a Library. The Capital Facility Fee program was reevaluated in 1994 and in addition to a park and library component, a component for a cultural center was added. Adopting this change increased the fee for both Single Family (from \$1,627 to \$1,789) and Multi-Family (from \$1,084 to \$1,295) residential dwelling units.

In September of 2003, the City Council again adopted a revision to the Culture and Leisure CFF. This amendment to the CFF was implemented to capture the new direction in which the City was headed. The City has since approved planned communities, that combined exceed 17,000 new homes, for Mossdale Landing, Central Lathrop Specific Plan Area and River Islands. These communities have pushed Lathrop’s population well over the 12,980 projection for year 2010 (as of January 2011, the City of Lathrop’s population was estimated at over 18,656) hence the need for an increase in facilities. The 2003 update increased the fee significantly for both Single Family and Multi-Family residential dwelling units and added a Senior Center to the list of facilities.

The 2005 update to the Culture and Leisure CFF split the fee into two separate components; Parks and Facilities. This was done to ensure enough monies were collected for both areas of culture and leisure as well as to ensure the importance of both sub-components. This update also included an increase to capture the effects of inflation.

b. Amount of Fee: The amount of the fee varies by land use type and location.

	Accounting Period			
	July 1, 2016 to December 31, 2016		January 1, 2017 to June 30, 2017	
<u>Land Use Type (Unit)</u>	Historical Lathrop North Harlan Mossdale Village	Central Lathrop	Historical Lathrop North Harlan Mossdale Village	Central Lathrop
Single Family (DU)				
Parks	\$5,129	\$5,636	\$5,278	\$5,800
Facilities	\$3,142	\$3,142	\$3,234	\$3,234
Multi-Family (DU)				
Parks	\$3,663	\$4,026	\$3,769	\$4,134
Facilities	\$2,244	\$2,244	\$2,309	\$2,309



	Accounting Period			
	July 1, 2016 to Dec. 31, 2016		January 1, 2017 to June 30, 2017	
Land Use Type (Unit)	Mossdale Landing	Stewart Tract	Mossdale Landing	Stewart Tract
Single Family (DU)				
Parks	\$5,128	-	\$5,276	-
Facilities	\$2,059	\$3,142	\$2,118	\$3,234
Multi-Family (DU)				
Parks	\$3,662	-	\$3,768	-
Facilities	\$1,470	\$2,244	\$1,513	\$2,309

2. Fund Information (During Reporting Period)

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 5,451,826
b.	Fees Collected	\$ 1,173,248
c.	Interest Earned	\$ 33,538
d.	Expenditures	(\$ 55,200)
e.	Transfers Out	\$ 50,000
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 6,653,412

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2260 expended during the reporting period? Yes

A total of \$55,199.90 was expensed from Fund 2260 to reimbursed developers for constructing public improvements.

2e. Transfers and Loans: Description of Transfers and Loans made from fund.

Were funds from Fund 2260 transferred or loaned during the reporting period? Yes

A total of \$50,000 in project funds were returned to Fund 2260. The returned funds were from projects PK 14-03 Soccer Complex in the amount of \$50,000.

2f. Refunds: Description of refunds made during reporting period.

Were funds from Fund 2260 refunded during this reporting period? No



3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

There are no project expenditures from Fund 2260 planned for Fiscal Year 2017-18. Please refer to the City's 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



Municipal Services Capital Facility Fee – 2270

1. Fee Information

a. Description and History of Fee: The Municipal Services Capital Facility Fee is collected to fund costs related to a new City Hall, Police Station, Corporation Yard and Animal Shelter needed to support the growth of the City.

The Municipal (City) Services Capital Facility Fee (CFF) was first implemented with the adoption of the October 10, 1990 CFF Study Report. The original fee collected monies to fund a new city hall, police station and a corporation yard for field staff (operations and maintenance). The Capital Facility Fee program was reevaluated in 1994 and in addition to the facilities previously adopted with the original study; a component for an Animal Control Facility was added. Adopting this change increased the fee for residential land use types as well as for commercial and industrial.

In September of 2003, the City Council again adopted a revision to the Municipal Services CFF. This amendment to the CFF was implemented to ensure that the City was collecting enough monies to fund the facilities needed to accommodate new development as the existing facilities (excluding city hall) do not meet the City's service level standards.

- The City currently contracts with the City of Manteca for its animal control shelter facilities since Lathrop does not have one of its own.
- The City's Police Services Department, which is currently contracted with the San Joaquin County Sheriff's Department, is too small to expand for the City's anticipated growth. At build out there will not be enough room to expand for the projected 1.5 sworn peace officers per 1,000 residents.
- The Corporation Yard facility that houses most of the City's field staff (maintenance and operations) as well as much of the city's equipment and vehicles is too small to accommodate for growth.

A 2005 update to the Municipal Services CFF increased the fee to reflect the effects of inflation. Additionally, a Performing Arts Center was added to accommodate the City's growing population and a Wireless Network was added to ensure that the City is keeping up with technology to offer residents and employees the highest level of service.



b. About the Fee: The amount of the fee varies by land use type and location. The fees are as follows:

Accounting Period		
	July 1, 2016 to December 31, 2016	January 1, 2017 to June 30, 2017
<u>Land Use Type (Unit)</u>	East Lathrop/ North Harlan/ Mossdale Village/ Crossroads/ Central Lathrop/ Stewart Tract	East Lathrop/ North Harlan/ Mossdale Village/ Crossroads/ Central Lathrop/ Stewart Tract
Single Family (DU) Residential	\$3,520	\$3,623
Multi-Family (DU) Residential	\$2,514	\$2,587
Service Retail (Per 1,000 sq. ft.)	\$2,294	\$2,360
Other Non- Residential (Per 1,000 sq. ft.)	\$1,388	\$1,429

Accounting Period		
	July 1, 2016 to December 31, 2016	January 1, 2017 to June 30, 2017
<u>Land Use Type</u>	Mossdale Landing	Mossdale Landing
Single Family Residential	\$3,458	\$3,558
Multi-Family Residential	\$2,471	\$2,542
Service Retail per 1,000 sf.	\$2,245	\$2,310
Other Non- Residential per 1,000 sf.	\$1,358	\$1,398



2. Fund Information (During Reporting Period)

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 3,248,865
b.	Fees Collected	\$ 2,862,849
c.	Interest Earned	\$ 28,969
d.	Expenditures	(\$ 66,481)
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 6,074,202

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2270 expended during the reporting period? Yes

A total of \$66,481.33 was expended from Fund 2270 to service debt for the City Hall Facility.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2270 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 2270 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

There are no project expenditures planned for Fiscal Year 2017-18. Please refer to the City’s 2017-2022 Capital Improvement Program adopted by City Council June 8, 2015, Resolution 17-4249.



Storm Drainage Capital Facility Fee – 2280

1. Fee Information

a. Description and History of Fee: This Storm Drainage Capital Facility Fee (CFF) is collected to fund storm drainage improvements to support new development. The Crossroads fee is an exception in that it is collected to reimburse the developer for infrastructure that was built with the original project.

On February 20, 1987, San Joaquin County Ordinance Number 3297 established a fee of \$1,000 per gross acre of land to reimburse the costs of establishing the storm drain system known as “City Service Zone 1”. This fee was to be updated every year by the Engineering News Record (ENR) Construction Cost Index for inflation.

On July 7, 1992, the City adopted a Storm Drain Master Plan which identified the facilities in place, existing deficiencies, and needed improvements for terminal storm drainage in areas of the existing City and surrounding area. Storm drainage CFFs were established in 1994. The City’s only terminal storm drain system consisted of the former County Service area 4, Zones A & B (designed by the County), which included most of the populated areas of the City at that time. This system has been expanded on several occasions as a result of new growth and has been re-designated as “Storm Drain City Zone 1”.

The Storm Drainage Capital Facility Fee was reevaluated in September 2, 2003 and again in August 1, 2005. The studies included adjusting the previous Capital Facility Fee in Historic Lathrop (East) to reflect the effects of inflation. Additionally, new CFF fees were established for the Mossdale development area to be used as funding for the improvement the development community would be constructing.

New development that occurs in the areas surrounding City Zone 1 must pay a fee to the Area of Benefit District No. 6, which was established by San Joaquin County (Ord. 3297) to reimburse the capital costs of constructing the trunk and outfall lines of the current system.



b. Amount of Fee: The amount of the fee varies by land use type and location.

Land Use Type	Per	July 1, 2016 to December 31, 2016			January 1, 2017 to June 30, 2017		
		East Lathrop	North Harlan	Mossdale	East Lathrop	North Harlan	Mossdale
Low Density Residential	DU	\$829	\$829	\$317	\$854	\$854	\$326
Medium Density Residential	DU	-	-	\$218	-	-	\$224
High Density Residential	DU	-	-	\$170	-	-	\$175
Village Commercial	Acre	-	-	-	-	-	-
Service Commercial	Acre	\$5,703	\$5,703	\$3,927	\$ 5,868	\$ 5,868	\$4,041
Freeway Commercial	Acre	\$10,233	\$10,233	\$3,927	\$10,531	\$10,531	\$4,041
Neighborhood Commercial	Acre	\$2,533	\$2,533	\$3,927	\$2,607	\$2,607	\$4,041
Limited Industrial Zone 5	Acre	\$7,960	\$7,960	-	\$8,191	\$8,191	-
Limited Industrial Other Zones	Acre	\$4,437	\$4,437	-	\$4,566	\$4,566	-
General Industrial	Acre	\$5,387	\$5,387	-	\$5,544	\$5,544	-
Transit Station (Lathrop Road)	Acre	\$5,069	\$5,069	-	\$5,216	\$5,216	-
Fire Station (Yosemite)	Acre	\$5,703	\$5,703	-	\$5,868	\$5,868	-
Area of Benefit 6	Acre	\$2,211	-	-	\$2,275	-	-

Land Use Type	Per	July 1, 2016 to December 31, 2016		January 1, 2017 to June 30, 2017	
		Crossroads		Crossroads	
Crossroads Onsite	Acre	\$11,818		\$12,161	
Crossroads Offsite	Acre	\$ 6,739		\$ 6,935	

2. Fund Information (During Reporting Period)

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 454,700
b.	Fees Collected	\$ 100,516
c.	Interest Earned	\$ 4,811
d.	Expenditures	(\$ 22,931)
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 537,097



2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2280 expended during the reporting period? Yes

A total of 22,931.08 was expended from Fund 2280 to reimburse developers for constructing public improvements.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2280 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 2280 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

There are no project expenditures planned for Fiscal Year 2017-18 Storm Drainage. Please refer to the City's 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



Administration Capital Facility Fee – 2290

1. Fee Information

a. Description and History of Fee: The purpose of the capital facility fee program is to provide a source of revenue by which new development within the City will contribute a fair and proportionate share of the cost of providing infrastructure and community facilities commensurate with the benefits received. Under Government Code Section 66000 et seq., the City is required to separately account for revenues and expenditures within the capital facilities fee funds and is allowed to apply an appropriate fee for administration of Transportation, Municipal Services, and Culture and Leisure as identified in the report titled “City of Lathrop Capital Facilities Fees, As Amended September 2, 2003”.

b. Amount of Fee: This fee is calculated as a percentage of the capital facilities fees charged prior to issuance of the building permit. Currently the fee is 3% of all capital facility fees applicable to the project.

2. Fund Information (During Reporting Period)

	<u>Source</u>	<u>Amount</u>
a.	Beginning Fund Balance as of July 1, 2016	\$ 342,113
b.	Fees Collected	\$ 263,488
c.	Interest Earned	\$ 2,504
d.	Expenditures	-
e.	Transfers Out	\$(100,000)
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 508,105

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2290 expended during the reporting period? No

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2290 transferred or loaned during the reporting period? Yes

A total of \$100,000 was transferred from Fund 2290 to cover the Capital Facility Fee Program administration costs.

2f. Description of refunds made during reporting period.

Were funds from Fund 2290 refunded during this reporting period? No



3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The Administration Fee Fund 2290 currently has funds appropriated to the Capital Improvement Program (CIP) Project listed below for Fiscal Year 2017-18. Please refer to the City’s 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.

<u>Project</u>	<u>Amount</u>	<u>% of Improvements</u>
CFF Study, GG 13-06	\$ 40,563	44
Total	\$ 40,563	



Environmental Mitigation Capital Facility Fee – 2310

1. Fee Information

a. Description and History of Fee: One of the environmental mitigation measures required in relation to development on the west side of Interstate 5 is the protection of habitat for the Riparian Brush Rabbit. To meet this requirement, land in the “oxbow” along the San Joaquin River was acquired, fenced, and maintained as protected habitat. This fee will be used to acquire the land and construct a fence needed to protect the rabbit as identified in the report titled “City of Lathrop Capital Facilities Fees, As Amended September 2, 2003.” Ongoing maintenance costs are to be funded through an endowment or other means, and are not included herein.

b. Amount of Fee: The amount of the fee varies by land use type and location and is only applicable to the Mossdale Landing area.

	July 1, 2016 to December 31, 2016	January 1, 2017 to June 30, 2017
Low Density Residential	\$185	\$190
Medium Density Residential	\$105	\$108
High Density Residential	\$ 38	\$ 39
Village Commercial	\$885	\$911
Service Commercial	\$885	\$911
Freeway Commercial	\$885	\$911
Waterfront Resort Commercial	\$885	\$911

2. Fund Information During Reporting Period

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 19,361
b.	Fees Collected	-
c.	Interest Earned	\$ 1,236
d.	Expenditures	(\$ 20,598)
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	-



2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2310 expended during the reporting period? Yes

A total of 20,597.94 was expensed from Fund 2310 to reimburse developers for constructing public improvements.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2310 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 2310 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-2018: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The Environmental Mitigation Fund 2310 does not currently have funds appropriated to any Capital Improvement Program (CIP) Projects for Fiscal Year 2017-18. Please refer to the City's 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



West Central Lathrop Transportation Capital Facility Fee – 2320

1. Fee Information

a. Description and History of Fee: The West/Central Lathrop Regional Transportation Fee is a supplemental fee collected, in conjunction with the original 1997 WLSP (West Lathrop Specific Plan) Regional Transportation Fee, in order to fund traffic improvements needed as a result of new development.

Negotiations between developers and City staff concluded that a West/Central Lathrop Regional Traffic Impact Fee would be added to the Capital Facilities Fee Program that would help to fund projects identified in the 1997 WLSP Regional Fee as well as to fund newly added improvements.

The W/C Lathrop Regional Transportation Fee was derived as a result of a traffic study performed by TJKM Transportation Consultants that evaluated trips to / from the regional areas of Lathrop to / from five major service areas within Lathrop: Central Lathrop Specific Plan Area, Mossdale Village, River Islands, Historic Lathrop and area outside of the city limits.

b. Amount of Fee: The amount of the fee varies by land use type and location.

July 1, 2016 to December 31, 2016					
Land Use Type	Unit	Mossdale Village	Mossdale Landing, ML East, ML South	Central Lathrop	River Islands – Stewart Tract
Single Family	DU	\$ 2,718	\$ 2,435	\$ 3,038	\$ 3,534
Multi-Family	DU	\$ 1,671	\$ 1,497	\$ 1,866	\$ 2,167
Retail Commercial	1,000 sf	\$ 4,308	\$ 3,860	\$ 3,870	\$ 5,875
Service/Office Commercial	1,000 sf	\$ 3,904	\$ 3,499	\$ 2,827	\$ 3,242

January 1, 2016 to June 1, 2016					
Land Use Type	Unit	Mossdale Village	Mossdale Landing, ML East, ML South	Central Lathrop	River Islands – Stewart Tract
Single Family	DU	\$ 2,797	\$ 2,506	\$ 3,126	\$ 3,637
Multi-Family	DU	\$ 1,720	\$ 1,541	\$ 1,920	\$ 2,230
Retail Commercial	1,000 sf	\$ 4,433	\$ 3,972	\$ 3,982	\$ 6,046
Service/Office Commercial	1,000 sf	\$ 4,017	\$ 3,600	\$ 2,909	\$ 3,336



2. Fund Information (During Reporting Period)

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 2,590,658
b.	Fees Collected	\$ 1,083,375
c.	Interest Earned	\$ 17,199
d.	Expenditures	(\$ 4,296)
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 3,686,935

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2320 expended during the reporting period? Yes

A total of \$4,296.34 was expensed from Fund 2320 to reimburse developers for constructing public improvements.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2320 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 2320 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The West Central Lathrop Transportation Capital Facility Fee Fund 2320 does not currently have funds appropriated to any Capital Improvement Program (CIP) Projects for Fiscal Year 2017-18. Please refer to the City’s 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



West Lathrop Specific Plan Regional Transportation Impact Fee – 2330

1. Fee Information

a. Description and History of Fee: The West Lathrop Specific Plan (WLSP) Regional Transportation Impact Fee is collected from planned communities in the Central Lathrop area, Mossdale Village area and the River Islands area to fund regional road improvements needed as a result of new development west of Interstate 5.

The original fee was first developed in 1997 by the Fee Development Committee which is comprised of representatives from the City of Lathrop, San Joaquin Council of Governments, Caltrans, The Crane Transportation Group and Califia (a River Islands affiliate). The Committee was to evaluate existing transportation facilities to determine if they were sufficient to accommodate for new growth and, if insufficient, to identify the need for additional street infrastructure.

Upon determining a transportation level of service (LOS), the development projections for the City and project level impacts, a list of transportation system improvements was compiled. This list of improvements was utilized to determine a fee to fund the necessary improvement projects.

b. Amount of Fee: The amount of the fee for the West Lathrop Specific Plan Regional Transportation Fee varies by land use type.

Land Use Type	Unit	July 1, 2016 to December 31, 2016	January 1, 2017 to June 30, 2017
Single Family	DU	\$ 318	\$ 327
Multi Family	DU	\$ 373	\$ 383
Retail Commercial	1,000 sf	\$ 1,780	\$ 1,832
Service Commercial	1,000 sf	\$ 494	\$ 508

2. Fund Information During Reporting Period

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 224,598
b.	Fees Collected	\$ 405,825
c.	Interest Earned	\$ 1,615
d.	Expenditures	(\$ 1,386)
e.	Transfers Out	(\$ 308,400)
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 322,251



2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2330 expended during the reporting period? Yes

A total of \$1,385.90 was expensed from Fund 2330 to reimburse developers for constructing public improvements.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2330 transferred or loaned during the reporting period? Yes

A total of \$308,400 was transferred from Fund 2330 to project PS 17-02 Traffic Signal at River Islands Parkway and McKee.

2f. Description of refunds made during reporting period.

Were funds from Fund 2330 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The West Lathrop Specific Plan Regional Transportation Impact Fee Fund 2330 currently has funds appropriated to the Capital Improvement Program (CIP) Project listed below for Fiscal Year 2017-18. Please refer to the City’s 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.

<u>Project</u>	<u>Amount</u>	<u>% of Improvements</u>
Manthey Road Bridge, PS 12-04	\$ 57,350	3
Total	\$ 57,350	



Lathrop Local East – 2340 and Lathrop Local West - 2360

1. Fee Information

a. Description and History of Fee: The Regional Transportation Impact Fee (RTIF) San Joaquin County was adopted by City Council on December 20, 2005. This fee was adopted to address traffic volumes exceeding the capacity of the regional network of highways and arterials existing in San Joaquin County. It was determined that existing funding sources, including federal, state, and local sources, will be inadequate to construct the Regional Transportation Network needed to avoid unacceptable levels of traffic congestion and related adverse impacts.

The City of Lathrop has an existing local and regional transportation capital facilities fee (CFF) system in place which began with the West Lathrop Regional Transportation Impact Fee adopted in 1997. In 2003, the City created the West/Central Lathrop Regional Transportation CFF which picked up where the WLSP RTIF ended, by providing for other transportation improvements needed to meet the increase in development in West and Central Lathrop Specific Plan areas. Several other transportation-related CFFs (as covered in this report) have been created to address improvements as areas have developed.

The San Joaquin RTIF effectively updates and is incorporated into the WLSP RTIF. RTIF – Lathrop Local East (Fund 234) was created to account for fees collected from new development in East Lathrop under the new schedule. RTIF – Lathrop Local West (Fund 236) also accounts for fees collected for new development in West Lathrop under the San Joaquin RTIF fee schedule. Both funds will be used in accordance with the RTIF Operating Agreement in their prospective areas.

b. Amount of Fee: The amount of the fee varies by land use type and location. The fees are as follows:

Land Use Type	Unit	July 1, 2016 to December 31, 2016	January 1, 2017 to June 30, 2017
Single Family	DU	\$ 3,223	\$ 3,223
Multi Family	DU	\$ 1,934	\$ 1,934
Commercial/Industrial	1,000 sf	\$ 970	\$ 970
Service/Office Commercial	1,000 sf	\$ 1,620	\$ 1,620
Retail Commercial	1,000 sf	\$ 1,280	\$ 1,280
Warehouse	1,000 sf	\$ 410	\$ 410



2a. Fund 234 – RTIF – Lathrop Local East

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 423,290
b.	Fees Collected	\$ 522,912
c.	Interest Earned	\$ 4,408
d.	Expenditures	-
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 950,610

2c. Fund 236 – RTIF – Lathrop Local West

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 2,286,427
b.	Fees Collected	\$ 724,071
c.	Interest Earned	\$ 14,678
d.	Expenditures	-
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 3,025,176

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2340 and 2360 expended during the reporting period? No

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2340 and 2360 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 2340 and 2360 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

There are no planned project expenditures from the RTIF Local East Fund 234 for Fiscal Year 2017-18.

There are no planned project expenditures from the RTIF Local West Fund 236 for Fiscal Year 2017-18.

The Lathrop Local East Fee Fund 2340 and Lathrop Local West Fee Fund 2360 currently have funds appropriated to the Capital Improvement Program (CIP) Project listed below for Fiscal Year 2017-18.

Capital Facilities Fee Funds Report
Lathrop Local East Fee – 2340 and Lathrop Local West Fee - 2360



Please refer to the City's 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.

<u>Project</u>	<u>Amount</u>	<u>% of Improvements</u>
Lathrop Road Widening, PS 02-24	\$880,000	20
Manthey Road Bridge, PS 12-04	\$ 57,350	3
Total	\$937,350	



Regional Transportation Impact Fee San Joaquin County – 2350

1. Fee Information

a. Description and History of Fee: The Regional Transportation Impact Fee (RTIF) San Joaquin County was adopted by City Council on December 20, 2005. This fee was adopted to address traffic volumes exceeding the capacity of the regional network of highways and arterials existing in San Joaquin County. It was determined that existing funding sources, including federal, state, and local sources, will be inadequate to construct the Regional Transportation Network needed to avoid unacceptable levels of traffic congestion and related adverse impacts.

The Regional Transportation Impact Fee San Joaquin County (Fund 235) meets the agreement requirement to pay ten (10) percent of the total fee revenue collected to the County of San Joaquin for the purpose of funding RTIF Capital Projects within the County. Fund 235 has been set up to account for this revenue which is paid on a quarterly basis per the RTIF Operating Agreement.

b. Amount of Fee: The amount of the fee varies by land use type and location. Only 10 percent of the fee is placed in Fund 2350 (See Funds 2340 and 2360). The fund amounts are as follows:

2. Fund 235 – RTIF SJ County 10%

	<u>Source</u>	<u>Amount</u>
a.	Beginning Fund Balance as of July 1, 2016	\$ 73,325
b.	Fees Collected	\$ 169,658
c.	Interest Earned	\$ 355
d.	Expenditures	(\$ 159,686)
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 83,652

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2350 expended during the reporting period? Yes

A total of \$159,685.98 was expensed from Fund 2350 and paid to the County of San Joaquin for the portion of fee dedicated to RTIF Capital Projects within the County.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2320 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.



Were funds from Fund 2320 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The Regional Transportation Impact Fee (RTIF) Fund 2350 will not have funds appropriated to any Capital Improvement Program (CIP) Projects. Its purpose is to account for the amount that is paid to the County of San Joaquin for the portion of the fee dedicated to RTIF Capital Projects within the County.



Regional Transportation Impact Fee
San Joaquin Council of Governments 15% – 2370

1. Fee Information

a. Description and History of Fee: The Regional Transportation Impact Fee (RTIF) Program Operating Agreement establishes the distribution of fee revenue collected by the participating agencies. Ten (10) percent of the fees collected by the City of Lathrop and each of the other participating agencies pass directly on to the San Joaquin Council of Governments (SJCOG) on a quarterly basis. This revenue is used to fund state highway improvements on the RTIF Project List. Another five (5) percent is paid directly to SJCOG on a quarterly basis to fund transit improvements on the RTIF Project List. Fund 237 was set up to account for this 15 percent of collected revenue to be passed on to SJCOG.

b. Amount of Fee: The amount of the fee is 15 percent of all fees collected under the RTIF Program (See Funds 2340 and 2360).

2. Fund Information – RTIF SJCOG 15%

	<u>Source</u>	<u>Amount</u>
a.	Beginning Fund Balance as of July 1, 2016	\$ 109,989
b.	Fees Collected	\$ 254,487
c.	Interest Earned	\$ 532
d.	Expenditures	(\$ 239,530)
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 125,478

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2370 expended during the reporting period? Yes

A total of \$239,530.13 was expensed from Fund 2370 and paid to the San Joaquin Council of Governments (SJCOG) on a quarterly basis per the RTIF Operating Agreement.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2370 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 2370 refunded during this reporting period? No



3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The Regional Transportation Impact Fee San Joaquin Council of Governments (SJCOG) Fund 2370 will not have funds appropriated to any Capital Improvement Program (CIP) Projects. Its purpose is to account for the amount that is paid to SJCOG on a quarterly basis per the RTIF operating Agreement.



North Lathrop Transportation Capital Facility Fee – 2420

1. Fee Information

a. Description and History of Fee: The North Lathrop Transportation Fee was established in January 2011. The purpose of the North Lathrop Transportation Fee is to establish a funding mechanism to pay for the planning, design, land acquisition, administration (including construction management and program management), and construction of the interchange and frontage road improvements (including streets, intersection relocations and traffic signals). The North Lathrop Study Area boundaries include the City of Lathrop, City of Manteca, and unincorporated San Joaquin County that are impacting the Roth/I5 Interchange and associated frontages

b. Amount of Fee: The amount of the fee varies by land use type and location.

July 1, 2016 to June 30, 2017		
Land Use Type	Unit	City of Lathrop N Lathrop Transportation
CLSP Residential	DU	\$ 590.41
CLSP Commercial	1,000 sf	\$ 3,233.22
N Lathrop Area – Residential	DU	\$ 699.18
N Lathrop Area – Commercial	1,000 sf	\$ 46,249.20
Gordon Trucking – Industrial	Acre	\$ 18,450.47
LN Industrial Building	1,000 sf	\$ 985.21
KSC Travel Center- Highway Commercial	Acre	\$ 93,929.70
Other Lathrop Projects – Residential	DU	\$ 681.25
Highway Commercial	1,000 sf	\$ 73,801.91

July 1, 2016 to June 30, 2017		
Land Use Type	Unit	City of Manteca N Lathrop Transportation
Center Point- Light Industrial	1,000 sf	\$ 743.36
Other Manteca Projects – Light Industrial	1,000 sf	\$ 1,238.13
Retail	1,000 sf	\$ 21,012.50

July 1, 2016 to June 30, 2017		
Land Use Type	Unit	San Joaquin County N Lathrop Transportation
Intermodal facility – Light Industrial	Acre	\$ 43,657.47
Other SJ County Projects – Residential	Acre	\$ 2,091.84
Retail	Acre	\$ 77,156.55
Light Industrial	Acre	\$ 6,502.83



2. Fund Information during Reporting Period

	<u>Source</u>	<u>Amount</u>
a.	Beginning Fund Balance as of July 1, 2016	\$ 765,804
b.	Fees Collected	\$ 413,291
c.	Interest Earned	\$ 2,092
d.	Expenditures	-
e.	Transfers Out	(\$ 763,120)
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 418,067

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 2420 expended during the reporting period? No

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 2420 transferred or loaned during the reporting period? Yes

A total of \$763,120.00 was transferred from Fund 2420 to Capital Improvement Fund 3310 to cover the expenses related to the Roth Road/I-5 Interchange, CIP PS 14-04.

2f. Description of refunds made during reporting period.

Were funds from Fund 2420 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The North Lathrop Transportation Fee Fund 2420 currently does not have funds appropriated to the Capital Improvement Program (CIP) Project for Fiscal Year 2017-18. Please refer to the City’s 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



Park in Lieu – 3410

1. Fee Information

a. Description and History of Fee: This fee is collected under the authority of the Quimby Act, California Government Code Section 66477, to fund the acquisition of parkland needed to support new residential development. The fee is only charged in cases where parkland is not dedicated as part of a subdivision. The locations of the projects to be funded are generally described in the “Comprehensive General Plan and Environmental Impact Report for the City of Lathrop, California, December 1991.”

b. Amount of Fee: The amount of the fee varies from project to project but is always equal to the market value of the land for which the fee is being paid in lieu. Dedication (or payment of fees) is required in an amount necessary to provide five (5) acres of parkland per 1,000 new residents. An average rate of 3.59 people per household, results in park dedication of approximately one (1) acre of land for every 55.71 dwelling units.

2. Fund Information (During Reporting Period)

	<u>Source</u>	<u>Amount</u>
a.	Beginning Fund Balance as of July 1, 2016	\$ 258,947
b.	Fees Collected	-
c.	Interest Earned	\$ 1,475
d.	Expenditures	-
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 260,423

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 3410 expended during the reporting period? No

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 3410 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 3410 refunded during this reporting period? No



3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The Park in Lieu Fee Fund 3410 currently does not have funds appropriated to the Capital Improvement Program (CIP) Project for Fiscal Year 2017-18. Please refer to the City's 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



Water Capital Facility Fee – 5610

1. Fee Information

a. Description and History of Fee: The Water Capital Facility Fee is collected to fund improvements to water facilities in support of new development as well as to upgrade and maintain the City's existing system. A water component, based on the city's planned development, was not added to the Capital Facility Fee Program until the 1994 update as the City's updated General Plan was not yet complete. The 1994 study, added a fee based on land usage and type appropriate for the City's future growth to fund and maintain new and existing water facilities. The Capital Facility Fee Program was updated in 2003 to reflect the direction in which the city was headed (and reevaluated in 2005 to show the impacts of inflation). The 2003 and 2005 studies identified facilities to accommodate for growth west of Interstate 5 as well as growth and improvements in Historic Lathrop.

At the present time, Lathrop obtains water supplies from the underlying groundwater basin using five active wells. Along with the five wells, the City's existing water system includes four above ground storage tanks, four booster pump stations, and over 77 miles of distribution pipelines.

Four separate water system Capital Facility Fees have been set up to address the current underground water supply.

- ✓ An updated water system CFF for East Lathrop based on a system buy-in approach since the water system in that area is largely built out;
- ✓ An incremental cost for West/Central Lathrop to reflect the cost of adding arsenic treatment to groundwater wells and for a portion of the cost of a standby well to provide additional water system reliability for the entire City;
- ✓ An incremental cost CFF for the Mossdale Landings developments associated with the cost of a 1.0 MG storage reservoir;
- ✓ A reimbursement CFF for the Crossroads area.



b. Amount of Fee: The amount of the fee varies by meter size and location. The current fees are as follows:

July 1, 2016 to December 31, 2016					
Meter Size	East Lathrop	Crossroads	North Harlan	Mossdale Village/Landing – Central Lathrop & Stewart Tract	Mossdale Landing (Storage)
5/8	\$ 3,208	\$ 3,950	\$ 3,015	\$ 702	\$ 831
1 FS	\$ 3,208	N/A	\$ 3,015	\$ 702	\$ 831
3/4	\$ 4,812	\$ 5,926	\$ 4,522	\$ 1,052	\$ 1,247
1	\$ 8,020	\$ 9,876	\$ 7,537	\$ 1,755	\$ 2,078
1 1/2	\$ 16,038	\$ 19,750	\$ 15,073	\$ 3,509	\$ 4,154
2	\$ 25,661	\$ 31,600	\$ 24,116	\$ 5,616	\$ 6,648
3	\$ 48,114	\$ 59,251	\$ 45,218	\$ 10,530	\$ 12,463
4	\$ 80,191	\$ 98,751	\$ 75,364	\$ 17,550	\$ 20,773
6	\$ 160,381	\$ 197,502	\$ 150,727	\$ 35,100	\$ 41,544
8	\$ 256,610	\$ 316,004	\$ 241,164	\$ 56,161	\$ 66,471
10	\$ 465,106	\$ 572,757	\$ 437,109	\$ 101,792	\$ 120,479

January 1, 2017 to June 30, 2017					
Meter Size	East Lathrop	Crossroads	North Harlan	Mossdale Village/Landing – Central Lathrop & Stewart Tract	Mossdale Landing (Storage)
5/8	\$ 3,301	\$ 4,065	\$ 3,102	\$ 722	\$ 855
1 FS	\$ 3,301	N/A	\$ 3,102	\$ 722	\$ 855
3/4	\$ 4,952	\$ 6,098	\$ 4,654	\$ 1,083	\$ 1,283
1	\$ 8,253	\$ 10,163	\$ 7,756	\$ 1,806	\$ 2,138
1 1/2	\$ 16,504	\$ 20,324	\$ 15,510	\$ 3,611	\$ 4,275
2	\$ 26,406	\$ 32,518	\$ 24,817	\$ 5,779	\$ 6,841
3	\$ 49,511	\$ 60,971	\$ 46,531	\$ 10,836	\$ 12,825
4	\$ 82,519	\$ 101,618	\$ 77,552	\$ 18,060	\$ 21,376
6	\$ 165,038	\$ 203,236	\$ 155,103	\$ 36,119	\$ 42,750
8	\$ 264,061	\$ 325,178	\$ 248,165	\$ 57,792	\$ 68,401
10	\$ 478,610	\$ 589,386	\$ 449,800	\$ 104,747	\$ 123,976



2. Fund Information during Reporting Period

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 1,342,173
b.	Fees Collected	\$ 371,233
c.	Interest Earned	\$ 8,405
d.	Expenditures	(\$ 123,162)
e.	Transfers Out	-
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 1,598,649

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 5610 expended during the reporting period? Yes

A total of \$123,162.00 was expensed from Fund 5610 to reimburse developers for constructing public improvements.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 5610 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.

Were funds from Fund 5610 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The Water Capital Facility Fee Fund 5610 currently does not have funds appropriated to the Capital Improvement Program (CIP) Project for Fiscal Year 2017-18. Please refer to the City’s 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.



Surface Water Capital Facility Fee – 5640

1. Fee Information

a. Description and History of Fee: The Surface Water Supply Capital Facility Fee is collected to fund The City of Lathrop’s proportionate share of costs related to the South County Surface Water Supply Project (SCSWSP) with the South San Joaquin Irrigation District (SSJID).

The South County Surface Water Supply Project is a joint project between the Cities of Lathrop, Manteca, Escalon and Tracy that built a water treatment facility (the Nick C. DeGroot Treatment Facility), a pipeline to transport raw water from the Woodward Reservoir to the treatment facility and additional pipelines to transport the treated water to the participating cities.

Prior to the SCSWSP the city obtained all of its water supplies from the underlying groundwater basin using wells. With new development and recognizing the limitations of the groundwater resources the SCSWSP was needed. The City issued COPs in 2000 to help pay for the planning, engineering, and design costs associated with the project. Additionally, revenue bonds were issued in 2003 with a par value of \$32,530,000 to fund construction costs for the city’s capacity.

b. Amount of Fee: The amount of the fee varies by land use type and location.

July 1, 2016 to December 31, 2016			
Meter Size	Lathrop, North Harlan Crossroads	West Central Lathrop	Mossdale Village
5/8	\$ 693	\$ 3,692	\$ 3,378
1" FS	\$ 693	\$ 3,692	\$ 3,378
3/4	\$ 1,042	\$ 5,538	\$ 5,066
1	\$ 1,735	\$ 9,230	\$ 8,444
1 1/2	\$ 3,470	\$ 18,460	\$ 16,888
2	\$ 5,552	\$ 29,536	\$ 27,021
3	\$ 10,409	\$ 55,380	\$ 50,664
4	\$ 17,349	\$ 92,300	\$ 84,440
6	\$ 34,697	\$ 184,600	\$ 168,880
8	\$ 55,516	\$ 295,360	\$ 270,208
10	\$ 100,621	\$ 535,340	\$ 489,752



January 1, 2017 to June 30, 2017			
Meter Size	East Lathrop, North Harlan, & Crossroads	West Central Lathrop	Mossdale Village
5/8	\$ 714	\$ 3,692	\$ 3,476
1" FS	\$ 714	\$ 3,692	\$ 3,476
¾	\$ 1,072	\$ 5,538	\$ 5,213
1	\$ 1,785	\$ 9,230	\$ 8,689
1 ½	\$ 3,571	\$ 18,460	\$ 17,378
2	\$ 5,713	\$ 29,536	\$ 27,805
3	\$ 10,711	\$ 55,380	\$ 52,135
4	\$ 17,853	\$ 92,300	\$ 86,891
6	\$ 35,704	\$ 184,600	\$ 173,783
8	\$ 57,127	\$ 295,360	\$ 278,053
10	\$ 103,542	\$ 535,340	\$ 503,971

2. Fund Information during Reporting Period

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 30,039
b.	Fees Collected	\$ 86,482
c.	Interest Earned	\$ 487
d.	Expenditures	-
e.	Transfers Out	\$ (10,000)
f.	Refunds	-
g.	Ending Fund Balance as of June 30, 2017	\$ 107,008

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 5640 expended during the reporting period? NO

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 5640 transferred or loaned during the reporting period? Yes

A total of \$10,000 was transferred from Fund 5640 to cover debt service on existing surface water improvements.



2f. Description of refunds made during reporting period.

Were funds from Fund 5640 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-2018: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The Surface Water Supply Fund Fee 5640 does not currently have funds appropriated to any Capital Improvement Program (CIP) Projects. The fund pays for the costs related to the South County Surface Water Supply Program Project.



Sewer Capital Facility Fee – 6030

1. Fee Information

a. Description and History of Fee: The Sewer Capital Facilities Fees, adopted in 1993, are collected in order to fund new sewer facilities to accommodate new development as well as to provide improvements to the city’s existing facilities. The Crossroads fee is an exception in that it is collected to reimburse the developer for infrastructure that was built with the original project. Lathrop’s existing facilities consist of: 14.7% capacity of the Manteca Water Quality Control Facility to service the Historic Lathrop area, and the Consolidated Treatment Facility (CTF) to service development west of Interstate 5 and for businesses located within the Crossroads development area. The CTF represents a consolidation of the two previous Lathrop treatment facilities, the Membrane Biological Reactor (MBR) Treatment Facility and the Water Recycling Plant (WRP1). An update to the Sewer Capital Facilities Fee was implemented in 2003 and again in 2005 to show the effects of inflation.

The city plans to expand the capacity of the existing CTF plant to accommodate for future growth in the Mossdale Landing and River Islands areas and for Richland Communities development.

b. Amount of Fee: The amount of the fee varies by land use type and location.

July 1, 2016 to December 31, 2016					
Meter Size	East Lathrop & North Harlan	Crossroads	Central Lathrop and Stewart Tract (recycled Water Outfall)	Mossdale Sewer Collect/ Recycle Dist.	Mossdale (Recycled Water Outfall)
5/8	\$ 5,140		\$ 42	\$ 1,005	\$ 42
1" FS	\$ 5,140		\$ 42	\$ 1,005	\$ 42
3/4	\$ 7,710		\$ 64	\$ 1,507	\$ 64
1	\$ 12,850		\$ 106	\$ 2,511	\$ 106
1 ½	\$ 25,699		\$ 211	\$ 5,022	\$ 211
2	\$ 40,119		\$ 337	\$ 8,035	\$ 337
3	\$ 77,097		\$ 634	\$ 15,066	\$ 634
4	\$ 128,496		\$ 1,057	\$ 25,109	\$ 1,057
6	\$ 256,991		\$ 2,112	\$ 50,218	\$ 2,112
8	\$ 411,186		\$ 3,379	\$ 80,348	\$ 3,379
10	\$ 745,274		\$ 6,124	\$ 145,632	\$ 6,124
ISU	\$ 7,858				
GPD		\$38.00			



January 1, 2017 to June 30, 2017					
Meter Size	East Lathrop & North Harlan	Crossroads	Central Lathrop and Stewart Tract (Recycled Water Outfall)	Mossdale Sewer Collect/ Recycle Dist.	Mossdale (Recycled Water Outfall)
5/8	\$ 5,289		\$ 43	\$ 1,034	\$ 43
1" FS	\$ 5,289		\$ 43	\$ 1,034	\$ 43
3/4	\$ 7,934		\$ 66	\$ 1,550	\$ 66
1	\$ 13,223		\$ 109	\$ 2,584	\$ 109
1 ½	\$ 26,445		\$ 217	\$ 5,167	\$ 217
2	\$ 42,312		\$ 347	\$ 8,268	\$ 347
3	\$ 79,336		\$ 652	\$ 15,503	\$ 652
4	\$ 132,226		\$ 1,087	\$ 25,838	\$ 1,087
6	\$ 264,452		\$ 2,173	\$ 51,676	\$ 2,173
8	\$ 423,124		\$ 3,477	\$ 82,681	\$ 3,477
10	\$ 766,912		\$ 6,302	\$ 149,861	\$ 6,302
ISU	\$ 8,086				
GPD		\$39.11			

3. Fund Information during Reporting Period

	Source	Amount
a.	Beginning Fund Balance as of July 1, 2016	\$ 1,189,919
b.	Fees Collected	\$ 326,433
c.	Interest Earned	\$ 6,785
d.	Expenditures	(\$ 192,045)
e.	Transfers Out	-
f.	Refunds	-
g.	Prior Year Adjustments	-
h.	Ending Fund Balance as of June 30, 2017	\$ 1,331,091

2d. Expenditure Summary: Identification of each improvement on which reportable fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that was funded with reportable fees:

Were funds from Fund 6030 expended during the reporting period? No

A total of \$192,045.00 was expensed from Fund 6030 to reimbursed developers for constructing public improvements.

2e. Description of Transfers and Loans made from fund.

Were funds from Fund 6030 transferred or loaned during the reporting period? No

2f. Description of refunds made during reporting period.



Were funds from Fund 6030 refunded during this reporting period? No

3. Planned Projects for Fiscal Year 2017-18: Identification of each improvement on which reportable fees will be expended and the amount of the expenditures on each improvement, including the total percentage of the cost of each project of the district that will be funded with reportable fees:

The Sewer Capital Facility Fee Fund 6030 currently has no funds appropriated to any Capital Improvement Program (CIP) Projects for Fiscal Year 2017-18. Please refer to the City's 2017-2022 Capital Improvement Program adopted by City Council June 13, 2017, Resolution 17-4249.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Sewer Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund improvements for existing sewer facilities as well as create new facilities needed in order to accommodate new development. The projects to be funded are listed in the report titled "City of Lathrop, Capital Facility Fee, as amended September 2, 2003.

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**

If yes, describe the reasonable relationship between the fee and its purpose.

The current fee is based on the total amount of improvements needed to serve the projected level of development divided by the number of gallons of sewage to be treated. The fees are then based on the average number of gallons for single family and multiple family with individual calculations made for each non-residential use based on estimated usage.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

CFF Fund 6030 - Sewer Connection Fees		Funding Anticipated to Complete Financing					
Improvements	Cost of Improvement	Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other		
		%	Funding	Date Available [1]	%	Funding	Date Available
Existing Sewer Collection System Buy In	\$ 18,409,604	41%	\$ 7,547,938	2030	49%	\$ 8,930,986	
Recycled Water Outfall W/C Lathrop	\$ 1,207,984	100%	\$ 1,207,984	2030			
Sewer/Recycled Water System MV	\$ 3,974,283	41%	\$ 1,629,456	2030	48%	\$ 1,911,136	

*Note: A portion of the Sewer Capital Improvements have been completed. Ten percent (10%) of the Mossdale CFF revenue collected is reimbursed to the developer/builder for the cost of the project.

[1] Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Water Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund improvements for existing water facilities as well as create new facilities needed in order to accommodate new development. The projects to be funded are listed in the report titled "City of Lathrop, Capital Facility Fee, as amended September 2, 2003.

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**

If yes, describe the reasonable relationship between the fee and its purpose.

The fee is based on the total amount of improvements to the water system including the creation of new water sources needed to serve the anticipated growth of the City. These costs were then transferred into per-gallon-per-day costs and allocated to the different land uses based on the average daily consumption rates. For non-residential uses, individual calculations will be made based on the estimated water usage.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

Improvements	Cost of Improvement	Funding Anticipated to Complete Financing					
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other		
		%	Funding	Date Available [1]	%	Funding	Date Available
Existing Water System Buy In	\$ 13,972,803	87%	\$ 12,156,339	2030	11%	\$ 1,467,293	
Well Improvements for W/C Lathrop	\$ 39,401,219	100%	\$ 39,401,219	2030			
Water Storage for ML * and LS	\$ 2,712,513	100%	\$ 2,712,513	2030			

*Note: The Mossdale Water Tank was completed. All Mossdale CFF revenue collected is reimbursed to the developer/builder for the cost of the project.

[1] Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Park in Lieu
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund acquisition of parkland needed to support new residential development. The fee is only charged in the event that adequate parkland is not dedicated by the developer as part of the subdivision in accordance with the Quimby Act. The location of the projects to be funded are generally described in the "comprehensive General Plan and Environmental Impact Report for the City of Lathrop, December, 1991."

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**
 If yes, describe the reasonable relationship between the fee and its purpose.
 According to the General Plan, the standard for park development is 2 acres of Neighborhood Parks per 1,000 residents and 3 acres of Community Parks per 1,000 residents. According to State Law, the City can require up to 5 acres of park land to be dedicated per every 1,000 people provided that the City already has that much park land within its planning area. In 1991, when the General Plan was adopted, the City had more than 5 acres per 1,000 people and, with additional parks developed since that time, has maintained that ratio. The dedication (or in-lieu) requirement is still valid.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

CFF Fund 3410 - Park in Lieu		Funding Anticipated to Complete Financing					
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other		
Improvements	Cost of Improvement	%	Funding	Date Available [1]	%	Funding	Date Available

[1] Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Environmental Mitigation Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected from development on the west side of Interstate 5 in order to preserve the habitat of the Riparian Brush Rabbit as required by the environmental mitigation measures. This fee will be used to acquire the land and construct a fence needed to protect the rabbit.

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**
 If yes, describe the reasonable relationship between the fee and its purpose.
 New development on the west side of Interstate 5 will endanger the Riparian Brush Rabbit thus creating the need to protect it. This fee was created solely for that reason.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

CFF Fund 2310 - Environmental Mitigation		Funding Anticipated to Complete Financing					
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other		
Improvements	Cost of Improvement	%	Funding	Date Available [1]	%	Funding	Date Available
		Rabbit Habitat Mitigation	\$ 697,458	100%	\$ 697,458	2030	

*Note: Project was completed. All Mossdale CFF revenue collected is reimbursed to the developer/builder for the cost of the project.

[1] Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Administration Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to defer the administrative costs of collecting and accounting for the funds collected for Transportation, City Services, and Culture and Leisure as identified in the report titled "City of Lathrop, Capital Facility Fee, as amended September 2, 2003."

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**

If yes, describe the reasonable relationship between the fee and its purpose.

Costs are incurred in collection of and accounting for the fees described above. These cost are reimbursed through this 2% fee.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

CFF Fund 2290 - Administration		Funding Anticipated to Complete Financing					
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other		
Improvements	Cost of Improvement	%	Funding	Date Available [1]	%	Funding	Date Available
CFF Report Update (Bi Annually)	\$ 72,683	100%	\$ 72,683	2011			

[1] Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Storm Drainage Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund storm drain improvements needed to accommodate new development. The projects to be funded are listed in the report titled "City of Lathrop, Capital Facilities Fees, as amended September 2, 2003."

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**
 If yes, describe the reasonable relationship between the fee and its purpose.
 New development will create additional storm drainage run-off, which varies by the type of use (coverage of ground with impervious surfaces varies greatly depending on land use). This fee is calculated to spread the cost of needed storm drainage facilities based on the amount of water run-off is likely to occur from each type of land use.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

CFF Fund 2280 - Storm Drain		Funding Anticipated to Complete Financing					
		Cost of Improvement	Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other	
Improvements			%	Funding	Date Available [1]	%	Funding
Mossdale Village Outfall *	\$ 1,708,703	100%	\$ 1,708,703	2009			
Trunkline "A-1" Improvements	\$ 3,195,802	100%	\$ 3,195,802	2015			
Trunkline "C" Improvements	\$ 5,179,814	100%	\$ 5,179,814	2015			

*Note: Project was completed and accepted by the City on December 6, 2005. All Mossdale CFF revenue collected is reimbursed to the developer/builder for the cost of the project.

[1] Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Municipal Services Capital Facilities Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund a city hall, police station, corporation yard and animal control shelter needed to accommodate for new development. The projects to be funded are listed in the report titled "City of Lathrop, Capital Facilities Fees, as amended September 2, 2003."

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**
 If yes, describe the reasonable relationship between the fee and its purpose.
 New development creates additional need for city services including a larger city hall, police station, corporation yard and animal shelter. This fee will pay for those improvement needed to provide these facilities.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

CFF Fund 2270 - City Services		Funding Anticipated to Complete Financing					
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other		
Improvements	Cost of Improvement						
		%	Funding	Date Available [1]	%	Funding	Date Available
Police Facility	\$ 37,369,014	100%	\$ 37,369,014	2030			
Animal Control Shelter	\$ 8,146,262	100%	\$ 8,146,262	2030			
City Hall	\$ 27,668,799	99%	\$ 27,392,111	2030	1%	\$ 225,325	
Corporation Yard	\$ 17,940,964	100%	\$ 17,940,964	2013			
Performing Arts Center	\$ 7,595,328	82%	\$ 6,228,169	2020	18%	\$ 1,367,159	
Wireless Network	\$ 1,817,064	100%	\$ 1,817,064	2020			

[1] Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Culture and Leisure Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund parks, a library facility, senior center and cultural center needed to accommodate new development. The projects to be funded are listed in the report titled "City of Lathrop, Capital Facilities Fees, as amended September 2, 2003."

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**
 If yes, describe the reasonable relationship between the fee and its purpose.
 New development creates additional need for recreational facilities such parks, libraries, cultural and senior centers. This fee will pay for those improvement needed to provide these facilities.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

Improvements	Cost of Improvement	Funding Anticipated to Complete Financing					
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other		
		%	Funding	Date Available (1)	%	Funding	Date Available
Neighborhood Parks	\$ 47,287,277	100%	\$ 47,287,277	2030			
Community Parks	\$ 61,618,825	95%	\$ 58,537,884	2020	4%	\$ 2,681,990	
Linear Parks and Bikeways	\$ 19,153,310	100%	\$ 19,153,310	2030			
Specialized Community Park Facilities	\$ 20,307,509	100%	\$ 20,307,509	2030			
Library	\$ 19,711,512	100%	\$ 19,711,512	2020			
Senior Center	\$ 11,363,192	100%	\$ 11,363,192	2030			
Cultural Center	\$ 7,595,005	97%	\$ 7,367,155	2020			
Community Center Expansion	\$ 4,035,336	60%	\$ 2,421,202	2020	40%	\$ 128,845	

*Note: A portion of the Culture and Leisure Improvements have been completed. Ten percent (10%) of the Mossdale CFF revenue collected is reimbursed to the developer/builder for the cost of the project.

(1) Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Transportation Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund street improvements on the west side of Interstate 5. The projects to be funded are listed in the report titled "City of Lathrop Capital Facility Fees, as amended September 2, 2003. A portion of this fee is set aside for use on regional street improvements.

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**

If yes, describe the reasonable relationship between the fee and its purpose.

New development creates additional traffic on city streets. In order to provide for adequate capacity in the roadway system, improvements are needed. This fee will pay for those improvements.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

**CFF Fund 2320 Reg Trans Impact
 Fee, 2330 WLSP Reg Trans &
 2360 SJ RTIF**

Improvements	Cost of Improvement	Funding Anticipated to Complete Financing						1997 RTIF	2003 CFF	2003 CFF
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other					
		%	Funding	Date Available (1)	%	Funding	Date Available			
Arbor Ave from Macarthur to Paradise Ave	\$ 13,283,466	100%	\$ 13,283,466	2030					X	
GVP Paradise Ave to Paradise Cut	\$ 43,904,630	100%	\$ 43,904,630	2030				X	X	
GVP Paradise Cut to SJ River	\$ 30,155,996	100%	\$ 30,155,996	2030				X	X	
GVP SJ River to River Edge Ave	\$ 4,003,356	100%	\$ 4,003,356	2030				X	X	
GVP River Edge Ave to River Island Pkwy	\$ 8,179,696	93%	\$ 7,607,117	2030	6%	\$ 452,957		X	X	
GVP RIP to Lathrop Road	\$ 8,788,776	86%	\$ 7,558,347	2030	11%	\$ 1,000,000		X	X	
GVP Lathrop Road and CLSP no. boundary	\$ 6,890,307	100%	\$ 6,890,307	2030				X	X	
GVP CLSP no. boundary to Roth Road	\$ 2,078,721	100%	\$ 2,078,721	2030				X	X	
Roth Road Interchange Improvements	\$ 1,093,146	78%	\$ 852,654	2030	18%	\$ 200,000			X	
Lathrop Road Interchange Improvements	\$ 36,879,134	94%	\$ 34,666,386	2030	5%	\$ 1,882,833		X	X	
Lathrop Road from GVP to I-5	\$ 1,392,598	100%	\$ 1,392,598	2030					X	
Louise Ave Interchange Improvements	\$ 16,810,024	87%	\$ 14,624,721	2030	11%	\$ 1,832,683			X	
RIP from I-5 to GVP	\$ 1,101,868	30%	\$ 330,560	2030	58%	\$ 638,000			X	
RIP from GVP to McKee Ave	\$ 2,205,189	100%	\$ 2,205,189	2030					X	
RIP from McKee Ave to SJ River	\$ 14,475,460	100%	\$ 14,475,460	2030					X	
RIP from SJ River to Broad Street	\$ 2,311,306	100%	\$ 2,311,306	2030					X	
Broad St. from RIP to So. RIP	\$ 3,539,641	100%	\$ 3,539,641	2030					X	

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Transportation Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund street improvements on the west side of Interstate 5. The projects to be funded are listed in the report titled "City of Lathrop Capital Facility Fees, as amended September 2, 2003. A portion of this fee is set aside for use on regional street improvements.

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**

If yes, describe the reasonable relationship between the fee and its purpose.

New development creates additional traffic on city streets. In order to provide for adequate capacity in the roadway system, improvements are needed. This fee will pay for those improvements.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

**CFF Fund 2320 Reg Trans Impact
 Fee, 2330 WLSP Reg Trans &
 2360 SJ RTIF**

Improvements	Cost of Improvement	Funding Anticipated to Complete Financing						1997 RTIF	2003 CFF	2003 CFF
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other					
		%	Funding	Date Available [1]	%	Funding	Date Available			
So. RIP from GVP to Broad St.	\$ 3,426,256	100%	\$ 3,426,256	2030					X	
Broad St. from So. RIP to GVP	\$ 2,661,636	100%	\$ 2,661,636	2030						
Paradise Ave interchange Improvements	\$ 22,932,803	100%	\$ 22,932,803	2030			X	X		
Paradise Ave from GVP to Paradise Cut	\$ 1,431,847	100%	\$ 1,431,847	2030					X	
Macarthur Dr. interchange Improvements	\$ 16,036,681	100%	\$ 16,036,681	2030					X	
Macarthur Dr. from 1-205 to Arbor Ave	\$ 1,990,049	100%	\$ 1,990,049	2030					X	
Traffic Signal at Macarthur Dr. & Arbor Ave.	\$ 686,123	100%	\$ 686,123	2030					X	
Traffic Signal at GVP and Paradise Ave.	\$ 686,123	100%	\$ 686,123	2030					X	
Traffic Signal at GVP and RIP	\$ 686,123	100%	\$ 686,123	2030					X	
Traffic Signal at GVP and Lathrop Road	\$ 686,123	100%	\$ 686,123	2030					X	
Traffic Signal at RIP and Broad St.	\$ 402,661	100%	\$ 402,661	2030					X	
Traffic Signal at Broad St. and So. RIP	\$ 402,661	100%	\$ 402,661	2030					X	
Traffic Signal at GVP and Broad St.	\$ 402,661	100%	\$ 402,661	2030					X	
Traffic Signal at GVP and So. RIP	\$ 402,661	100%	\$ 402,661	2030					X	

[1] Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

Five Year Capital Facilities Fee Fund Report
 (Report Made Pursuant to Government Code Section 66000 et. seq.)
 Name of Fund: Transportation Capital Facility Fee
 Report Period: July 1, 2016 to June 30, 2017

1. Purpose of Fee: This fee is collected in order to fund street improvements on the east side of Interstate 5. The projects to be funded are listed in the report titled "City of Lathrop Capital Facility Fees, as amended September 2, 2003. A portion of this fee is set aside for use on regional street improvements.

2. Are the assumptions utilized in the development of the Capital Facility Fee still valid? **YES**

If yes, describe the reasonable relationship between the fee and its purpose.

New development creates additional traffic on city streets. In order to provide for adequate capacity in the roadway system, improvements are needed. This fee will pay for those improvements.

If no, what have you done or what are you doing to insure that a reasonable relationship exists between the fee and its purpose?

**CFF Fund 2230 - Reg Traff
 Impact Fee, 2250 Traffic
 Mitigation & 2340 SJ RTIF ***

Improvements	Cost of Improvement	Funding Anticipated to Complete Financing							2230	2250	2340
		Source: Capital Facility Fee			Source: Measure K, Developer Contribution, Other						
		%	Funding	Date Available (1)	%	Funding	Date Available				
Lathrop/Stratford Intersection Widening	170,919	100%	170,919	2030	0%	\$ -	-	X	X		
Lathrop/Avon Intersection Widening	170,919	100%	170,919	2030	0%	\$ -	-	X	X		
Lathrop/5th Street Intersection Widening	85,460	100%	85,460	2030	0%	\$ -	-	X	X		
Lathrop/McKinley Intersection Widening	85,460	100%	85,460	2030	0%	\$ -	-	X	X		
Louise/McKinley Intersection Widening	170,919	100%	170,919	2011	0%	\$ -	-		X		
McKinley/Yosemite/Vierra Intersection Widening	170,919	100%	170,919	2030	0%	\$ -	-		X		
Traffic Signal - Louise Avenue and McKinley	237,389	50%	118,694	2011	0%	\$ -	-		X		
Traffic Signal - Lathrop and Stratford	237,389	100%	237,389	2030	0%	\$ -	-	X	X		
Traffic Signal - Lathrop and McKinley	237,389	100%	237,389	2030	0%	\$ -	-	X	X		
Traffic Signal - Lathrop and Avon	237,389	100%	237,389	2030	0%	\$ -	-	X	X		
Traffic Signal - McKinley & Yosemite/Vierra	237,389	100%	237,389	2030	0%	\$ -	-		X		
Grade Separation - Lathrop @ UPRR	13,990,065	18%	2,518,212	2008	67%	\$ 9,434,818	2008	X	X		
Grade Separation - Lathrop @ SPRR	13,990,065	70%	9,793,046	2015	25%	\$ 3,432,000	2015	X	X	X	
Harlan Road (Roth to Louise) Widening	494,558	22%	108,803	2009	64%	\$ 318,887	2009		X		
Lathrop Road (UPRR to SPRR) Widening	267,062	0%	0	2030	100%	\$ 267,062	-	X	X	X	
Roth Road (UPRR to SPRR) Widening	385,755	100%	385,755	2030	0%	\$ -	-		X		
Roth Road /I-5 Interchange	4,352,113	100%	4,332,541	2015	0.36948%	\$ 16,080	-		X	X	
Lathrop Road /I-5 Interchange	13,880,272	90%	12,492,245	2015	8%	\$ 1,090,538	2011	X	X	X	
Louise Avenue/I-5 Interchange	11,308,570	91%	10,290,799	2015	7%	\$ 824,230	2011	X	X		

*Note: Fund 223 was closed as of Feb. 20, 2006. Revenues for these projects will now come from Funds 234 and 236 as a result of the change from Regional Transportation Fee to San Joaquin Regional Transportation Impact Fee (RTIF).

(1) Dates shown were based on the 2005 CFF Update projections, however, the current economic slowdown will require these dates to be reanalyzed once a CFF Update is approved by Council.

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**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**

ITEM: APPROVE TASK ORDER NO. 8 WITH 4LEAF, INC. FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTANT SERVICES

RECOMMENDATION: Adopt a Resolution Approving Task Order No. 8 to the Master Professional Consulting Services Agreement with 4Leaf, Inc. Dated September 21, 2015 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 recent resignation of the Chief Building Official, Staff is requesting Council consider approving Task Order No. 8 for Interim Chief Building Official Consultant Services for an amount not to exceed \$130,000. Consulting services will be used until the City is able to complete the recruitment process 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 City's Chief Building Official resigned effective November 25, 2017. Staff is requesting Council to approve funding for Task Order No. 8 with 4Leaf, Inc. to support Interim Chief Building Official Consultant Services.

The Chief Building Official position oversees the day-to-day functions of the Building Department. Considering the current residential and commercial development projects currently 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:

Staff recommends the City Council approve Task Order No. 8 with 4Leaf, Inc. to provide consultant services while the City recruits for a Chief Building Official.

**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**

PAGE 2

FISCAL IMPACT:

The cost of the agreement is not to exceed \$130,000 and will be paid for using salary savings within Fiscal Year 2017/18 approved budget.

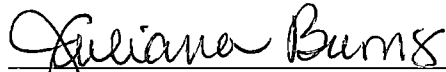
ATTACHMENTS:

- A. Resolution Approving Task Order No. 8 with 4Leaf, Inc. to Provide Chief Building Inspector Consultant Services
- B. Task Order No. 8

**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**

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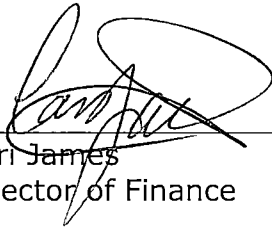
APPROVALS:



Juliana Burns
Human Resources Manager

1/19/18

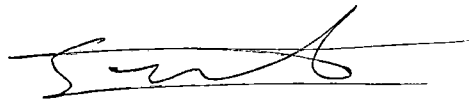
Date



Carl James
Director of Finance

1/22/18

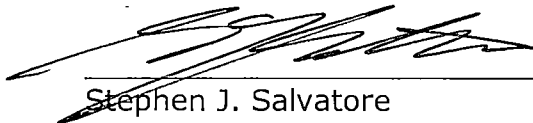
Date



Salvador Navarrete
City Attorney

1-23-18

Date



Stephen J. Salvatore
City Manager

1-24-18

Date

RESOLUTION NO. 18-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING TASK ORDER NO. 8 TO THE MASTER PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH 4LEAF, INC. DATED SEPTEMBER 21, 2015 FOR INTERIM CHIEF BUILDING OFFICIAL CONSULTANT SERVICES

WHEREAS, the City requires contract professional services to augment the Building Division 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 provided qualifications to continue to provide Building Division services; and

WHEREAS, the cost for the services of Task Order No. 8 will be paid for by salary savings within 2017/18 approved budget.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby approve Task Order No. 8 for Interim Chief Building Official Consultant Services with 4Leaf, Inc.

The foregoing resolution was passed and adopted this 29th day of January 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
TASK ORDER NO. 8
PURSUANT TO MASTER CONSULTING AGREEMENT DATED
SEPTEMBER 21, 2015 WITH 4LEAF, INC. TO PROVIDE**

INTERIM CHIEF BUILDING OFFICIAL CONSULTANT SERVICES

THIS TASK ORDER NO. 8 dated for convenience this ____ **day of January 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. 8 with 4Leaf Inc. for Interim Chief Building Official Consultant Services

(3) **Effective Date and Term**

The effective date of this Task Order No. 8 is _____, and it shall terminate no later than June 30, 2018.

(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. 8** 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. 8 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. 8 with 4Leaf Inc. for Interim Chief Building
Official Consultant Services

Approved as to Form:

City of Lathrop
City Attorney



1-23-18

Salvador Navarrete

Date

Recommended for Approval:

City of Lathrop
Director of Administrative Services

Cari James

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. 8 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

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**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**

ITEM: APPROVE TASK ORDER 9 WITH MUNICIPAL RESOURCE GROUP, LLC

RECOMMENDATION: Adopt a Resolution Approving Task Order No. 9 With Municipal Resource Group, LLC to Evaluate Potential Law Enforcement Alternatives and Related Budget Amendments

SUMMARY:

Municipal Resource Group, LLC (MRG), has assisted the City in various departments for special projects over the past several years. The specialized project assistance that MRG provides helps control staffing costs and increases productivity as we only use the services to augment our staff as needed. MRG has provided a high level of quality services for City projects such as, staff training, police services analysis, assistance with special tax audits, project management for Measure C, financial analysis for Well 21 and key operation/organization enhancements to the Finance Department.

Unsustainable law enforcement costs have driven the City to evaluate and assess its current contract and review other alternatives to ensure the safety of its residents through affordable and reliable public safety services.

In 2010, 2013 and 2017, the City contracted with MRG to perform an extensive review of the City's Law Enforcement Services. The reviews included possible modifications of the San Joaquin County's contract; contracting with other public agencies for law enforcement services; review of pending development impacts on current law enforcement activities and potential innovative law enforcement techniques.

MRG has conducted a comprehensive review of the City's Law Enforcement Services received through its current contract with the San Joaquin County Sheriff's Office (SJCSO). Through MRG's review, Council was provided the following options: 1) Continue to contract with SJCSO, 2) Contract with City of Manteca, 3) Contract with City of Tracy, and 4) Establish a Hybrid Approach of City's Police Services Personnel and outside support.

At the December 18, 2017 Council Meeting, Council directed Staff to continue to work with MRG and the City of Tracy to develop a service program to provide law enforcement services to the City of Lathrop.

MRG has submitted a proposal in the amount of \$64,700. The proposal includes the following: 1) Develop a law enforcement service program for the City of Tracy to provide law enforcement services to the City of Lathrop, 2) Work directly with the SJCSO to provided service alternatives and cost reductions within the current contract and 3) Deliver report with recommendations to both the City of Lathrop and City of Tracy's City Councils.

the City of Tracy staff in the development of the pros and cons of a service plan for Tracy Council consideration.

Staff requests Council approve Task Order #9 with MRG to evaluate potential law enforcement alternatives. Funds are available in the Measure C Public Safety Reserve to fund this contract.

BACKGROUND:

Since the City's incorporation, the SJCSO has provided comprehensive law enforcement services including traffic enforcement and crime prevention programs. The current Adopted Budget for Fiscal Year 17/18 and 18/19 estimates the contract for law enforcement services to be \$7.2 million and \$7.7 million, respectively. Despite significant costs hikes, increasing contract demands, and unsuccessful negotiation attempts, the City has extended its law enforcement services contract with SJCSO multiple times ensuring continuity of public safety services for its residents. During the latest contract extension with SJCSO, City leadership began contemplating alternative options available to provide law enforcement services to its residents. The City contracted with MRG to conduct a comprehensive study and present available options to City Council for review.

MRG is a full service consulting firm dedicated to assisting its public sector clients in attaining their policy, management and service delivery goals. MRG was founded by skilled and broadly experienced municipal professionals with hands-on experience working as municipal managers and consultants, providing essential services, insights and support to local governments and private sector clients. MRG has been providing services to the City of Lathrop since 2003 in a variety of specialty areas including: development finance and funding issues; specialty taxing and tax related elections assistance; construction project funding and financing; Finance Department operations; human resources training and processing; and law enforcement operations development. Their consultants have included professionals who have served in the public sector as City Managers, Police Chiefs, Human Resources Managers, and Finance Directors.

In 2010, 2013 and 2017, the City contracted with MRG to perform an extensive review of the City's Law Enforcement Services. The reviews included possible modifications of the San Joaquin County's contract; contracting with other public agencies for law enforcement services; review of pending development impacts on current law enforcement activities and potential innovative law enforcement techniques. Continued cost increases have raised the question whether the City can control costs more effectively through an alternate service provider that will deliver equal or greater quality services to our residents.

Under MRG's 2017 law enforcement services review, the following options were presented to Council:

- 1. Stay with contract through SJCSO:** Although, this option represents a stable and reliable service configuration, with continuous skyrocketing costs; it will soon become a financially unsustainable option for the City. Contract demands such as post-retirement costs; inflexibility in using lower-cost non-sworn employees for support tasks; overhead costs passed down to the City against State Law; and start-up costs exceeding \$275 thousand for each officer as the City adds to its police workforce, make the agreement with SJCSO unmanageable and extremely difficult to fulfill.
- 2. Contract with City of Manteca:** The City of Manteca's Police Department is comprised of dedicated and professional service providers led by an enthusiastic Command Staff who are dedicated to providing Law Enforcement services to their community. Contracting with the City of Manteca would involve a major structural expansion of their police department as it would require a massive recruitment of non-sworn and sworn staff due to their relatively low officer to residents' ratio, the need for a larger facility to conduct dispatch operations; and the anticipated retirement of long-term leadership.
- 3. Contract with City of Tracy:** The City of Tracy's Police Department is comprised of dedicated and professional service providers led by an enthusiastic Command Staff who are committed to providing quality services the community and meeting the future demands of a growing population. The City of Tracy has a relatively new facility equipped with the adequate service platform to meet current and future service demands. In addition, its current operational structure can support a 30% staffing growth if required to provide law enforcement services to the City of Lathrop. City of Tracy's leadership has posed interest in exploring a contractual service agreement with the City of Lathrop.
- 4. Develop City's own law enforcement services and contracting with adjacent City to provide related support services (Hybrid Approach):** This would be a unique approach to current practices and would involve the contracting agency to provide services such as: dispatch, records management, special investigative and crime related services, SWAT services, Human Resources/Labor Relations services, internal affairs, and certification and training services. Discussion with both the City of Tracy and the City of Manteca resulted in a lack of interest in providing support services only.

Although it appears there may be potential service and financial advantages to contracting with adjacent cities; the complexity of such undertaking is significant.

**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING
MUNICIPAL RESOURCE GROUP, LLC TASK ORDER #9**

Page 4

The City will need to conduct a thorough and comprehensive action plan to detail such transition and the expectations of each party involved.

At the December 18, 2017 Council Meeting, Council directed Staff to continue to work with MRG and the City of Tracy to develop a service plan and costs, an implementation schedule and a transition plan.

Staff requests Council approve Task Order #9 with MRG in the amount of \$64,700, to evaluate potential law enforcement alternatives with the City of Tracy. Funds are available in the Measure C Public Safety Reserve to fund this contract.

REASON FOR RECOMMENDATION:

In an effort to ensure that the City's law enforcement services are configured to maximize the services provided to the community, utilize cost-effective technological advances to address service challenges, and that the its law enforcement cost remain in conformance with current and future financial resources, Council has directed staff to explore law enforcement alternatives with the City of Tracy.

FISCAL IMPACT:

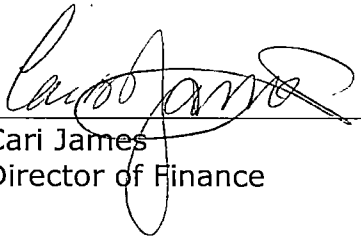
The City Council and the Measure C oversight committee has set aside reserve funds for Public Safety. A budget amendment in the amount of \$64,700 from the Measure C Public Safety Reserve fund is needed for this contact.

ATTACHMENTS:

- A. Resolution
- B. Task Order #9

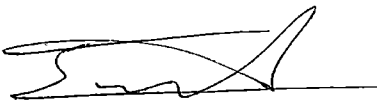
**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING
MUNICIPAL RESOURCE GROUP, LLC TASK ORDER #9**

APPROVALS:



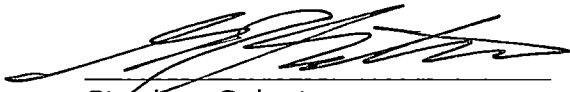
Cari James
Director of Finance

1/17/18
Date



Salvador Navarrete
City Attorney

1-17-18
Date



Stephen Salvatore
City Manager

1-18-18
Date

RESOLUTION NO. 18 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING TASK ORDER NO. 9 WITH MUNICIPAL RESOURCE GROUP, LLC,
TO EVALUATE POTENTIAL LAW ENFORCEMENT ALTERNATIVES AND
RELATED BUDGET AMENDMENTS**

WHEREAS, Municipal Resource Group, LLC (MRG), has assisted the City in various departments for special projects over the past several years; and

WHEREAS, the City has contracted with San Joaquin County for law enforcement services since incorporation, the City is seeking to ensure that its Law Enforcement Services are configured to maximize service to the Community, utilize cost-effective technological advances to address service challenges and that the City's Law Enforcement cost remain in conformance with current and future financial resources; and

WHEREAS, in 2010, 2013 and 2017, the City contracted with MRG to perform an extensive review of the City's Law Enforcement Services; and

WHEREAS, the review included possible modifications to the contract with San Joaquin County; contracting with other public agencies for law enforcement services; review of pending development impacts on current law enforcement activities and potential innovative law enforcement techniques; and

WHEREAS, MRG has conducted a comprehensive review of the City's Law Enforcement Services received through its current contract with the San Joaquin County Sheriff's Office (SJCSO) and provided the following options: 1) Continue to contract with SJCSO, 2) Contract with the City of Manteca, 3) Contract with the City of Tracy, and 4) Establish a Hybrid Approach of the City's Police Service Personnel and outside support; and

WHEREAS, at the December 18, 2017 Council Meeting, Council directed Staff to continue to work with MRG and the City of Tracy to develop a service program to provide law enforcement service to the City of Lathrop; and

WHEREAS, MRG has submitted a proposal in the amount of \$64,700, that includes the following: 1) Develop a law enforcement service program for the City of Tracy to provide law enforcement services to the City of Lathrop, 2) Work directly with the SJCSO to provide service alternatives and cost reductions within the current contract and 3) Deliver report with recommendations to the City Council of Lathrop and assist the City of Tracy staff in the development of the pros and cons of a service plan for Tracy Council consideration;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby approve Task Order No. 9 with MRG to evaluate potential law enforcement alternatives and the following budget amendment from the Measure C Public Safety Reserve Fund:

Increase Expenditure	
1060-1910-420-0100	\$64,700

The foregoing resolution was passed and adopted this 29th day of January 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

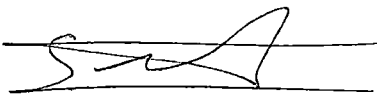
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

**CITY OF LATHROP
TASK ORDER NO 9 PURSUANT TO
MASTER AGREEMENT FOR CONSULTING SERVICES
DATED NOVEMBER 18, 2013**

**MUNICIPAL RESOURCE GROUP, LLC – ASSIST THE CITY WITH
ASSESSING ITS OPTIONS FOR LAW ENFORCEMENT SERVICES**

THIS TASK ORDER, dated for convenience this 29th day of January 2018 entered into by and between Municipal Resource Group, LLC ("CONSULTANT") and the CITY OF LATHROP, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, on November 18, 2013, CONSULTANT entered into a Master Agreement ("AGREEMENT") with the CITY, by which the CONSULTANT has agreed to provide Professional Consulting Services for Various Specialized Projects for the City of Lathrop. The City Council authorized the execution of the AGREEMENT, pursuant Resolution 13-3686.

WHEREAS, at the request of CITY, CONSULTANT submitted the scope of work and fee proposal to provide assistance to the City of Lathrop evaluate potential law enforcement alternatives; and said fee proposal dated January 3, 2018 are attached hereto as Exhibit "A " and incorporated herein by reference, and approved by the Lathrop City Council by Resolution 18-_____.

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 provide Assistance to the City of Lathrop to evaluate potential law enforcement alternatives in accordance with the scope of work and fee proposal dated January 3, 2018 provided in Exhibit "A". 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 – CONSULTING SERVICES AGREEMENT
MUNICIPAL RESOURCE GROUP, LLC TASK ORDER #9

(3) **Time Of Performance**

CONSULTANT shall commence performance and shall complete all required services beginning when the City issues the notice to proceed, no later than June 30, 2018.

(4) **Compensation**

CITY hereby agrees to pay CONSULTANT a sum not to exceed \$64,700 for time and material, to provide Assistance to the City of Lathrop to evaluate potential law enforcement alternatives as 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 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.

(5) **Notice to Proceed**


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

(6) **Signatures**

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

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
MUNICIPAL RESOURCE GROUP, LLC TASK ORDER #9

Approved as to Form: City of Lathrop
City Attorney



Salvador Navarrete Date 1-17-18

Recommended for Approval: City of Lathrop
Finance Director

Cari James Date

Accepted By: City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore Date
City Manager

CONSULTANT:

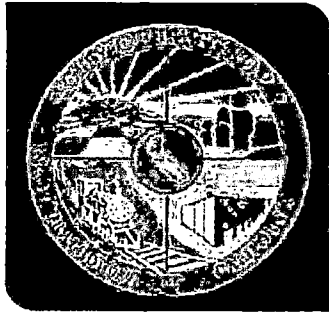
Municipal Resource Group, LLC
Michael Oliver, President
675 Hartz Avenue, Suite 300
Danville, CA 94526
(925) 314-3889

Phone:

Fed ID # _____
Bus License # _____

Signature Date

(Print Name and title)



City of Lathrop

Proposal to Assist the City of Lathrop Evaluate City of Tracy and San Joaquin County Sheriff's Office Law Enforcement Services



**Municipal Resource Group, LLC
675 Hartz Avenue, Suite 300, Danville, CA 94526
925.314.3889**



January 3, 2018

Mr. Stephen Salvatore, City Manager
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Dear Mr. Salvatore,

As we discussed, Municipal Resource Group has developed this proposal to assist the Cities of Lathrop and Tracy in developing and evaluating the potential provision of law enforcement services to the City of Lathrop by the City of Tracy. Our proposal also includes Municipal Resource Group reviewing the current contract for law enforcement services with the San Joaquin County Sheriff's Office and working with the County to reduce the costs of those services. This effort will focus on the County's willingness to reduce or eliminate their overhead charges which are currently impermissible as well as other charges for service that are not fully cost-justified.

We estimate the Project will take 60 days and the work product will include a written summary report, cost analyses and the additional items outlined in the Proposal.

If you have any questions regarding the proposal I am available to discuss them at your convenience.

Sincerely,

Mike Oliver, President
Municipal Resource Group, LLC



CITY OF LATHROP 60 DAY LAW ENFORCEMENT ANALYSIS PROPOSAL

PROPOSED SERVICES:

Develop a law enforcement service program description for City of Tracy provided services, costs for Tracy & County law enforcement services, address long-term and operations cost liabilities, capital costs, contract business terms, post-retirement/other liabilities, describe operational processes and procedures, develop initial program implementation schedule. Work directly with the County on Sheriff's Office provided service alternatives/costs. Provide report and recommendations to the Lathrop and Tracy City Councils.

Project Team:

Mike Oliver (MO), Dan Drummond (DD), Craig Whittom (CW), Lisa Sullivan (LS), Cari James (CJ)

KEY PROJECT ELEMENTS AND RESPONSIBLE PARTIES:

Tracy Law Enforcement Related: Dan Drummond, Lead

1. *Law Enforcement Service Plan*—DD, LS with Tracy P.D. staff.
2. *Infrastructure costing & acquisition Implementation*— DD, LS with Tracy P.D. staff.
3. *Development of law enforcement equipment costs*—DD with Tracy P.D. staff.
4. *Departmental operational processes & procedures*—DD, LS with Tracy P.D. staff.

Tracy Law Enforcement Services Cost Related Items: Craig Whittom, Lead

1. *Comprehensive Budget for law enforcement service plan (start-up costs and first year)* CW, DD, LS & Tracy staff.
2. *Cost projections for personnel related liabilities (OPEB/Retirement)* CW, MO, CJ with Tracy staff.
3. *Identification of non-Departmental augmentation and costs (Human Resources, IT, Finance, P. Works, etc.)* CW, MO with Tracy staff.
4. *Develop recruitment schedule/consulting costs*—CW/LS/CJ with Tracy Staff.
5. *Allocation of infrastructure costs between agencies*—CW, DD, LS, MO, Tracy Staff.



Program Implementation Schedule—Mike Oliver, Lead

Design high level program implementation schedule from program initiation following contract signatures through provision of law enforcement services by City of Tracy. The implementation schedule will include the transition activities involved in the termination of San Joaquin County Sheriff's Office services: MO, DD, LS, CW, Tracy Staff and other consultants.

San Joaquin County Law Enforcement Services Cost Related Items: Mike Oliver, Lead

1. *Meetings with Sheriff's Office, County Administration as needed to define/redefine costs for continuing law enforcement services MO, CW, CJ.*
2. *Preparation of cost reduction summaries, comparisons with current service and Tracy service MO, CW, CJ.*
3. *Discussions and development of potential transition plan for the conversion of law enforcement services from the Sheriff's Office to the City of Tracy MO, CW*

Identify and Develop Service Contract Business Terms: Mike Oliver, Lead

1. *Contract Negotiations—Leads for Lathrop/Tracy?*
2. *Development of business terms. MO, DD, CJ with Lathrop and Tracy Leads.*
3. *Development of contract summary tables for City Council review MO, CW.*

Development & Presentation of Summary Report—Mike Oliver, Lead

- a. *Preparation of summary document & City Council presentations—MO/CW/DD/CJ/Tracy Staff as needed.*

PROJECT TIMELINE

Based on our initial understandings of the work product and the project scope we anticipate that we will be able to conduct the various activities described in the Proposed Services section within 60 days of project approval by the City of Lathrop.

PROJECT COSTS

The project cost estimate is based on an anticipated project length of approximately two months. We have allocated our staff costs based on an estimated numbers of hours per week during the engagement. The costs are summarized below:



Consulting Costs:

Dan Drummond	10 hours/week/86 hours	\$180.00/hourly rate	\$15,480.00
Mike Oliver	10 hours/week/86 hours	\$225.00/hourly rate	\$19,350.00
Craig Whittom	12 hours/week/103 hours	\$200.00/hourly rate	\$20,600.00
Lisa Sullivan	5 hours/week/43 hours	\$180.00/hourly rate	<u>\$ 7,740.00</u>
		Consulting Subtotal:	\$63,170.00

Mileage (2,350 miles @ \$.545/mile)

\$1,280.00

Supplies/Support

250.00

Mileage/Miscellaneous

\$ 1,530.00

TOTAL PROJECT COSTS

\$64,700.00

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CITY MANAGER'S REPORT **PAGE 2**
JANUARY 29, 2018 SPECIAL CITY COUNCIL MEETING
RATIFY AGREEMENT WITH EKI FOR BASIN BOUNDARY MODIFICATION FOR
SGMA COMPLIANCE PW 16-04

As part of SGMA, DWR has established a process for local agencies to revise boundaries of groundwater basins or subbasins that would allow the City to consolidate fully into the Tracy Subbasin. This is a one-time opportunity that would be beneficial to reduce the costs of the City's SGMA compliance efforts. The window for requesting the basin boundary modification from DWR is from January 2018 through June, 2018. At the request of staff, EKI has provided a proposal to provide technical support services related to the development of a basin boundary modification request to consolidate the City into the Tracy Subbasin.

RECOMMENDATION:

Due to the cancellation of the January 8, 2018 City Council meeting, and time constraints needed to meet the deadline for submittal of the request to DWR, the City Manager has already approved an agreement with EKI to provide technical support services related to the basin boundary modification request.

Ratification of the agreement with EKI is requested to provide technical support services for a basin boundary modification request to consolidate the City fully into the Tracy Subbasin.

CITY COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

A Feeling of Safety and Economic Growth to provide clean, safe drinking water for City customers, and to secure water supplies needed to support development.

FISCAL IMPACT:

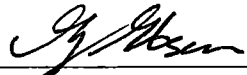
The cost for the agreement with EKI to provide the SGMA technical support services for the basin boundary modification request is not to exceed \$50,000 and will be paid for funds already budgeted for SGMA Compliance PW 16-04.

ATTACHMENTS:

- A. Resolution Ratifying an Agreement with EKI Environment & Water, Inc., to Provide Technical Support Services for a Basin Boundary Modification for Sustainable Groundwater Management Act Compliance PW 16-04
- B. Professional Services Agreement with EKI Environment & Water, Inc., to Provide Technical Support Services for a Basin Boundary Modification for Sustainable Groundwater Management Act Compliance PW 16-04


CITY MANAGER'S REPORT
JANUARY 29, 2018 SPECIAL CITY COUNCIL MEETING
RATIFY AGREEMENT WITH EKI FOR BASIN BOUNDARY MODIFICATION FOR
SGMA COMPLIANCE PW 16-04

APPROVALS:



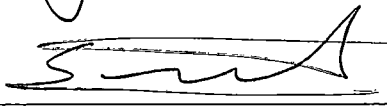
Greg Gibson
Senior Civil Engineer

01/22/18
Date



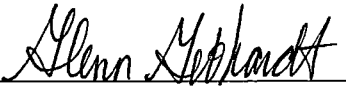
Cari James
Director of Finance

1/22/18
Date



Salvador Navarrete
City Attorney

1-23-18
Date



SJS Stephen J. Salvatore
City Manager

1-24-18
Date

RESOLUTION NO. 18 - _____

A RESOLUTION RATIFYING AN AGREEMENT WITH EKI ENVIRONMENT & WATER, INC., TO PROVIDE TECHNICAL SUPPORT SERVICES FOR A BASIN BOUNDARY MODIFICATION FOR SUSTAINABLE GROUNDWATER MANAGEMENT ACT COMPLIANCE PW 16-04

WHEREAS, the Sustainable Groundwater Management Act (SGMA) which became effective on January 1, 2015 requires the establishment of one or more groundwater sustainability agencies (GSAs) and the development and implementation of one or more groundwater sustainability plans (GSPs) for each groundwater basin categorized by the California Department of Water Resources (DWR); and

WHEREAS, the City overlies two groundwater subbasins of the San Joaquin Valley Basin; the Tracy Subbasin and the Eastern San Joaquin Subbasin (ESJS); and

WHEREAS, the ESJS is designated by DWR as high priority and critically overdrafted, and has an earlier deadline to submit its GSP; and the Tracy Subbasin, which is located in a medium priority basin, where SGMA compliance will be more straightforward and easily achievable; and

WHEREAS, in October 2016, the City filed notice to DWR to form establish the City of Lathrop GSA for the portion of the City of Lathrop overlying the ESJS; and;

WHEREAS, as part of SGMA, DWR has established a process for local agencies to revise boundaries of groundwater basins or subbasins that would allow the City to consolidate fully into the Tracy Subbasin, which would be beneficial for the City's SGMA compliance efforts; and

WHEREAS, EKI has provided a proposal to provide technical support services related to the development of a basin boundary modification request to consolidate the City into the Tracy Subbasin; and

WHEREAS, due to the cancellation of the January 8, 2018 City Council meeting and limited time to meet the deadline for submittal of the basin boundary modification request to DWR, the City Manager approved an agreement with EKI Environment & Water, Inc. (EKI) to provide technical support services related to the basin boundary modification request; and

WHEREAS, ratification of the agreement with EKI is needed to provide technical support services for a basin boundary modification request to consolidate the City into the Tracy Subbasin; and

WHEREAS, the cost for the agreement with EKI to provide the SGMA technical support services for the basin boundary modification request is \$50,000 and may be paid for funds already budgeted for SGMA Compliance PW 16-04;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby ratifies an agreement with EKI, in the amount of \$50,000 to provide technical support services for a basin boundary modification request to consolidate the City fully into the Tracy Subbasin to be paid using funds budgeted for SGMA Compliance PW 16-04.

The foregoing resolution was passed and adopted this 29th day of January 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

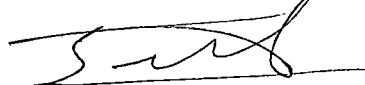
ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:



Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

**AGREEMENT FOR CONSULTING SERVICES
BETWEEN THE CITY OF LATHROP
AND EKI ENVIRONMENT & WATER, INC.
TO PROVIDE TECHNICAL SUPPORT FOR BASIN BOUNDARY
MODIFICATION FOR SUSTAINABLE GROUNDWATER MANAGEMENT
ACT COMPLIANCE PW 16-04**

THIS AGREEMENT, dated for convenience this 19th day of January, 2018, is by and between EKI Environment & Water, Inc. ("CONSULTANT") and the CITY OF LATHROP, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, CONSULTANT is specially trained, experienced, and competent to staff to provide technical support for basin boundary modification for Sustainable Groundwater Management Act Compliance PW 16-04; and

WHEREAS, CONSULTANT provided a scope of work at the City's request not to exceed \$50,000 to provide technical support services related to the development of basin boundary modification request to consolidate the City into the Tracy Subbasin;

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

AGREEMENT

(1) Scope of Service.

CONSULTANT agrees to perform services in conformance with the scope of work submitted by the CONSULTANT, hereafter referred to as Exhibit "A" and incorporated herein by reference. CONSULTANT agrees to diligently perform these services in accordance with the standards of its profession, as stated in Article 11, and CITY'S satisfaction.

(2) Compensation.

CITY hereby agrees to pay CONSULTANT on a time and expense reimbursement basis in accordance with Exhibit "A" up to a sum not to exceed **\$50,000** for the services to technical support for basin boundary modification set forth in Exhibit "A" and incorporated herein by reference, notwithstanding any contrary indications which may be contained in CONSULTANT'S proposal. CONSULTANT shall be paid within thirty (30) days of receipt of billings containing all information pursuant to Paragraph 5 below.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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Compensation for any task must be equal or less than the percentage complete. In no event shall CONSULTANT be entitled to compensation for work not included in Attachment “A”, Scope of Work, 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 material basis.

(3) Effective Date and Term.

The effective date of this Agreement is January 18, 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. CONSULTANT is responsible for controlling the means and methods to complete the scope of work described in Attachment “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 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, regardless of the reason, or the lack of a reason, according to the CITY’S request.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
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The services shall be performed by, or under the direct supervision, CONSULTANT's Authorized Representative: Anona L. Dutton, P.G., C.Hg. CONSULTANT shall not replace its Authorized Representatives 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 Public Works Director. 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 Public Works Director.

(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, unless otherwise authorized by City. 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. Workers Compensation Insurance shall be provided as required by law, 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.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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- (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 a 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 additional insured with respect to each of the following: liability arising out of activities performed by or on behalf of CONSULTANT, including 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.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
BOUNDARY MODIFICATION**

- (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 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.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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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, so long as commercially available at reasonable rates.

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's policies shall have self-insured retentions not exceeding \$100,000 except with concurrence of the CITY.
 - (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, so long as commercially available at reasonable rates.
 - (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, that (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 in accordance with the Standard of Care in Article 11.

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 in accordance with Article 11.

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) Standard of Care.

CONSULTANT agrees that, in connection with its services to be performed under this Agreement, such services are performed with the care and skill ordinarily exercised by members of the profession practicing under similar conditions at the same time and in the same or a similar locality. CITY recognizes that the state of practice, particularly with respect to hazardous waste conditions, is changing and evolving.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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While CONSULTANT will perform in reasonable accordance with standards in effect at the time its services are performed, it is recognized that such standards may subsequently change because of improvements in the state of practice. When the findings and recommendations of CONSULTANT are based on information supplied by CITY and others, CONSULTANT shall have the right to rely on the accuracy and completeness of such information. No warranty or guarantee, express or implied, is made or intended by providing of consulting services or by furnishing oral or written reports of the findings made.

(12) 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, by signing this agreement CONSULTANT states 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.

(13) Business Licenses.

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

(14) Termination.

Either CITY or CONSULTANT may cancel this Agreement at any time for convenience upon thirty (30) days written notification to 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.

(15) 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. CONSULTANT shall not be required to provide services beyond available funding.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
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(16) 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 Drive
Lathrop, CA 95330

Copy to: City of Lathrop
Department of Public Works
390 Towne Centre Drive
Lathrop, CA 95330

MAIN (209) 941-7430
FAX: (209) 941-7449

To Consultant: EKI Environment & Water, Inc.
577 Airport Boulevard, Suite 500
Burlingame, CA 94010
Phone: (650) 292-9100
Fax: (650) 552-9012
ATTN: Anona Dutton, P.G., C.Hg.

(17) 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.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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- (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, 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.
- (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.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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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.

(18) General Contractor Responsibilities.

Neither the professional activities of CONSULTANT, nor the presence of CONSULTANT or CONSULTANT'S sub-consultants shall relieve the any General Contractor retained by the CITY of its obligations, duties and responsibilities.

CITY agrees that the CITY, CONSULTANT and its sub-consultants shall be indemnified by the General Contractor and shall be made additional insured under the General Contractor' general liability insurance policy and that a Waiver of Subrogation in favor of CONSULTANT will be provided under the General Contractor's Workers Compensation policy. CITY will require General Contractor to provide evidence of such insurance to CITY and CONSULTANT prior to General Contractor beginning work on the project.

CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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(19) 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.

(20) Cost Estimates.

Any statements of estimated construction costs or future operation and maintenance costs furnished by CONSULTANT are predicted costs and are based on professional opinions and judgment. CONSULTANT is not responsible for fluctuations in construction costs due to bidding conditions and other factors which could not be anticipated at the time of preparation of the particular estimate.

(21) CADD Documents.

Any Computer Aided Design and Drafting (CADD) documents, drawings and data files provided by CONSULTANT in an electronic format, on tape, computer disk or other electronic media, in accordance with the services covered by this Agreement or as a courtesy to CITY do not constitute the delivery of CONSULTANT'S professional work product. Only the original paper prints constitute CONSULTANT'S professional work product. Because the electronic media may be damaged during transfer or altered, the paper prints shall control where there are any differences between the paper prints and the electronic media. CONSULTANT makes no warranties, either express or implied, of the merchantability, applicability, compatibility with CITY'S computer equipment or software, or fitness for any particular purpose for the electronic media or that the electronic media contain no defects or are virus free.

Modification or use by CITY of any documents or electronic media prepared by CONSULTANT for any purpose or project other than the project subject to this Agreement shall be at CITY'S sole risk. CITY agrees to indemnify and hold CONSULTANT harmless from any claims, damages, liabilities or costs, including attorneys' fees and costs of defense, arising from any reuse or modification of any documents or electronic media prepared by CONSULTANT without the prior written consent of CONSULTANT.

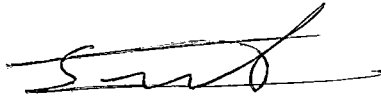
CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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(22) Signatures.

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.

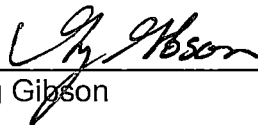
CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
**EKI ENVIRONMENT & WATER, INC. – TECHNICAL SUPPORT FOR BASIN
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Approved as to Form: City of Lathrop
City Attorney



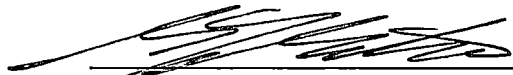
Salvador Navarrete Date 1-24-18

Recommended for Approval: City of Lathrop
Senior Civil Engineer



Greg Gibson Date 01/24/18

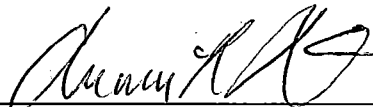
Accepted By: City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330



Stephen J. Salvatore Date 1-24-18
City Manager

CONSULTANT: EKI Water & Environment, Inc.
577 Airport Blvd., Suite 500
Burlingame, CA 94010

Fed ID # 94-3087395
Lathrop Bus License #20137



Anona Dutton, P.G., C.Hg. Date 1/22/18



577 Airport Blvd, Suite 500
Burlingame, CA 94010
(650) 292-9100
ekiconsult.com

10 January 2018

Stephen Salvatore
City Manager
City of Lathrop
390 Towne Centre Drive, Lathrop, CA 95330

**Subject: Proposal to Provide Strategic Technical Support for Basin Boundary Modification
City of Lathrop, California
(EKI B7-206)**

EKI Environment & Water, Inc. (EKI) is pleased to present to the City of Lathrop (Lathrop or City) this proposal to provide technical support services related to the development of a Basin Boundary Modification Request to consolidate the City into the Tracy Subbasin.

Per our presentation delivered to the City on 21 December 2017, there is a specific process that the City will have to pursue in conformance with the Department of Water Resources (DWR) Regulations; this proposal reflects the anticipated technical and strategic support necessary to submit a robust Basin Boundary Modification Request.

BACKGROUND

The City overlies two groundwater subbasins of the San Joaquin Valley Basin – the Tracy Subbasin (DWR 5-022.15) and the Eastern San Joaquin (ESJ) Subbasin (5-022.01). The shared border of the two subbasins is currently delineated along the San Joaquin River, which is treated as a natural hydrologic divide.

The ESJ Subbasin is designated as high priority and critically overdrafted and thus has a deadline, per the Sustainable Groundwater Management Act (SGMA), for preparation of a Groundwater Sustainability Plan (GSP) of 31 January 2020. In contrast, the Tracy Subbasin is designated as medium priority and has a GSP preparation deadline of 31 January 2022. Given its critically overdrafted condition, the ESJ Subbasin will face significant issues to achieve sustainability per SGMA requirements, whereas SGMA compliance in the Tracy Subbasin is likely to be more straightforward and more easily achievable. The City's groundwater production wells lie entirely within the ESJ Subbasin, but groundwater recharge from landscape irrigation and recycled water disposal activities carried out by the City occur in the Tracy Subbasin.

As part of SGMA, DWR established a process for local agencies to revise the boundaries of existing groundwater basins or subbasins. These modifications can be based on scientific (e.g., geologic or hydrologic) or jurisdictional reasons. From our review of the regulations and conversations with the City, a *Jurisdictional Internal Basin Boundary Modification* that would consolidate the City fully into the Tracy Subbasin would be most beneficial to the City's SGMA compliance efforts. While a request for a jurisdictional internal modification does not require as in-depth of a

Formerly known as Erier & Kalinowski, Inc.

Oakland, CA (510) 560-4822 • Larkspur, CA (415) 464-9245 • Los Angeles, CA (310) 857-1600 • Centennial, CO (303) 796-0556

technical study as a scientific boundary modification, jurisdictional requests must demonstrate that the proposed basin boundary modification would be logical and promote sustainable groundwater management.

Several jurisdictional internal modification requests were approved by DWR in the 2016 Basin Boundary Modification process, including a jurisdictional modification to the Tracy Subbasin and a modification to the Delta-Mendota and Madera Subbasins to the south of the City that delineated the eastern border of the Delta-Mendota Subbasin to diverge from the San Joaquin River and instead entirely encompass Aliso Water District. While the precedent of delineating a subbasin boundary to diverge from the San Joaquin River is promising, we note that Aliso Water District was previously straddling two high priority, critically overdrafted subbasins and was consolidated into one of these critically overdrafted subbasins. It will likely require more extensive evidence to demonstrate to DWR that consolidating the City into a medium priority subbasin will promote sustainable groundwater management, given that its wells are located in the critically overdrafted basin that it would be exiting.

Attachment A shows a DWR graphic representing the required components of a Jurisdictional Internal Basin Boundary Modification Request (Request), and notes that the requirement for a hydrogeologic conceptual model (HCM) may be waived by DWR "if the requesting agency is able to demonstrate that the proposed boundary modification is unlikely to affect sustainable groundwater management [in the affected basins]" (23-California Code of Regulations [CCR] §344.12(b)). The case for including the City entirely in the Tracy Subbasin will require substantial evidence as to why such a change is logical, beneficial, and will not impact sustainable groundwater management of the Tracy and ESJ Subbasins. As such, EKI has developed this Scope of Work to include development of a HCM and exhibits that provide evidence of the City's sustainable management of its local groundwater resources, to extent that sufficient information is available to support the City's case. Such information, if available and compelling, will increase the likelihood of favorable review by DWR of the City's Request, although their approval of the Request is by no means guaranteed.

OBJECTIVES

EKI will support the City in its development of a Jurisdictional Internal Basin Boundary Modification Request by:

- (1) Preparing and compiling all components of the Request (e.g., HCM, summary of water management and other technical information);**
- (2) Presenting at required public meetings and to other stakeholders as necessary;**
- (3) Presenting and otherwise interfacing with DWR in support of the Request; and**
- (4) Submitting the required initial notification and the final compiled Request.**

SCOPE OF WORK

Task 1 – Prepare and Compile all Request Components

DWR's Basin Boundary Regulations (23-CCR §340 - 346) enumerate the specific information required of jurisdictional modification requests; these requirements are summarized in the graphic in Attachment A.

Task 1.1 Prepare Hydrogeologic Conceptual Model

Per 23-CCR §344.12, a clearly defined HCM is required to include a definition of the principal aquifers, lateral boundaries, recharge and discharge areas, and definable bottom of the subbasin(s) included in the Request.

To describe the regional hydrogeologic setting, EKI will summarize key information for the Tracy and ESJ Subbasins from Groundwater Management Plans for the City of Tracy (for the Tracy Subbasin) and the Northeastern San Joaquin County Groundwater Banking Authority (for the ESJ Subbasin).

In addition, defining localized hydrogeologic characteristics underlying and proximate to the City will be essential to demonstrate that the new boundaries would promote sustainable groundwater management. To define local hydrogeologic characteristics, EKI will examine Well Completion Reports within and proximate to the City. Also as a part of the local analysis, EKI will also examine recent and historical data on groundwater conditions. To do so, EKI will submit a Request for Information (RFI) to the City for relevant data and reports including for groundwater levels and quality. Additionally, EKI will compile publicly available information, including from DWR's California Statewide Groundwater Elevation Monitoring Program (CASGEM), DWR's Water Data Library (WDL), and the State Water Resources Control Board (SWRCB)'s Groundwater Ambient Monitoring and Assessment (GAMA) program.

In conducting this local analysis, we anticipate developing figures and tables to support the City's Request, including:

- Well locations in and proximate the City with their long-term hydrographs to demonstrate long-term stability;
- Groundwater gradient maps;
- Conceptual cross-section(s) to show City well depths relative to principal aquifer units and other major physical features (e.g., San Joaquin River);
- Concentrations of key groundwater quality constituents of concern (e.g., TDS) at wells within and proximate to the City to demonstrate similarity in the groundwater underlying the City and groundwater in the Tracy Subbasin;
- Comparison of historical and projected pumping rates by the City relative to pumping in the Tracy and ESJ Subbasins to demonstrate the de minimis impact of the City's groundwater use on basin-wide conditions;
- City potable water and recycled water systems.

As the HCM must include a description of recharge and discharge within the proposed subbasin, we will describe the City's water system operations in the context of the current and proposed boundary and may develop a figure showing the City's wells, distribution system, and sites of recycled water recharge.

Task 1.2 Summarize Water Management and Other Required Information

Jurisdictional modification requests are required to include a summary of existing water management in the form of an adopted Groundwater Management Plan or technical studies that cover the relevant portion of the subbasins and a statement of the existing and planned coordination of sustainable groundwater management activities to comply with SGMA.

EKI will compile the necessary information and will draft a statement of the existing and planned groundwater management coordination between the City and the other subbasin stakeholders. We will also compile the other components of the Request, including a map and GIS shapefile showing the proposed modified basin boundary.

We note that if this boundary request is successful that the City will have to modify its Groundwater Sustainability Agency (GSA) status. Support for that effort is not included herein.

Task 2 – Support Stakeholder Engagement

Per 23-CCR §344.4 and §344.8(a)(1), a requesting agency must identify agencies and systems that would be affected by the boundary modification, provide information to those agencies, and provide them with an opportunity to comment in support or opposition of the Request. EKI will identify a list of the affected agencies and systems and draft a letter to notify them of the Request, to be distributed by the City. This letter will provide instructions on how to draft and submit a letter of support for the Request to DWR, and will include a template letter of support. In addition, EKI will identify key entities that would benefit from direct engagement by the City (e.g., representatives of San Joaquin County, River Islands and various GSAs).

Per 23-CCR §344.4(d), a request must also include a summary of all public meetings at which the proposed boundary modification was discussed or considered by the requesting agency. A robust Request would include substantial stakeholder outreach and support. To inform stakeholders within the City and others that would be affected by the modification and to generate opportunities for feedback, EKI will present at one City Council meeting and to up to two (2) stakeholder groups as requested by the City.

Task 3 – Present to and Interface with DWR

In developing other basin boundary modification requests, we have noted the importance of engaging with DWR early and often to strengthen the request to best ensure its approval. If requested by the City, EKI will contact DWR to present the jurisdictional and scientific basis of the Request to DWR as early as possible in the process, and again before submitting the Request. It is assumed that any meeting and conversations with DWR will occur via teleconference. If an

In-person meeting is required, or if specific feedback is received from DWR on how to improve the Request's likelihood of approval, EKI will coordinate with the City to address these issues.

Task 4 – Submit Initial Notification and Complete Request

Per 23-CCR §343.9, within 15 days of deciding to explore a boundary modification, the requesting agency must submit a written notice of its interest in exploring a boundary modification. EKI will draft this written notice and submit it to DWR upon approval by the City.

Upon completion of Tasks 1-3, EKI will submit the complete Request to DWR via the online Basin Boundary Modification Request System.

QUALIFICATIONS

EKI is working with entities throughout the state to develop strategic responses to SGMA, including: supporting jurisdictional and scientific basin boundary modification requests; assisting in the formation of GSAs; and developing and analyzing the technical information required for GSPs. Specifically, EKI successfully petitioned DWR to subdivide the Kern County Subbasin into two subbasins – the Kern County Subbasin and the White Wolf Subbasin. The DWR approved the request and told our client that the request prepared by EKI was "the best one they had ever seen".

SCHEDULE

EKI is prepared to start work on the above Scope of Work immediately upon authorization from the City to proceed. We anticipate that this work effort can be completed within three months, and will inform the City of any issues that arise that may affect the schedule for completion.

COMPENSATION

Inasmuch as the exact level of effort required to complete the above Scope of Work cannot be known precisely, EKI proposes to perform the work on a time and materials expense reimbursement basis in accordance with our current Schedule of Charges (Attachment B). Based on the above Scope of Work, the estimated budget to complete this work is \$50,000 which will not be exceeded without further authorization from the City. A summary of the estimated budget is provided in Table 1 below and the detailed budget is included as Attachment C.

Table 1. Estimated Budget

Task	Estimated Budget
Task 1 – Prepare and Compile All Request Components	\$23,800
<i>Task 1.1 – Prepare Hydrogeologic Conceptual Model</i>	\$19,400
<i>Task 1.2 – Summarize Water Management and Other Required Information</i>	\$4,400
Task 2 – Support Stakeholder Engagement	\$15,700
Task 3 – Present to and Interface with DWR	\$7,500
Task 4 – Submit Initial Notification and Complete Request	\$2,200
TOTAL:	\$50,000

TERMS AND CONDITIONS

EKI's work product is for the sole use and benefit of the City. Unless specifically authorized in writing in an agreement acceptable to EKI, use of, or reliance by, any other entity on EKI's work product is not permitted or authorized.

If this proposal meets with your approval, please sign where noted on the following page. Please return a fully executed copy to our office to confirm your authorization to proceed.

Stephen Salvatore
City of Lathrop
10 January 2018
Page 7



We are pleased to have the opportunity to work with you on this very important project. Please call if you have any questions or wish to discuss this proposal in greater detail.

Very truly yours,

EKI Environment & Water, Inc.

A handwritten signature in black ink, appearing to read 'Anona L. Dutton', with a long horizontal flourish extending to the right.

Anona L. Dutton, P.G., C.Hg.
Vice President / Principal-In-Charge

City of Lathrop

(Authorized Representative)

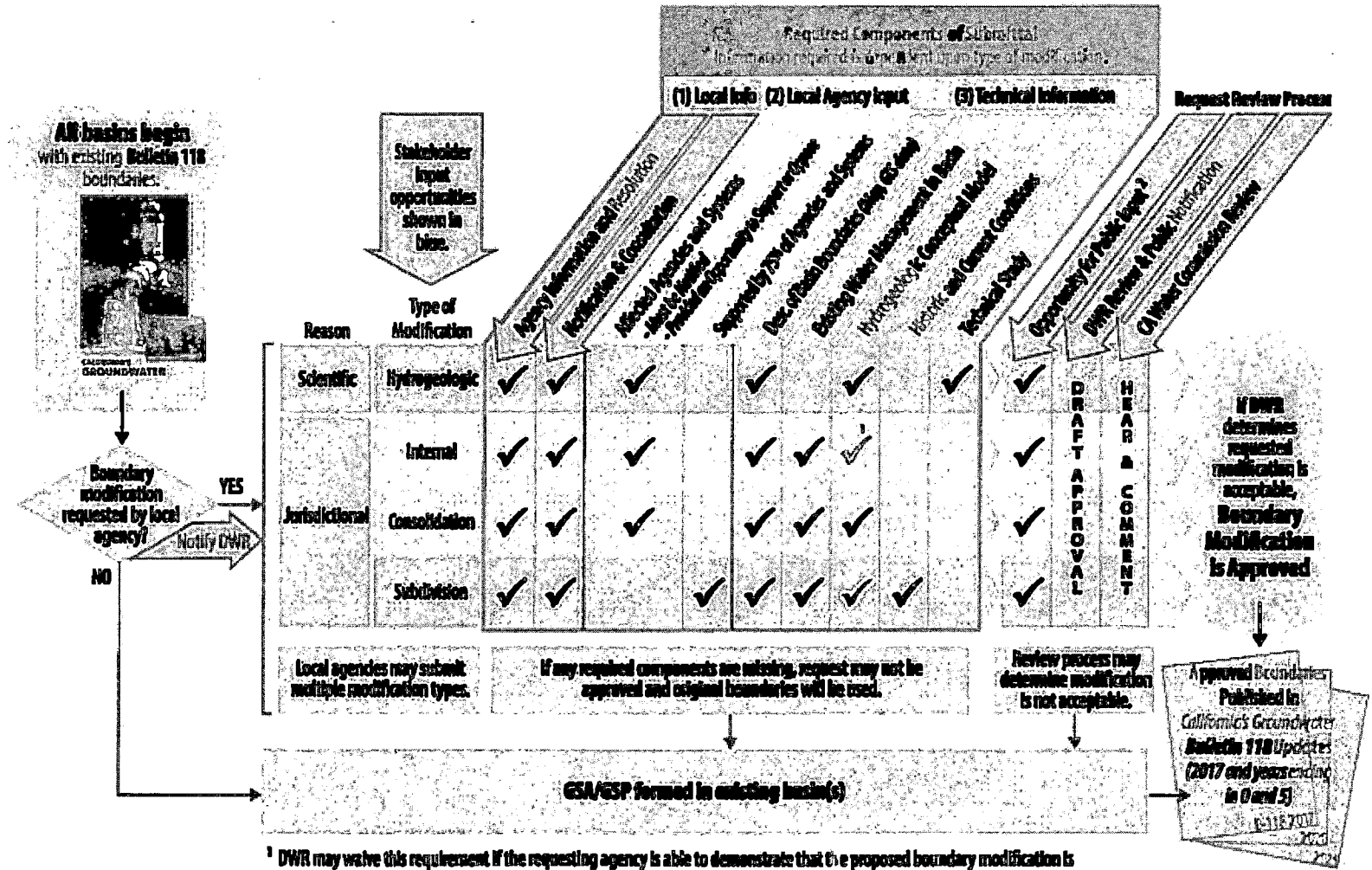
(Date)

Attachments

- A. DWR Basin Boundary Modification Process Graphic
- B. 2018 Schedule of Charges
- C. Detailed Budget

Attachment A
DWR Basin Boundary Modification Process Graphic

Basin Boundary Modification Process



¹ DWR may waive this requirement if the requesting agency is able to demonstrate that the proposed boundary modification is unlikely to affect sustainable groundwater management.

² Public input submittal must rely on similar scientific and technical information as the request to which it is addressed.

Attachment B
2018 Schedule of Charges

Client/Address: City of Lathrop
Stephen Salvatore
390 Towne Centre Drive
Lathrop, CA 95330



Proposal/Agreement Date: 10 January 2018

EKI Project # B7-206

SCHEDULE OF CHARGES FOR EKI ENVIRONMENT & WATER, INC.¹

1 January 2018

<u>Personnel Classification</u>	<u>Hourly Rate</u>
Officer and Chief Engineer-Scientist	280
Principal Engineer-Scientist	270
Supervising I, Engineer-Scientist	260
Supervising II, Engineer-Scientist	250
Senior I, Engineer-Scientist	238
Senior II, Engineer-Scientist	225
Associate I, Engineer-Scientist	213
Associate II, Engineer-Scientist	199
Engineer-Scientist, Grade 1	185
Engineer-Scientist, Grade 2	175
Engineer-Scientist, Grade 3	160
Engineer-Scientist, Grade 4	140
Engineer-Scientist, Grade 5	124
Engineer-Scientist, Grade 6	109
Technician	100
Senior GIS Analyst	128
CADD Operator / GIS Analyst	113
Senior Administrative Assistant	125
Administrative Assistant	99
Secretary	82

Direct Expenses

Reimbursement for direct expenses, as listed below, incurred in connection with the work will be at cost plus ten percent (10%) for items such as:

- a. Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work.
- b. Consultants, soils engineers, surveyors, drillers, laboratories, and contractors.
- c. Rented vehicles, local public transportation and taxis, travel and subsistence.
- d. Special fees, insurance, permits, and licenses applicable to the work.
- e. Outside computer processing, computation, and proprietary programs purchased for the work.

A Communication charge for e-mail access, web conferencing, cellphone calls, messaging and data access, file sharing, local and long distance telephone calls and conferences, facsimile transmittals, standard delivery U.S. postage, and incidental in-house copying will be charged at a rate of 4% of labor charges. Large volume copying of project documents, e.g., bound reports for distribution or project-specific reference files, will be charged as a project expense as described above.

Reimbursement for company-owned automobiles, except trucks and four-wheel drive vehicles, used in connection with the work will be at the rate of sixty cents (\$0.60) per mile. The rate for company-owned trucks and four-wheel drive vehicles will be seventy-five cents (\$0.75) per mile. There will be an additional charge of thirty dollars (\$30.00) per day for vehicles used for field work. Reimbursement for use of personal vehicles will be at the federally allowed rate plus fifteen percent (15%).

CADD Computer time will be charged at twenty dollars (\$20.00) per hour. In-house material and equipment charges will be in accordance with the current rate schedule or special quotation. Excise taxes, if any, will be added as a direct expense.

Rate for professional staff for legal proceedings or as expert witnesses will be at a rate of one and one-half times the Hourly Rates specified above.

The foregoing Schedule of Charges is incorporated into the Agreement for the Services of EKI Environment & Water, Inc. and may be updated annually.

¹ Formerly known as Eiler & Kalkowski, Inc.

Attachment C
Detailed Budget

**Budget Estimate for Proposed Scope of Work
Strategic Technical Support for Basin Boundary Modification
City of Lehigh
(B7-206)**

TASKS	ESTIMATED BIDDABLE LABOR									TOTAL TASK BUDGET TOTALS (\$)
	EST. HOURS	ES - Tech Eng	EE - Elec Eng	EA - Architectural	EC - Assoc Eng	OT/All Other Labor, Includes all Comm. & Mater	CM/CMAT Software Charge, per hour	OTHER DIRECT COSTS*	INDIRECT EXPENSES	
Task 1 - Prepare and Schedule All Request Correspondence										
1.1 Prepare Hydrographic Conceptual Model	8	64	24	12	12	\$18,265	\$160	\$0	\$160	\$19,751
1.2 Sanitary Water Management and Other Required Information	8	8	8	4	4	\$4,256	\$0	\$0	\$0	\$4,256
Subtotal	16	72	32	16	16	\$22,521	\$160	\$0	\$160	\$23,841
Task 2 - Present Stakeholder Information										
Identify stakeholders to be notified and draft notification letter & template letter of support	0	8	4	2	2	\$2,694	\$0	\$0	\$0	\$2,694
Public presentation at City Council meeting	0	16	4	6	6	\$4,108	\$0	\$100	\$900	\$5,108
Presentation to up to two additional stakeholder groups	0	8	4	6	12	\$4,433	\$0	\$100	\$500	\$5,433
Subtotal	0	32	12	14	20	\$11,235	\$0	\$200	\$1,400	\$13,835
Task 3 - Present to and Interview with DNR										
Presentation and in-person meeting	0	12	4	0	12	\$5,758	\$0	\$100	\$300	\$6,358
Follow-up and additional communications	0	4	0	0	4	\$1,681	\$0	\$0	\$0	\$1,681
Subtotal	0	16	4	0	16	\$7,439	\$0	\$100	\$300	\$8,239
Task 4 - Submit Initial Application and Complete Report										
Submit initial application	0	4	0	0	2	\$1,698	\$0	\$0	\$0	\$1,698
Submit complete Report	0	4	0	0	2	\$1,698	\$0	\$0	\$0	\$1,698
Subtotal	0	8	0	0	4	\$3,396	\$0	\$0	\$0	\$3,396
TOTAL:	16	128	48	30	36	\$48,790	\$160	\$200	\$200	\$50,550

Notes:

[1] A communications charge of 4% of labor units covers e-mail access, web conferencing, telephone calls, messaging and data access, file sharing, local and long distance telephone calls and e-faxes, facsimile transmissions, standard delivery U.S. postage, and incidental in-house copying.

[2] "Other Direct Costs" includes direct expenses, as listed below, incurred in connection with the work and will be reimbursed at cost plus ten percent (10%) for items not noted.

- a. Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work.
- b. Consultants, utility engineers, surveyors, pilots, laboratories, and contractors.
- c. Rented vehicles, local public transportation and taxis, travel and subsistence.
- d. Special fees, insurance, permits, and licenses applicable to the work.
- e. Outside research, consulting, investigation, and proprietary programs purchased for the work.

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CITY MANAGER'S REPORT **PAGE 2**
JANUARY 29, 2018 SPECIAL CITY COUNCIL MEETING
RATIFY AMENDMENT NO. 1 WITH EKI FOR THE WASTEWATER MASTER
PLAN UPDATE WW 15-08 AND A RELATED BUDGET AMENDMENT

FISCAL IMPACT:

The cost for the flow monitoring study is \$49,500, a budget amendment is requested to transfer funds from Fund 6060 for the Wastewater Master Plan Update CIP WW 15-08.

The cost of these services may be paid from the following budget amendment to transfer funds from the sewer capital replacement funds Fund 6060 to the Wastewater System Master Plan Update WW 15-08.

Staff requests the following budget amendment:


Increase Transfer Out 6060-9900-990-9010	\$49,500
Increase Transfer In 6090-9900-393-0000	\$49,500
Increase Appropriation, WW 15-08 6090-8000-420-8600	\$49,500

ATTACHMENTS:

- A. Resolution Ratifying a Contract Amendment with EKI Environment & Water, Inc., and Budget Amendment for a Wastewater Flow Monitoring Study to Support the Wastewater System Master Plan Update WW 15-08
- B. Professional Services Agreement with EKI to provide a Wastewater Flow Monitoring Study WW 15-08

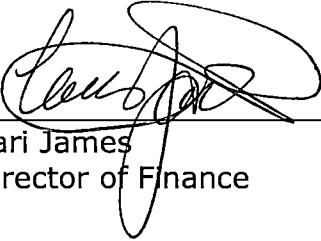
CITY MANAGER'S REPORT **PAGE 3**
JANUARY 29, 2018 SPECIAL CITY COUNCIL MEETING
RATIFY CONTRACT AMENDMENT WITH EKI AND BUDGET AMENDMENT FOR
WASTEWATER FLOW MONITORING STUDY WW 15-08

APPROVALS:




Greg Gibson
Senior Civil Engineer

01/22/18
Date



Cari James
Director of Finance

1/22/18
Date



Salvador Navarrete
City Attorney

1-23-18
Date



Stephen J. Salvatore
City Manager

1-24-18
Date

RESOLUTION NO. 18 - _____

A RESOLUTION RATIFYING AMENDMENT NO. 1 WITH EKI ENVIRONMENT & WATER, INC., FOR A WASTEWATER FLOW MONITORING STUDY TO SUPPORT THE WASTEWATER SYSTEM MASTER PLAN UPDATE WW 15-08 AND A RELATED BUDGET AMENDMENT

WHEREAS, in May 2, 2016, the City approved an agreement with EKI Environment & Water, Inc. (EKI) to prepare the IWRMP, and EKI has completed the draft Water and Sewer Master Plan and the draft Recycled Water Master Plan is in progress; and

WHEREAS, Staff has requested EKI to conduct a wastewater flow monitoring study to verify the recommended improvements to the Capital Improvement Projects included within the draft Wastewater System Master Plan; and

WHEREAS, due to the cancellation of the January 8th City Council meeting the City Manager approved Amendment No. 1 with EKI to perform the flow monitoring study; this decision allowed the rain events to be captured for the flow monitoring study, and assess the sewer capacity available to accept additional flows; and

WHEREAS; ratification of Amendment No. 1 with EKI to provide a flow monitoring study for the Wastewater System Master Plan Update CIP WW 15-08 and a related budget amendment is requested; and

WHEREAS; the cost of these services may be paid from the following budget amendment to transfer funds from the Sewer Capital Replacement Fund 6060 to the Wastewater System Master Plan Update WW 15-08.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby ratifies Amendment No. 1 with EKI Environment & Water, Inc., in the amount of \$49,500 to provide a wastewater flow monitoring study for the Wastewater System Master Plan update, CIP WW 15-08 and a related budget amendment; and

BE IT FURTHER RESOLVED; the \$49,500 cost for EKI to provide these services may be paid from the following budget amendment to transfer funds from the Sewer Capital Replacement Fund 6060 to the Wastewater System Master Plan Update WW 15-08 according to the following budget amendment:

Increase Transfer Out 6060-9900-990-9010	\$49,500
Increase Transfer In 6090-9900-393-0000	\$49,500
Increase Appropriation, WW 15-08 6090-8000-420-8600	\$49,500

The foregoing resolution was passed and adopted this 29th day of January 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

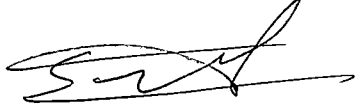
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

AMENDMENT NO.1

**AGREEMENT FOR CONSULTING SERVICES
BETWEEN THE CITY OF LATHROP
AND EKI ENVIRONMENT & WATER, INC.
TO PREPARE THE WASTEWATER FLOW MONITORING STUDY
FOR
WW 15-08 WASTEWATER MASTER PLAN UPDATE**

This Contract Amendment (hereinafter "AMENDMENT") to the agreement between **EKI Environment & Water, Inc. (EKI)** and the City of Lathrop dated May 2, 2016, (hereinafter "AGREEMENT") dated for convenience this January 12, 2018, is by and between **EKI**, ("CONSULTANT") and the CITY OF LATHROP, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, CONSULTANT is specially trained, experienced and competent to prepare the Wastewater Flow Monitoring Study required by this agreement; and

WHEREAS, on May 2, 2016 City Council approved AGREEMENT for EKI for the Integrated Water Resources Master Plan Update funded by two CIP's PW 10-10 and WW 15-08 for a sum not to exceed \$750,000 to CONSULTANT; and

WHEREAS, Amendment No. 1 is needed to extend the term of the AGREEMENT such the new termination date of the AGREEMENT is June 30, 2019; and

WHEREAS, CONSULTANT provided a scope of work not to exceed \$49,500 to prepare the Wastewater Flow Monitoring Study;

NOW, THEREFORE, CONSULTANT and CITY agree as follows;

AMENDMENT No.1 to AGREEMENT

- (1) **Scope of Service. Section (1) of the AGREEMENT for Consulting is hereby amended as follows:**

CONSULTANT agrees to perform additional services in conformance with the scope of work and fee dated January 8, 2018 submitted by the CONSULTANT, attached hereto as Exhibit "A".

The aforementioned work is in addition to the scope of work in the original AGREEMENT dated May 2, 2016 for the Integrated Water Resources Master Plan Update. The scope of work is hereby amended by adding Exhibit "A".

**CITY OF LATHROP – CONSULTING SERVICES AGREEMENT
EKI ENVIRONMENT & WATER, INC.**

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

(2) Compensation. Section (2) of the Agreement for Consulting Services is hereby amended as follows:

City hereby agrees to pay CONSULTANT a sum not to exceed \$799,500 (\$750,000 for the original AGREEMENT, \$49,500 for AMENDMENT No. 1) on a time and material basis as detailed in Exhibit "A". CONSULTANT shall be paid within thirty (30) days of receipt of billings containing all information contained in Paragraph 5 of the original 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 the original scope of work or this AMENDMENT 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.

(3) Effective Date and Term

The effective date of AMENDMENT No. 1 is January 12, 2018, and shall extend the term date of the original AGREEMENT dated May 2, 2016 such that the new termination date is June 30, 2019. All other terms of the original AGREEMENT shall remain in full force and effect.

(4) Applicability To Original Consultant Agreement

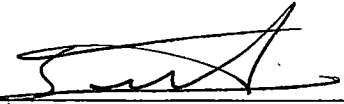
All terms and conditions set forth in the AGREEMENT dated May 2, 2016 are still in effect and are incorporated by reference herein and said AGREEMENT is incorporated by reference herein.

(5) Signatures

The individuals executing this AMENDMENT represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this AMENDMENT 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
EKI ENVIRONMENT & WATER, INC.**

Approved as to Form: City of Lathrop



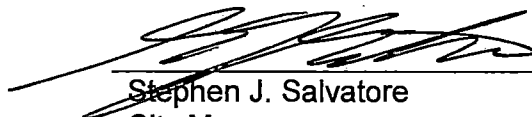
Salvador Navarrete Date
City Attorney 1-22-18

Recommended for Approval: City of Lathrop



Greg Gibson Date
Senior Civil Engineer 01/22/18

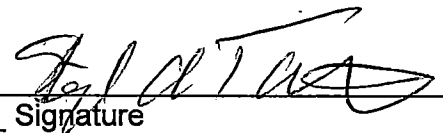
Approved By: City of Lathrop
390 Towne Centre Drive,
Lathrop, CA 95330



Stephen J. Salvatore Date
City Manager 1-24-18

CONSULTANT: **EKI Environment & Water, Inc.
577 Airport Boulevard, Suite 500
Burlingame, CA 94010-5306**

Fed ID # 943087395
Business License # _____



Signature Date
January 15, 2018

STEPHEN A TARANTINO

(Print Name and Title)

8 January 2018

To: Greg Gibson, P.E., City of Lathrop

From: Jonathan Sutter, P.E., EKI Environment & Water, Inc.
 Tina Wang, P.E., EKI Environment & Water, Inc.

Subject: **Proposal for Wastewater Flow Monitoring Study**
 City of Lathrop
 (EKI B8-010)

EKI Environment & Water, Inc. (EKI; formerly known as Erler & Kalinowski, Inc.) is pleased to submit this proposal for consulting services to assist the City of Lathrop (City) with a wastewater flow monitoring study.

BACKGROUND

The City has requested EKI to conduct a wastewater flow monitoring study to (1) verify key assumptions and recommended capital improvement projects (CIPs) included in the Draft Wastewater System Master Plan (WWSMP) update prepared by EKI as part of the Integrated Water Resources Master Plan (IWRMP) and (2) assess the existing capacity of certain sanitary sewer mains and their ability to accept additional sanitary flows.

As part of the IWRMP WWSMP update, EKI developed new wastewater flow factors, conducted hydraulic modeling, and identified hydraulic deficiencies in the City's wastewater collection system. The WWSMP's wastewater flow assessment also identified varying degrees of inflow and infiltration (I&I) across the City. The City has requested that EKI conduct a flow monitoring study to confirm hydraulic model assumptions and the draft WWSMP conclusions and CIP recommendations.

EKI understands that the City wants to use flow monitoring data to assess the capacity of certain sewer mains to accept flow from new development. For instance, the City is exploring the possibility of diverting a portion of River Islands wastewater flows from Mossdale Pump Station (PS) through the Mossdale Intertie to the O Street PS. Also, Heartland Express, Inc. currently discharges to the private sewer system north of Stonebridge and is applying for additional ISU allocation for their truck wash. The WWSMP hydraulic model shows that there is no additional capacity in the O Street or Stonebridge gravity mains to accommodate these requests. However, a flow monitoring study at these locations would be able to verify the modeling results.

This proposal presents EKI's scope of work to complete the wastewater flow monitoring study.

Formerly known as Erler & Kalinowski, Inc.

PROPOSED SCOPE OF WORK

EKI will conduct temporary flow monitoring at six locations within the Stonebridge, Woodfield, Easy Court, O Street, and Crossroads drainage areas. The locations are shown on figures in Attachment A. As shown on Figure 1, Attachment A, these locations are in areas with capacity deficiencies as identified by hydraulic modeling and are selected to confirm key WWSMP conclusions.

At each location, a flow meter will be installed to monitor wastewater flow over a one-month period during Winter 2018, in an attempt to collect data during at least one rainfall event. EKI will team with Total Flow, Inc. (TFI) to install, calibrate, monitor, and remove flow monitoring equipment and collect and report data. Specific work to be performed by TFI at each location includes the following:

- Pre-Monitoring Inspection

Pre-monitoring inspection will be performed to evaluate hydraulic suitability for flow monitoring at each location. TFI will take photos, videos, measurements, draw sketches, and make notes of each of the locations. If a location is determined to be unsuitable for accurate and reliable flow metering, alternate locations and/or alternative equipment will be suggested.

- Flow Monitoring

TFI will furnish, install, maintain and remove all flow monitoring equipment, as well as verifying pipe diameter before installation. Area-velocity type flow meters will be installed for open channel flow with WEB based telemetry capability.

- Calibration and As-needed Maintenance

Calibration data will be collected at each location to verify meter accuracy. Calibration points will be obtained at various times of the day, including times when minimum and maximum flows are likely. Direct velocity measurements will be taken at various depths using a portable velocity meter. A minimum of four depth and velocity measurements will be taken at each location. During data processing and calibration, depth-to-velocity and depth-to-flow scatter plots will be compared to ensure data quality and accuracy.

Maintenance of flow meters will be performed as needed. Flow meters will be replaced or relocated if they are not performing properly.

The data from each monitor will be downloaded and reviewed weekly. Data will be plotted and compared to previous records to identify data gaps, data drifting, and other anomalies. This information will be used by TFI to suggest replacing or changing sensors or loggers, or to determine sites that are not hydraulically suitable. City approval will be obtained before making appropriate field changes.

- Data Collection

Weekly Excel reports will be produced to include edited flow data plotted with rain and a tabular summary of daily averages, minimum and maximum flows. Flow data will be presented in 5-minute intervals. Maximum depths and total daily rainfall will also be tabulated.

EKI will analyze flow data collected by TFI to verify modeled flows and developed flow factors, assess I&I, confirm WWSMP conclusions, and inform evaluation of developer requests. EKl will prepare a single technical memorandum that summarizes the evaluation of flow meter data for each task (monitoring location). EKl intends to append the technical memorandum to the final WWSMP and will update the WWSMP to include flow monitoring findings.

For budgeting purposes, it is assumed that only conclusions and recommendation sections of the WWSMP will be updated. Specifically, no additional hydraulic modeling will be performed except for the modeling efforts proposed in Task 4.

We assume that data needed to assist evaluation of flow monitoring results, including SCADA records and water billing data during the flow monitoring period, will be readily available from the City.

The proposed scope of work for this project includes the following tasks, which are broken out by monitoring location.

Task 1 – Flow Monitoring and Analysis on Brookfield Avenue

Flow monitoring will be conducted at the manhole (ID: N7SSMH953) located in front of 895 Brookfield Avenue, where the Harlan Road / Panattoni private sewer mains connect to the City's collection system (see Figure 2, Attachment A). EKl will coordinate with TFI for equipment rental, installation and removal, calibration, and data collection (see above).

EKI will analyze flow meter data collected at this location to:

- Assess the quantity and pattern of wastewater flow from the Harlan Road / Panattoni private sewer mains;

- Compare the quantity of wastewater flow from the Harland Road / Pannattoni private sewer mains to allocated wastewater capacity of the relevant parcels, if available;
- Confirm WWSMP's flow factor assessment, modeled flow in the hydraulic model, and conclusions regarding hydraulic deficiency at this location; and
- Assess the magnitude of I&I at this location, if rainfall occurs during flow monitoring period.

The above evaluation will be summarized in the project technical memorandum.

Task 2 – Flow Monitoring and Analysis on Slate Street

Flow monitoring will be conducted at the manhole (ID: N7SSMH927) on Slate Street located near Sangalang Park and the back of 13455 Brookwood Way (see Figure 3, Attachment A). EKI will coordinate with TFI for equipment rental, installation and removal, calibration, and data collection (see above).

EKI will analyze flow meter data collected at this location to:

- Confirm WWSMP's flow factor assessment, modeled flow in the hydraulic model, and conclusions regarding hydraulic deficiency at this location; and
- Assess the magnitude of I&I at this location, if rainfall occurs during flow monitoring period.

The above evaluation will be summarized in the project technical memorandum.

Task 3 – Flow Monitoring and Analysis on Woodfield Drive

Flow monitoring will be conducted at the manhole (ID: N9SSMH588) immediately upstream of Woodfield Lift Station (LS) on Woodfield Drive (see Figure 4, Attachment A). EKI will coordinate with TFI for equipment rental, installation and removal, calibration, and data collection (see above).

EKI will analyze flow meter data collected at this location to:

- Assess the accuracy of SCADA flow records at the Woodfield LS;
- Confirm WWSMP's flow factor assessment, modeled flow in the hydraulic model, and conclusions regarding hydraulic deficiency at this location; and
- Assess the magnitude of I&I at this location, if rainfall occurs during flow monitoring period.

The above evaluation will be summarized in the project technical memorandum.

Task 4 – Flow Monitoring and Analysis on O Street (West) & Mossdale Intertie Hydraulic Modeling

Flow monitoring will be conducted at the manhole (ID: M11SSMH634) located near the intersection of O Street and Eton Way, upstream of the O Street PS (see Figure 5, Attachment A). EKI will coordinate with TFI for equipment rental, installation and removal, calibration, and data collection (see above).

EKI understands that the City is considering diverting apportion of River Islands wastewater flows from Mossdale PS through the Mossdale Intertie to O Street PS. The capacity of this diversion will depend on (1) capacity of gravity mains in the Easy Court and O Street drainage areas, and (2) the capacity of the Mossdale Intertie, which depends on operations of the Mossdale PS and force main system.

Therefore, EKI will analyze flow meter data collected at this location to:

- Confirm WWSMP's flow factor assessment, modeled flow in the hydraulic model, and conclusions regarding hydraulic deficiency at this location; and
- Assess the magnitude of I&I at this location, if rainfall occurs during flow monitoring period.

In addition, EKI will perform hydraulic modeling to assess:

- Mossdale Intertie capacity under dry weather flow and peak flow operations at Mossdale PS, and
- If operation of the intertie will affect Mossdale PS's ability to convey wastewater flow under existing and future scenarios.

The above evaluation will be summarized in the project technical memorandum.

Task 5 – Flow Monitoring and Analysis on O Street (East)

Flow monitoring will be conducted at the manhole (ID: N11SSMH395) located near 364 O Street, upstream of the Easy Court LS (see Figure 6, Attachment A). EKI will coordinate with TFI for equipment rental, installation and removal, calibration, and data collection (see above).

EKI will analyze flow meter data collected at this location to:

- Confirm WWSMP's flow factor assessment, modeled flow in the hydraulic model, and conclusions regarding hydraulic deficiency at this location; and
- Assess the magnitude of I&I at this location, if rainfall occurs during flow monitoring period.

The above evaluation will be summarized in the project technical memorandum.

Task 6 – Flow Monitoring and Analysis on Nestle Way

Flow monitoring will be conducted at a manhole (M15SSMH781) located north of the intersection of Nestle Way and Christopher Way (see Figure 7, Attachment A). EKI will coordinate with TFI equipment rental, installation and removal, calibration, and data collection (see above).

EKI will analyze flow meter data collected at this location to:

- Assess the quantity and pattern of wastewater flow from the Crossroads parcels upstream of this location;
- Compare the quantity of wastewater flow from upstream parcels to their allocated wastewater capacities, if available;
- Confirm WWSMP's flow factor assessment, modeled flow in the hydraulic model, and conclusions regarding hydraulic deficiency at this location; and
- Assess the magnitude of I&I at this location, if rainfall occurs during flow monitoring period.

The above evaluation will be summarized in the project technical memorandum.

COMPENSATION

We propose that compensation for consulting services by EKI be on a time and expense reimbursement basis in accordance with our current Schedule of Charges, dated 1 January 2018 (Attachment B). Based on the Scope of Work described above, we propose a total budget of \$49,500, as shown by task in Table 1 and Table 2. Project management efforts will be performed concurrently for all tasks and are divided evenly among all tasks.

Table 1. Proposed Cost by Tasks

Task	Description	Task Total
1	Flow Monitoring and Analysis on Brookfield Ave	\$7,800
2	Flow Monitoring and Analysis on Slate Street	\$7,800
3	Flow Monitoring and Analysis on Woodfield Drive	\$7,800
4	Flow Monitoring and Analysis on O Street (West) and Mossdale Intertie Hydraulic Modeling	\$10,500
5	Flow Monitoring and Analysis on O Street (West)	\$7,800
6	Flow Monitoring and Analysis on Nestle Way	\$7,800
Total Estimated Budget		\$49,500

PROJECT SCHEDULE

EKI is available to initiate work upon receiving authorization from the City. EKI anticipates that the above scope of work can be completed within approximately two months upon receiving authorization.

TERMS AND CONDITIONS

Except as specifically modified above, all other terms of our 2 May 2016 Agreement shall remain in full force and effect. If this proposal meets with your approval, please send us an Agreement Amendment to review and execute.

Table 2 - Estimated Costs

Wastewater Flow Monitoring
 City of Lathrop, CA
 (EKI B8-010)

TASKS	ESTIMATED EKI HOURLY LABOR				EKI LABOR COST (\$)	EKI COMM. CHARGES 4%	EXPENSES					TOTAL				
	CAD/GIS	G3	ASC II	SUP			UNIT	QUANTITY	UNIT COST	DIRECT COST	### MARKUP	TOTAL	TASK BUDGET TOTALS (\$)	ROUNDED BUDGET TOTALS (\$)		
	133	160	199	260												
Task 1 - Flow Monitoring and Analysis on Brookfield Ave																
Install flow meter and collect data over one month (TFI)							ls	1	\$4,076	\$4,076	\$408	\$4,484	\$4,484			
Analyze flow data and prepare technical memorandum/update IWRMP	2	8	2	1	\$2,204	\$88							\$2,292			
Project management and coordination		1	4		\$956	\$38							\$994			
Task 1 Subtotal	2	9	6	1	\$3,160	\$126							\$4,484	\$7,770	\$7,800	
Task 2 - Flow Monitoring and Analysis on Slate Street																
Install flow meter and collect data over one month (TFI)							ls	1	\$4,076	\$4,076	\$408	\$4,484	\$4,484			
Analyze flow data and prepare technical memorandum/update IWRMP	2	8	2	1	\$2,204	\$88							\$2,292			
Project management and coordination		1	4		\$956	\$38							\$994			
Task 2 Subtotal	2	9	6	1	\$3,160	\$126							\$4,484	\$7,770	\$7,800	
Task 3 - Flow Monitoring and Analysis on Woodfield Drive																
Install flow meter and collect data over one month (TFI)							ls	1	\$4,076	\$4,076	\$408	\$4,484	\$4,484			
Analyze flow data and prepare technical memorandum/update IWRMP	2	8	2	1	\$2,204	\$88							\$2,292			
Project management and coordination		1	4		\$956	\$38							\$994			
Task 3 Subtotal	2	9	6	1	\$3,160	\$126							\$4,484	\$7,770	\$7,800	
Task 4 - Flow Monitoring and Analysis on O Street (West) and Mossdale Intertie Hydraulic Modeling																
Install flow meter and collect data over one month (TFI)							ls	1	\$4,076	\$4,076	\$408	\$4,484	\$4,484			
Perform hydraulic modeling of Mossdale Intertie		10	4	1	\$2,656	\$106							\$2,762			
Analyze flow data and prepare technical memorandum/update IWRMP	2	8	2	1	\$2,204	\$88							\$2,292			
Project management and coordination		1	4		\$956	\$38							\$994			
Task 4 Subtotal	2	19	10	2	\$5,816	\$233							\$4,484	\$10,532	\$10,500	
Task 5 - Flow Monitoring and Analysis on O Street (West)																
Install flow meter and collect data over one month (TFI)							ls	1	\$4,076	\$4,076	\$408	\$4,484	\$4,484			
Analyze flow data and prepare technical memorandum	2	8	2	1	\$2,204	\$88							\$2,292			
Project management and coordination		1	4		\$956	\$38							\$994			
Task 5 Subtotal	2	9	6	1	\$3,160	\$126							\$4,484	\$7,770	\$7,800	
Task 6 - Flow Monitoring and Analysis on Nestle Way																
Install flow meter and collect data over one month (TFI)							ls	1	\$4,076	\$4,076	\$408	\$4,484	\$4,484			
Analyze flow data and prepare technical memorandum/update IWRMP	2	8	2	1	\$2,204	\$88							\$2,292			
Project management and coordination		1	4		\$956	\$38							\$994			
Task 6 Subtotal	2	9	6	1	\$3,160	\$126							\$4,484	\$7,770	\$7,800	
TOTALS:	12	64	40	7	\$21,616	\$865							\$26,902	\$49,382	\$49,500	










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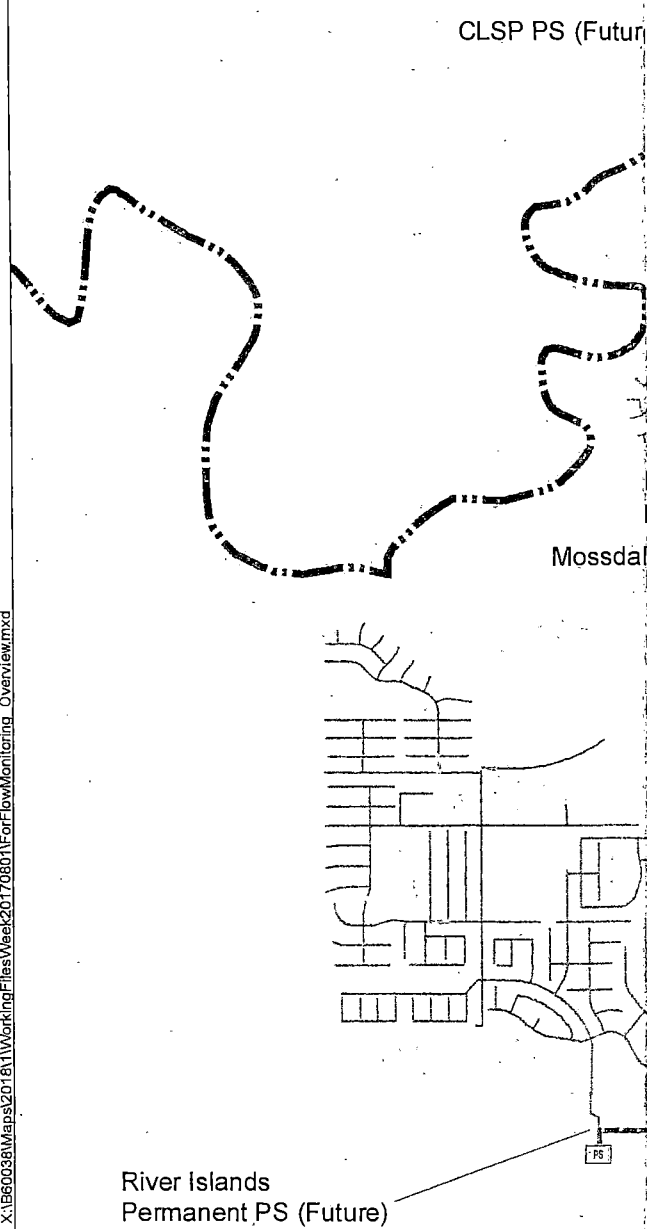
- EKI billing grades are as follows:
 "SPR": Senior Principal
 "PRI": Principal
 "SUP": Supervising Engineer or Scientist
 "SEN I and II": Senior Engineer or Scientist
 "ASC I and II": Associate Engineer or Scientist
 "G1, G2, G3...": Grade [1, 2, 3, ...] Engineer or Scientist
- Expense Cost Units
 "LS": Lump Sum

ATTACHMENT A
Proposed Flow Monitoring Locations

Path: X:\B60038\Maps\2018\1\WorkingFiles\Week20170801\ForFlowMonitoring_Overview.mxd

Legend

-  Sphere of Influence
 -  Approximate Area of WWTF
 -  Pump Station or Lift Station
 -  Force Main
 -  Flow Monitoring Location
- Gravity Mains**
-  Meeting Capacity Criteria
- Modeled Deficiencies**
-  d/D ratio 0.51 - 0.75
 -  d/D ratio 0.76 - 0.99
 -  d/D ratio >= 1.0 (Surcharged)



Abbreviations

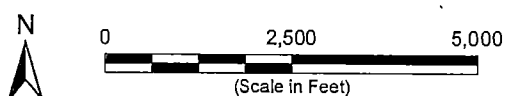
- CLSP = Central Lathrop Specific Plan
- CTF = Consolidated Treatment Facility
- d/D = flow depth vs. pipe diameter
- LIP = Lathrop Industrial Park
- LS = lift station
- MWQCF = Manteca Water Quality Control Facility
- PS = pump station
- SSI = Super Store Industries
- WWTF = wastewater treatment facility

Notes

- 1. All locations are approximate.

Sources

- 1. Aerial photograph provided by ESRI's ArcGIS Online, 8 January 2018.

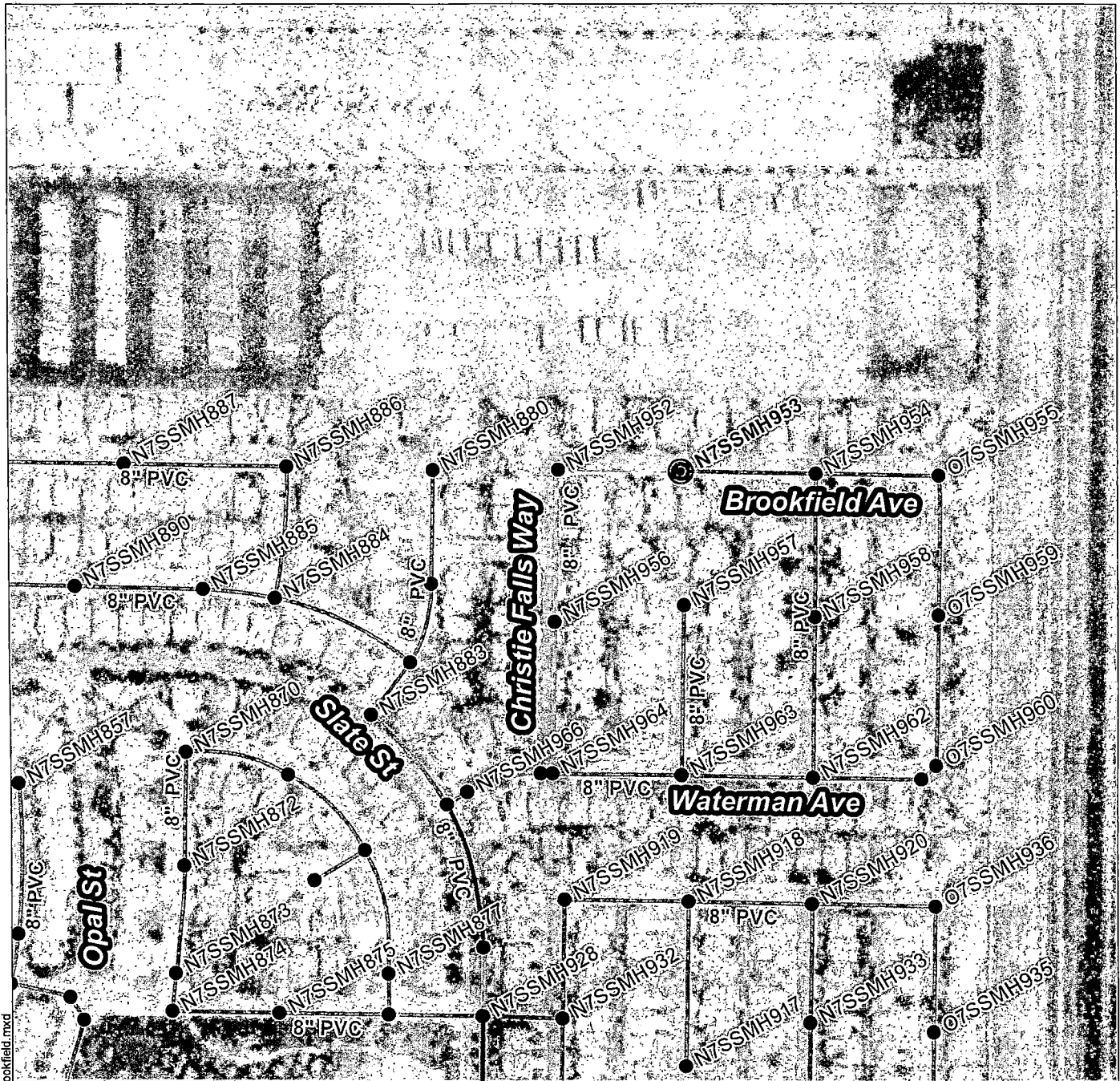


Flow Monitoring Locations

River Islands
Permanent PS (Future)








City of Lathrop
 Lathrop, CA
 January 2018
 EKI B8-010
Figure 1







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Legend

-  Sphere of Influence
-  Existing Force Main
-  Lift Station
-  Manhole
- 8" PVC Inch-Diameter and Pipe Material
-  Flow Monitoring Location

Gravity Main Hydraulic Modeling Result

-  Meeting Capacity Criteria
- Modeled Deficiencies**
-  d/D ratio 0.51 - 0.75
-  d/D ratio 0.76 - 0.99
-  d/D ratio ≥ 1.0 (Surcharged)

Abbreviations

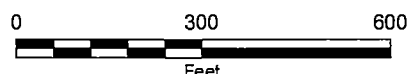
PVC = polyvinyl chloride
 VCP = vitrified clay

Notes

1. All locations are approximate.

Sources

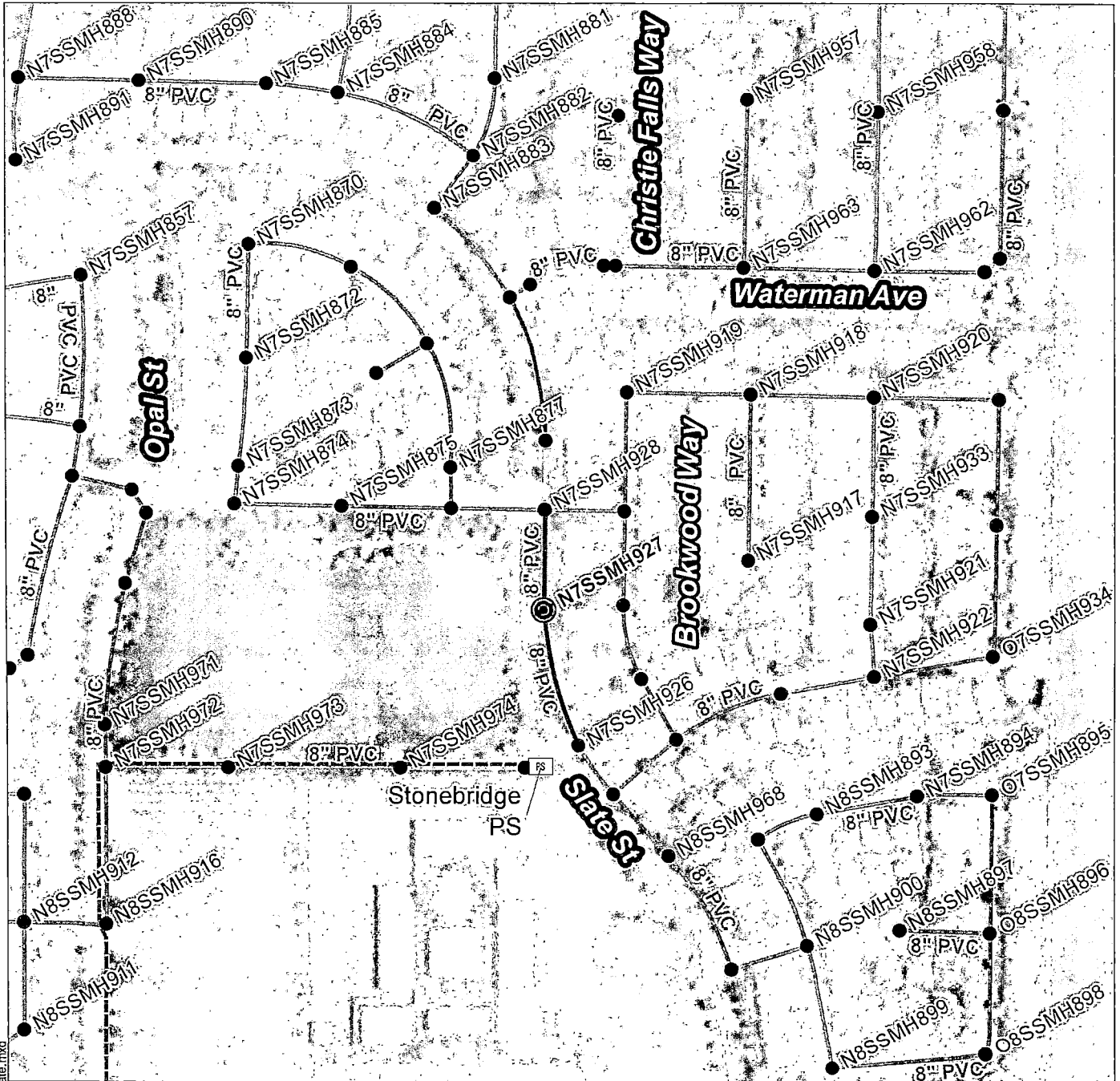
1. Aerial photograph provided by ESRI's ArcGIS Online, obtained 8 January 2018.



Flow Monitoring Location - Brookfield Ave



City of Lathrop
 January 2018
 EKI B8-010
Figure 2



Path: X:\B60038\Maps\2018\1\WorkingFiles\Week20170901\F0rFlowMonitoring_Slate.mxd

Legend

- Sphere of Influence
- Existing Force Main
- Lift Station
- Manhole
- 8" PVC** Inch-Diameter and Pipe Material
- Flow Monitoring Location

Gravity Main Hydraulic Modeling Result

- Meeting Capacity Criteria
- Modeled Deficiencies**
- d/D ratio 0.51 - 0.75
- d/D ratio 0.76 - 0.99
- d/D ratio >= 1.0 (Surcharged)

Abbreviations

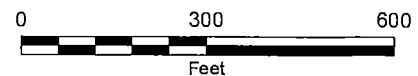
PVC = polyvinyl chloride
 VCP = vitrified clay

Notes

1. All locations are approximate.

Sources

1. Aerial photograph provided by ESRI's ArcGIS Online, obtained 8 January 2018.

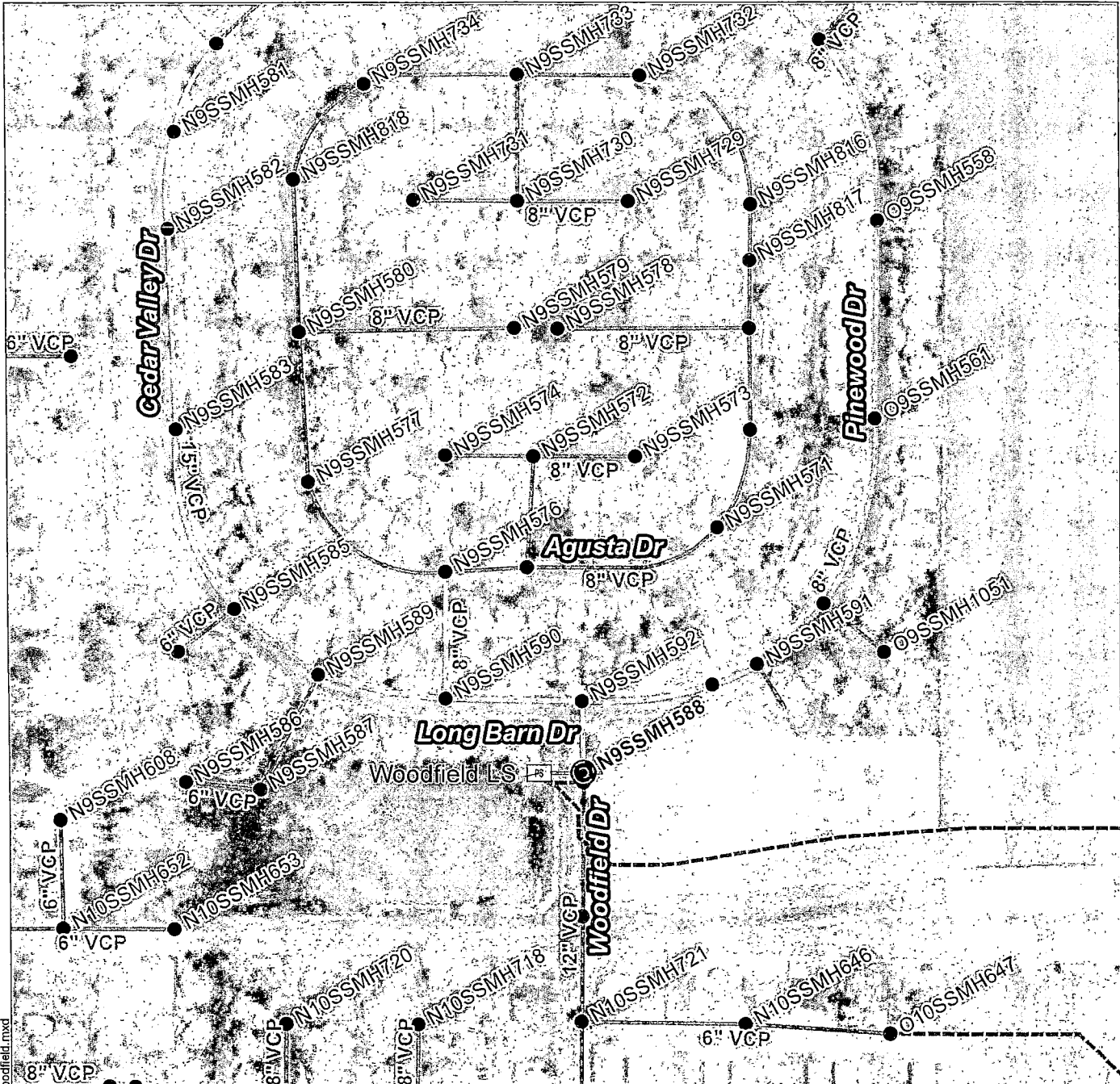


Flow Monitoring Location - Slate Street



City of Lathrop
 January 2018
 EKI B8-010

Figure 3



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Legend		Gravity Main Hydraulic Modeling Result	
	Sphere of Influence		Meeting Capacity Criteria
	Existing Force Main	Modeled Deficiencies	
	Lift Station		d/D ratio 0.51 - 0.75
	Manhole		d/D ratio 0.76 - 0.99
8" PVC	Inch-Diameter and Pipe Material		d/D ratio >= 1.0 (Surcharged)
	Flow Monitoring Location		

Abbreviations
 PVC = polyvinyl chloride
 VCP = vitrified clay

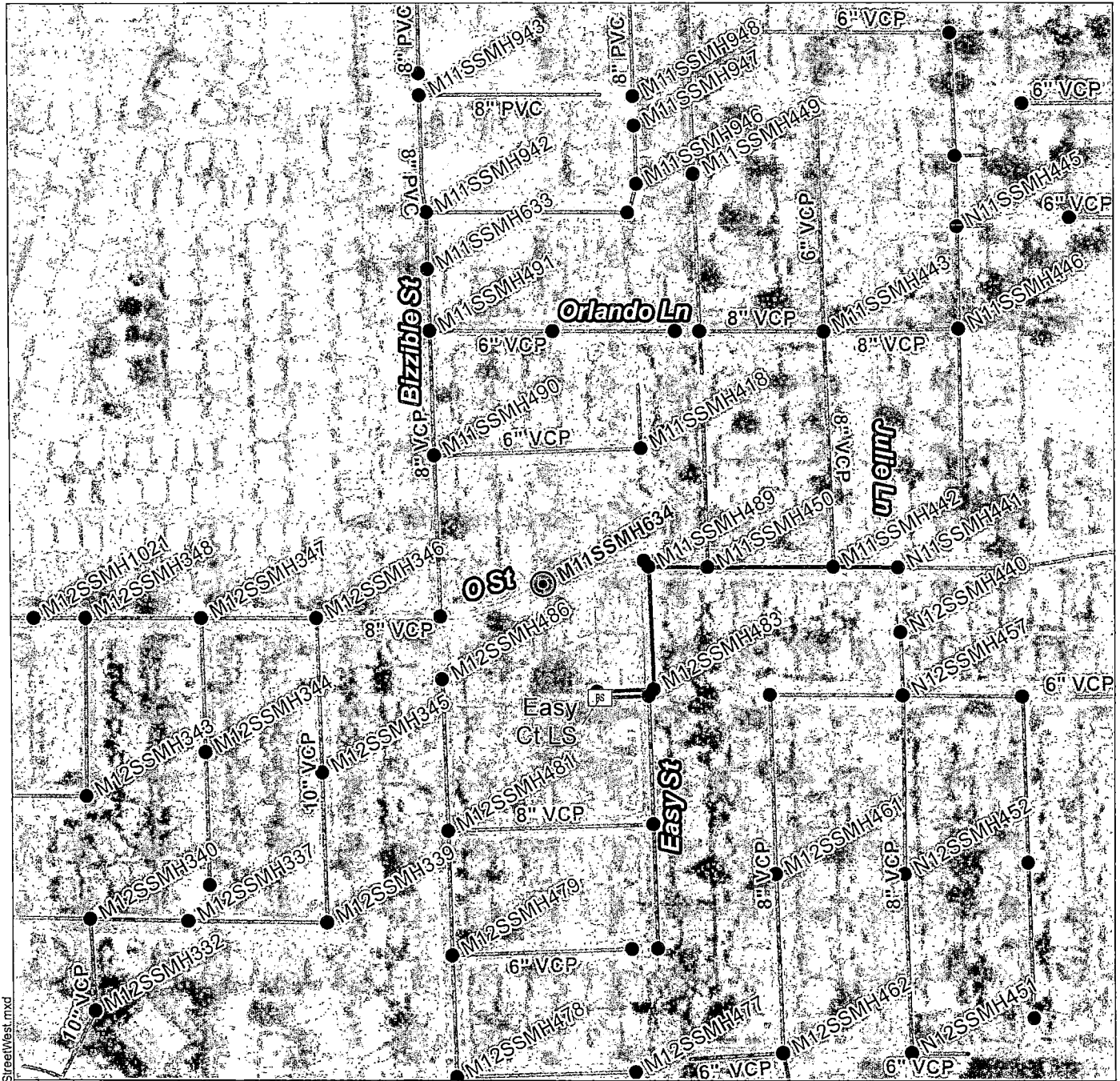
Notes
 1. All locations are approximate.

Sources
 1. Aerial photograph provided by ESRI's ArcGIS Online, obtained 8 January 2018.

Flow Monitoring Location - Woodfield Drive



City of Lathrop
 January 2018
 EKI B8-010
Figure 4



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Legend

- Sphere of Influence
- Existing Force Main
- Lift Station
- Manhole
- 8" PVC** Inch-Diameter and Pipe Material
- Flow Monitoring Location

Gravity Main Hydraulic Modeling Result

- Meeting Capacity Criteria
- Modeled Deficiencies**
- d/D ratio 0.51 - 0.75
- d/D ratio 0.76 - 0.99
- d/D ratio >= 1.0 (Surcharged)

Abbreviations

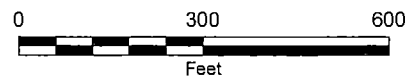
PVC = polyvinyl chloride
 VCP = vitrified clay

Notes

1. All locations are approximate.

Sources

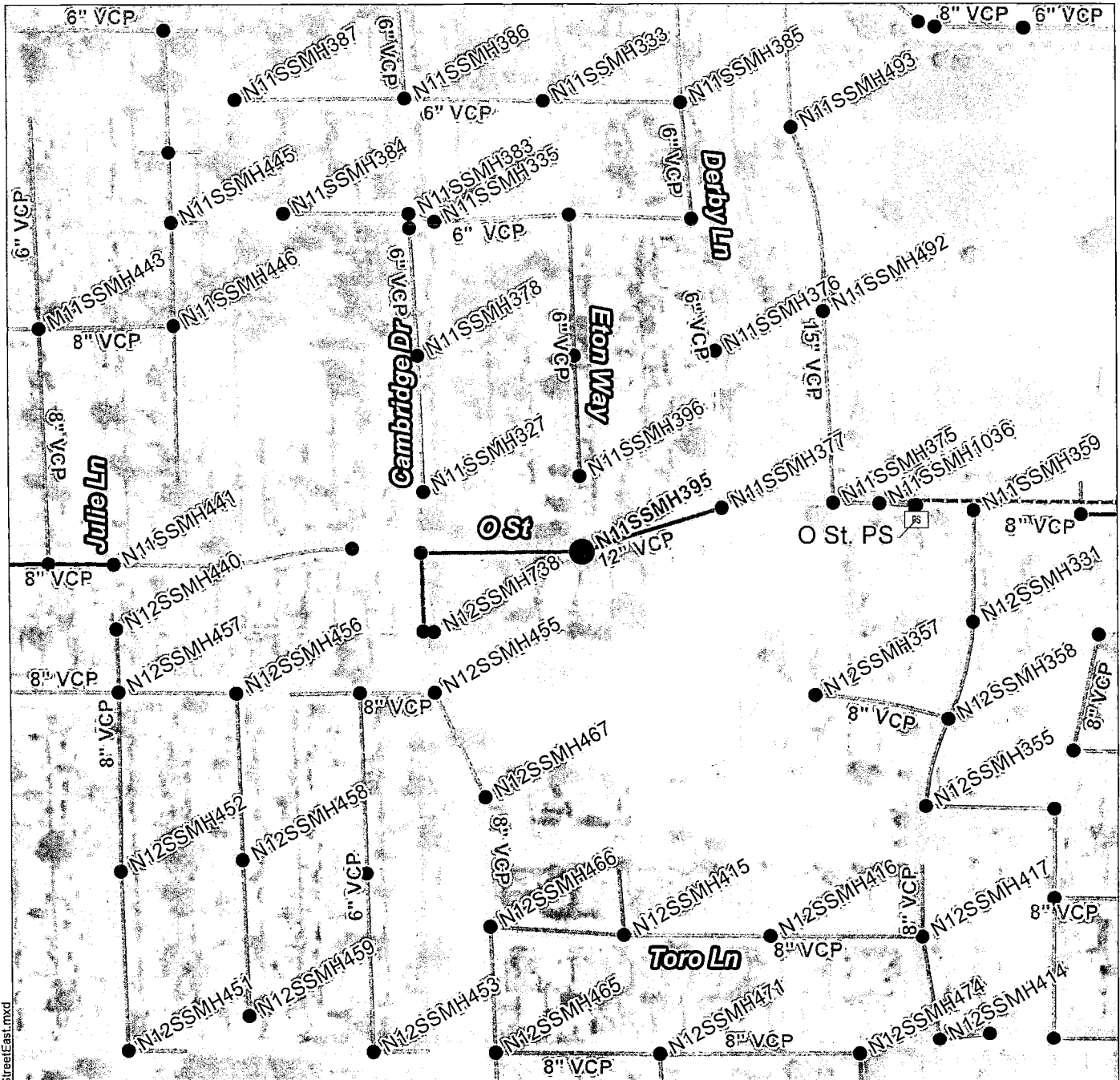
1. Aerial photograph provided by ESRI's ArcGIS Online, obtained 8 January 2018.



Flow Monitoring Location - O Street (West)

City of Lathrop
 January 2018
 EK1 B8-010
Figure 5





Path: X:\B60038\Maps\2018\1\WorkingFiles\Week20170801\FForFlowMonitoring_OStreetEast.mxd

Legend

- Sphere of Influence
- Existing Force Main
- Lift Station
- Manhole
- 8" PVC Inch-Diameter and Pipe Material
- Flow Monitoring Location

Gravity Main Hydraulic Modeling Result

- Meeting Capacity Criteria
- Modeled Deficiencies**
- d/D ratio 0.51 - 0.75
- d/D ratio 0.76 - 0.99
- d/D ratio >= 1.0 (Surcharged)

Abbreviations

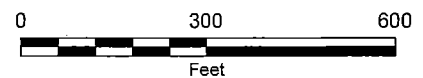
PVC = polyvinyl chloride
 VCP = vitrified clay

Notes

1. All locations are approximate.

Sources

1. Aerial photograph provided by ESRI's ArcGIS Online, obtained 8 January 2018.

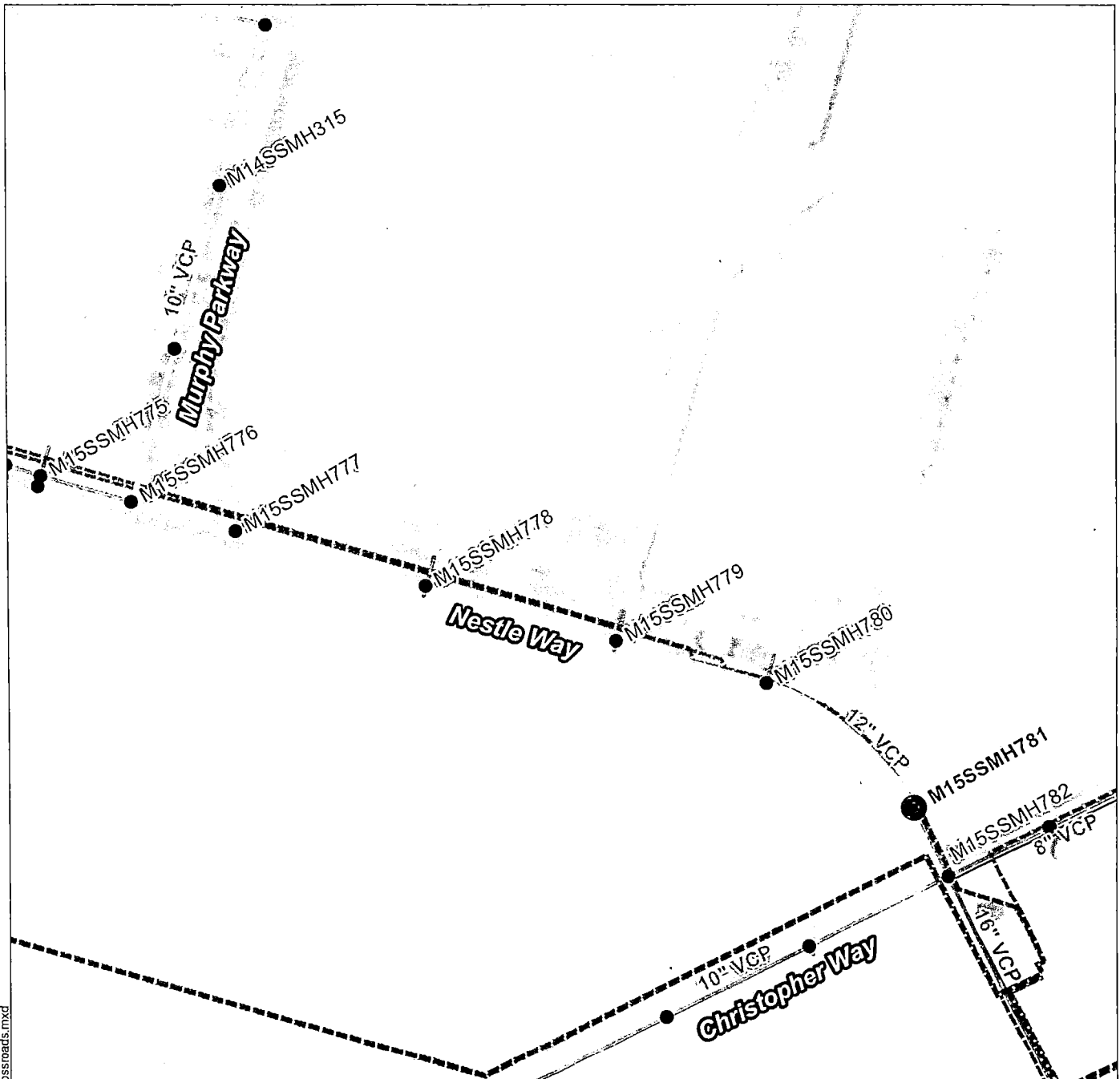


Flow Monitoring Location - O Street (East)

City of Lathrop
 January 2018
 EKI B8-010



Figure 6



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Legend

- Sphere of Influence
- Existing Force Main
- Lift Station
- Manhole
- 8" PVC Inch-Diameter and Pipe Material
- Flow Monitoring Location

Gravity Main Hydraulic Modeling Result

- Meeting Capacity Criteria
- Modeled Deficiencies**
- d/D ratio 0.51 - 0.75
- d/D ratio 0.76 - 0.99
- d/D ratio >= 1.0 (Surcharged)

Abbreviations

PVC = polyvinyl chloride
 VCP = vitrified clay

Notes

1. All locations are approximate.

Sources

1. Aerial photograph provided by ESRI's ArcGIS Online, obtained 8 January 2018.



Flow Monitoring Location - Nestle Way



City of Lathrop
 January 2018
 EKI B8-010

Figure 7

ATTACHMENT B

Schedule of Charges date 1 January 2018

Client/Address: City of Lathrop
 Greg Gibson, P.E.
 390 Towne Centre Drive
 Lathrop, CA 95330



Proposal/Agreement Date: 5 January 2018

EKI Project # B8-010

SCHEDULE OF CHARGES FOR EKI ENVIRONMENT & WATER, INC.¹

1 January 2018

<u>Personnel Classification</u>	<u>Hourly Rate</u>
Officer and Chief Engineer-Scientist	280
Principal Engineer-Scientist	270
Supervising I, Engineer-Scientist	260
Supervising II, Engineer-Scientist	250
Senior I, Engineer-Scientist	238
Senior II, Engineer-Scientist	225
Associate I, Engineer-Scientist	213
Associate II, Engineer-Scientist	199
Engineer-Scientist, Grade 1	185
Engineer-Scientist, Grade 2	175
Engineer-Scientist, Grade 3	160
Engineer-Scientist, Grade 4	140
Engineer-Scientist, Grade 5	124
Engineer-Scientist, Grade 6	109
Technician	100
Senior GIS Analyst	128
CADD Operator / GIS Analyst	113
Senior Administrative Assistant	125
Administrative Assistant	99
Secretary	82

Direct Expenses

Reimbursement for direct expenses, as listed below, incurred in connection with the work will be at cost plus ten percent (10%) for items such as:

- a. Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work.
- b. Consultants, soils engineers, surveyors, drillers, laboratories, and contractors.
- c. Rented vehicles, local public transportation and taxis, travel and subsistence.
- d. Special fees, insurance, permits, and licenses applicable to the work.
- e. Outside computer processing, computation, and proprietary programs purchased for the work.

A Communication charge for e-mail access, web conferencing, cellphone calls, messaging and data access, file sharing, local and long distance telephone calls and conferences, facsimile transmittals, standard delivery U.S. postage, and incidental in-house copying will be charged at a rate of 4% of labor charges. Large volume copying of project documents, e.g., bound reports for distribution or project-specific reference files, will be charged as a project expense as described above.

Reimbursement for company-owned automobiles, except trucks and four-wheel drive vehicles, used in connection with the work will be at the rate of sixty cents (\$0.60) per mile. The rate for company-owned trucks and four-wheel drive vehicles will be seventy-five cents (\$0.75) per mile. There will be an additional charge of thirty dollars (\$30.00) per day for vehicles used for field work. Reimbursement for use of personal vehicles will be at the federally allowed rate plus fifteen percent (15%).

CADD Computer time will be charged at twenty dollars (\$20.00) per hour. In-house material and equipment charges will be in accordance with the current rate schedule or special quotation. Excise taxes, if any, will be added as a direct expense.

Rate for professional staff for legal proceedings or as expert witnesses will be at a rate of one and one-half times the Hourly Rates specified above.

The foregoing Schedule of Charges is incorporated into the Agreement for the Services of EKI Environment & Water, Inc. and may be updated annually.

¹ Formerly known as Erler & Kalinowski, Inc.

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**CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**

ITEM: APPROVAL OF FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR 25 LOTS IN TRACT 3912 VILLAGE "O" WITHIN EAST VILLAGE DISTRICT

RECOMMENDATION: Adopt Resolution Approving Final Map for Tract 3912 Village "O" within East Village District, Totaling 25 Single Family Lots and a Subdivision Improvement Agreement with River Islands Development, LLC

SUMMARY:

On June 1, 2015, the City approved an amendment to Vesting Tentative Map (VTM 3694), 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.

The City has approved a number of final maps within the East Village area, including the first final map for the Village O area of East Village (Tract 3836). This proposed Final Map for Tract 3912 is the second of four total final maps for the Village "O" development area. Tract 3912 consists of twenty-five (25) 42' x 85' single family lots within Village "O". Tract 3912 will continue the "Latitude" production homes for builder Van Daele Homes. A Vicinity Map, is included as Attachment "B".

Staff request council consider the approval of Final Map for Tract 3912 Village "O" within East Village District, Totaling 25 Single Family Lots and a Subdivision Improvement Agreement with River Islands Development, LLC.

BACKGROUND:

The land for Tract 3912 is within the geographic boundaries of VTM 3694 approved by Council on March 27, 2007, and amended on June 1, 2015 with updated conditions of approval. Tract 3912, as proposed by River Islands Development, LLC ("River Islands") as the subdivider, is in compliance with the most current conditions of approval.

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 (Attachment C) restates the requirement for the posted security (bonds) provided by the Subdivider with the approval of Tract 3836 for the unfinished infrastructure within Village "O", covering all four final maps within this village.

JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**TRACT 3912 VILLAGE "O" WITHIN EAST VILLAGE DISTRICT, TOTALING 25 SINGLE FAMILY LOTS, AND A SIA WITH RIVER ISLANDS DEVELOPMENT, LLC**

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 that agreement is still valid for certain improvements. Tract 3912 will not trigger any additional off-site improvements and the Off- site Agreement will apply to Tract 3912 as it has to all previous final maps with no additional security for off-site improvements.

The SIA also extends the sewer "float" capacity approved with the Tract 3904, which includes certain guarantees associated with the Southeast Stewart Tract Recycled Water improvements (storage pond, pipeline and sprayfields). The guarantees are included in Exhibit E of the SIA.

REASON FOR RECOMMENDATION:

The Subdivider anticipates all public improvements will be completed prior to the issuance of a final building permit (occupancy) associated with Tract 3912. Before acceptance of public improvements, River Islands shall provide a 10% maintenance bond to guarantee the full improvements (completed and uncompleted) for one year. River Islands has provided the tract map, the tract improvement plans, all required documents and all fees for Tract 3912.

This includes the following documents and fees:

Documents	Status
1. Final Map ready for signature	Completed
2. Subdivision Improvement Agreement	Completed
3. Performance Bonds – Uncompleted Landscaping and Miscellaneous Improvements	Completed
4. Labor and Material Bonds – Uncompleted Landscaping and Miscellaneous Improvements	Completed
5. Street Improvement Plans	Completed
6. Landscaping Plans	Completed
7. Street Light Plans	Completed
8. Joint Trench Plans	Completed
9. Agreement for Backbone Improvements and Parks (Agreement for Dedication, Inspection and Guarantee of Street and Public Improvements)	Completed
10. 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

CITY MANAGER'S REPORT **Page 3**
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING
TRACT 3912 VILLAGE "O" WITHIN EAST VILLAGE DISTRICT, TOTALING 25
SINGLE FAMILY LOTS, AND A SIA WITH RIVER ISLANDS DEVELOPMENT,
LLC

11. Allocation of Water and Sewer capacity	Completed
12. Recommendation for approval from Stewart Tract Design Review Committee	Completed
13. Submitted Certificate of Insurance, Tax Letter	Completed
14. Submitted Guarantee of Title	Completed

Fees	Status
1. Final Map plan check fee	Paid
2. Improvement Plans - Plan check fees	Paid
3. Improvement Plans - Inspection fees	Paid
4. Record retention fee	Paid
5. Bond guaranteeing copies/reductions of final map	Paid
6. Sierra Club Settlement fee	To be paid in escrow

Extensive off-site improvements to serve Village O have already been completed, including construction of levees, participation in the construction of a 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. However, there is an assignment of float capacity that will be necessary, as described in Exhibit E of the attached SIA.

The above noted documents and fees are required by the amended 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.

Before the Final Maps are recorded, River Islands must also satisfy the Escrow Instructions (Attachment E) 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 by this action. All City costs are covered by development fees and any shortfalls in City maintenance and operating costs are covered by the Community Facilities District (CFD's) for maintenance. River Islands is also providing funds necessary to cover any staff time required to process their request.

JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING

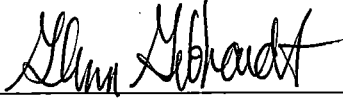
TRACT 3912 VILLAGE "O" WITHIN EAST VILLAGE DISTRICT, TOTALING 25 SINGLE FAMILY LOTS, AND A SIA WITH RIVER ISLANDS DEVELOPMENT, LLC

ATTACHMENTS:

- A. Resolution Approving Final Map for Tract 3912 Village "O" within East Village District, Totaling 25 Single Family Lots and Subdivision Improvement Agreement with River Islands Development, LLC
- B. Tract 3912 Village "O" Vicinity Map
- C. Subdivision Improvement Agreement between the City of Lathrop and River Islands (Community South River Bend) River Islands Development, LLC, a California Limited Liability Company, for Tract 3912 Village "O" within East Village
- D. Escrow Instructions for Final Map Tract 3912

CITY MANAGER'S REPORT
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING
TRACT 3912 VILLAGE "O" WITHIN EAST VILLAGE DISTRICT, TOTALING 25
SINGLE FAMILY LOTS, AND A SIA WITH RIVER ISLANDS DEVELOPMENT,
LLC

APPROVALS:

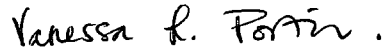


Glenn Gebhardt
City Engineer

1/18/18

Date

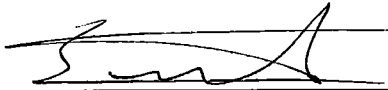
for



Cari James
Finance Director

1-19-18

Date



Salvador Navarrete
City Attorney

1-19-18

Date



Stephen J. Salvatore
City Manager

1-24-18

Date

RESOLUTION NO. 18-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING FINAL MAP FOR TRACT 3912 VILLAGE "O", TOTALING
25 SINGLE FAMILY LOTS AND A SUBDIVISION IMPROVEMENT AGREEMENT
WITH RIVER ISLANDS DEVELOPMENT, LLC**

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 3912, the proposed subdivision, is part of the East Village District of River Islands as described in the UDC, consisting of 25 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 the Tract 3912, the Stewart Tract Design Review Committee recommended approval of Tract 3912 on September 1, 2016; and

WHEREAS, River Islands Development, LLC has completed or has guaranteed completion of all public improvements on Tract Map 3912, 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 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 3912 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 3912 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 3912; 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 3912 is hereby approved as submitted as part of the public record as has been filed with the City Clerk.
2. That the City Manager, or his designee, is authorized to execute and file with the City Clerk a Subdivision Improvement Agreement with River Islands Development, LLC, in substantially the form as attached to the January 29, 2018 staff report.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 29th day of January 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

SONNY DHALIWAL, MAYOR

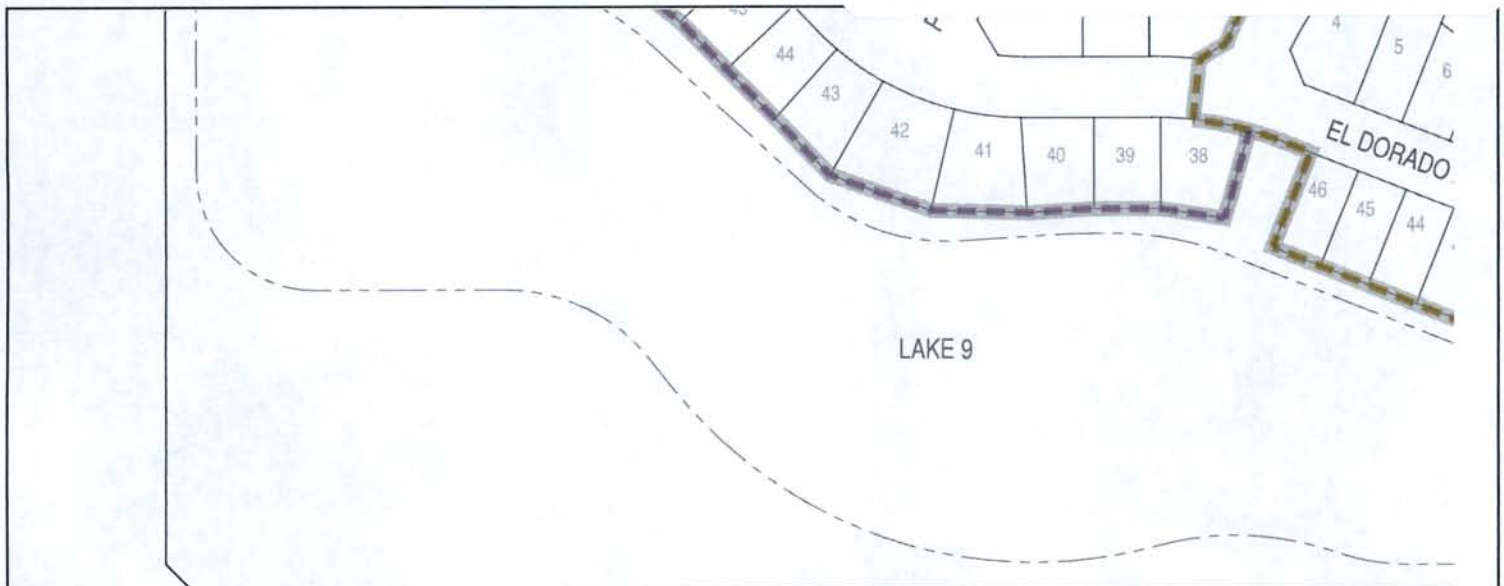
ATTEST:

APPROVED AS TO FORM:

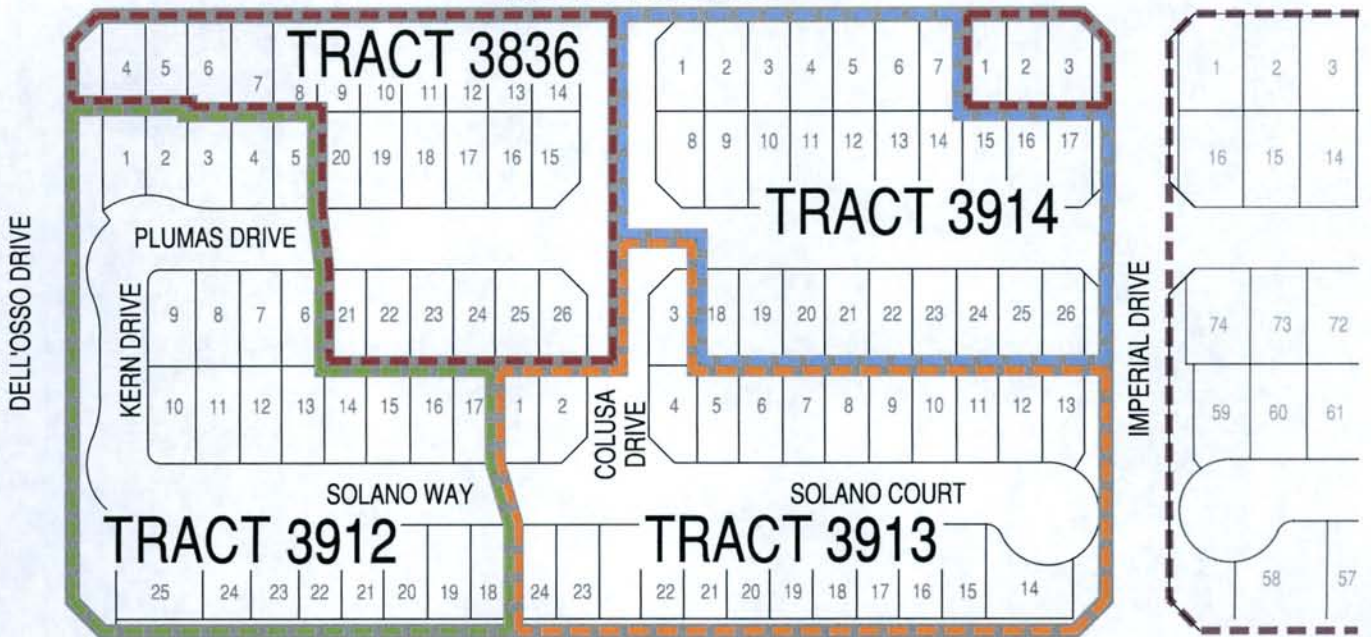
Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney



GARDEN FARMS AVENUE



RIVER ISLANDS PARKWAY



**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

January 29, 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 3912; Escrow No. 1211047898-KS

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 February 15, 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 1, 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**").

- One original Final Map for Tract 3912, executed and acknowledged by City.

The document listed above is referred to as the "**Recordation Document**." The date on which the Recordation Document is recorded in the Official Records is the Recordation Date.

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 Document, 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

JOINT ESCROW INSTRUCTIONS RECORDATION OF FINAL MAPS (RIVER ISLANDS AT LATHROP)

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:

a. The amount of \$12,681.90, 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 \$2,970.00 multiplied by 4.27 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.**"

D. Closing Requirements

When the following has occurred, you are authorized to close the Escrow at the times 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 Document 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 acknowledged where applicable, 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 Document 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 Document 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 Document to be recorded.

E.2. Record the Recordation Document in the Official Records.

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

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:

River Islands Development, LLC
1676 N. California Blvd., Suite 420
Walnut Creek, CA 94596
Attn: William C. Scott, Jr.

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) Debbie Belmar, 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 Document, showing all recording information of the Recordation Document, 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
President
River Islands Development, LLC

Stephen J. Salvatore
City Manager
City of Lathrop

**JOINT ESCROW INSTRUCTIONS
RECORDATION OF FINAL MAPS
(RIVER ISLANDS AT LATHROP)**

ESCROW INSTRUCTIONS
ACKNOWLEDGEMENT AND AGREEMENT:

Receipt of the foregoing Escrow Instructions from RID and 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 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: _____

SUBDIVISION IMPROVEMENT AGREEMENT
BETWEEN THE CITY OF LATHROP AND
RIVER ISLANDS (COMMUNITY SOUTH RIVER BEND) RIVER ISLANDS
DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FOR
TRACT 3912 VILLAGE "O", 25 RESIDENTIAL LOTS

RECITALS

A. This Agreement is made and entered into this **29th day of January 2018**, by and between the CITY OF LATHROP, a municipal corporation of the State of California (hereinafter "CITY") and River Islands Development, LLC, a California limited liability company, (hereinafter "SUBDIVIDER").

B. 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 initial public right of way access to Tract 3873, as well as other tracts within the Community at South River Bend neighborhood which connects to the East Village neighborhood.

C. Pursuant to Division 2 of Title 7 of the Government Code of the State of California and the CITY's Subdivision Regulations (City of Lathrop, Code of Ordinances, Chapter 16), SUBDIVIDER is required to make dedications and improve Tract 3912. However, SUBDIVIDER has completed a significant portion of public infrastructure improvements associated with Tracts 3912 and the adjacent Tracts of 3836, 3813 and 3814 as part of the Village O area of the East Village District of River Islands. The unfinished portion of improvements total \$546,700.00 and both performance and labor and materials (payment) bonds as required by the Lathrop Subdivision Ordinance and the Subdivision Map Act were posted with the approval of Tract 3836 and will be required to be held by the City as outlined in this Tract 3912 Subdivision Improvement Agreement.

D. 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 3912, along with proposed access easements and all-weather roads associated with Tract 3912 on an interim basis. Tract 3912 Final Map shall dedicate those roads not dedicated with previous tracts in the East Village District and not covered by the Irrevocable Offer of Dedication for Easement for Roadway Purposes for streets serving as access to Tract 3873.

E. SUBDIVIDER has completed a portion of the joint trench improvements for Tract 3912 and as noted in Recital C, performance and payment bonds were posted with the approval of Tract 3836 for the unfinished portion of these improvements, along with other required infrastructure for Tracts 3836, 3812, 3813 and 3814. Improvement plans and street light plans prepared by O'Dell Engineering, Inc. have already been approved by the City. The street, sidewalk, underground utility, storm drainage, street light and joint trench improvements (hereinafter "Improvements") have only been partially constructed as part of the required infrastructure for Tract 3912 and adjacent Tracts 3836, 3813, 3814 and required security as outlined in this Agreement is required.

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 the 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 constructed in Tract 3912 that is conveyed to a private interest not associated with the transfer of title of Tract 3912 associated with the filing of Tract 3912 or prior to the completion and occupancy of the first production dwelling unit associated with Tract 3912, whichever comes first. Such occupancy shall be documented by CITY in the form of a Certificate of Occupancy or Final Building Permit.
3. CITY, or its agent(s), 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 the 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. As was required with the approval of Tract 3836 and reiterated and required by this Subdivision Improvement Agreement for Tract 3912, the SUBDIVIDER shall deposit with the City Engineer a Maintenance Bond in the amount of \$324,600 equal to 10% of the estimated cost of the Improvements for the entire area (\$3,246,000), 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 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 3912 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 now open to the public, 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, or 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.

The 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 and 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 the 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 partially complete, the SUBDIVIDER is required to only post Performance or Labor & Materials bonds to guarantee the deferred and unfinished improvements associated with Tract 3912 and adjacent tracts as included and described in Exhibit "E" of this Agreement. The amount of the performance bond that was posted with the approval of Tract 3836 is equal to 120% of the amount of unfinished and deferred improvements as shown in Exhibit "E" ($\$546,700 \times 120\% = \$656,040$ – performance bond amount) as indicated in Recital C. The corresponding labor and materials bond posted equals 50% of the performance bond amount ($\$656,040 \times 50\% = \$328,020$), also as indicated in Recital C. Further, SUBDIVIDER shall also comply with CITY'S insurance requirements set forth on Exhibit "C" attached hereto and incorporated herein. The security previously posted with Tract 3836 shall remain with CITY as required by this Agreement.

10. Any alteration(s) 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 thereof. The above referenced sureties hereby consent to such alterations and waive the provisions of California Civil Code Section 2819.

11. Neither the 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 the CITY nor any of its officers, employees, or agents, shall be liable to the 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 his duties and obligations under this Agreement, or from the negligent act or omission of himself, his 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, the SUBDIVIDER shall be solely responsible for maintaining the quality of the Improvements, and maintaining safety at the project site. The 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 and all outstanding fees and charges have been paid, and the City Council has accepted the Improvements as complete. The CITY and SUBDIVIDER have formed Community Facilities Districts to finance maintenance and improvements. The 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 the 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 the 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 the 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 the SUBDIVIDER and shall be jointly and severally liable hereunder.

19. The SUBDIVIDER shall, at the SUBDIVIDER'S expense, obtain and maintain all necessary permits and licenses for construction of the Improvements. Prior to the commencement of Improvement construction, the SUBDIVIDER shall obtain a City of Lathrop Business License. The 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 3912.

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. 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 that suit hereunder, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin.

ATTACHMENTS:

- EXHIBIT A: FINAL MAP - TRACT 3912
 - EXHIBIT B: ADJACENT TRACTS TO TRACT 3912
 - EXHIBIT C: CITY INSURANCE REQUIREMENTS
 - EXHIBIT D: COHEN/PARADISE/STEWART REHABILITATION MAP
 - EXHIBIT E: UNFINISHED AND DEFERRED IMPROVEMENT COST ESTIMATE
 - EXHIBIT F: UTILITY CAPACITY GUARANTEES
-

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

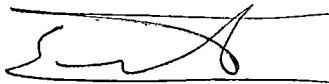
ATTEST: TERESA VARGAS
City Clerk of and for the City
of Lathrop, State of California

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

BY: _____
Teresa Vargas
City Clerk

BY: _____
Stephen J. Salvatore
City Manager

APPROVED AS TO FORM

BY: 

Salvador Navarrete
City Attorney

River Islands Development, LLC
a California limited liability company`

BY: _____
Susan Dell'Osso
Vice President and Secretary
"SUBDIVIDER"

EXHIBIT "A"

FINAL MAP - TRACT 3912

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 HEREIN EMBODIED FINAL MAP ENTITLED, "TRACT 3912, RIVER ISLANDS, PHASE 1B, VILLAGE D", CITY OF LATHROP, CALIFORNIA, CONSISTING OF NINE (9) 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 COLUSA DRIVE, PLUMAS DRIVE, KERN DRIVE, AND SOLAND DRIVE, 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 AND B FOR OPEN SPACE PURPOSES, INCLUDING PUBLIC UTILITIES, 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 9 AND 10 ALONG THE LOT LINE AS INDICATED BY THE SYMBOL ////// AS SHOWN ON THIS FINAL MAP.

THE UNDERSIGNED DOES HEREBY RESERVE PARCELS 1 AND 2 FOR FUTURE DEVELOPMENT.

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

BY: _____
 NAME: SUSAN DELL'OSSO DATE _____
 ITS: VICE PRESIDENT AND SECRETARY

DATED THIS ____ DAY OF _____, 2017.

OLD REPUBLIC TITLE COMPANY, AS TRUSTEE, UNDER THE DEED OF TRUST RECORDED DECEMBER 22, 2016, AS DOCUMENT NUMBER 2016-180886, 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 _____, 2017, BEFORE ME, _____
 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: _____

**TRACT 3912
 RIVER ISLANDS - PHASE 1B
 VILLAGE O**

A PORTION OF RANCHO EL PESCADERO, BEING
 A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 M&P 84)
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
 JANUARY 2018



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 HEREIN EMBODIED MAP ENTITLED "TRACT 3912, RIVER ISLANDS, PHASE 1B, VILLAGE O", CITY OF LATHROP, CALIFORNIA, CONSISTING OF NINE (9) SHEETS, THIS STATEMENT WAS PRESENTED TO SAID CITY COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2017, AND THAT SAID CITY COUNCIL DID THEREUPON BY RESOLUTION NO. _____, DULY PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP, AND AUTHORIZED ITS RECORDEATION, AND ACCEPTED ON BEHALF OF THE CITY OF LATHROP, FOR PUBLIC USE, THE DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, WALL EASEMENTS, PARCELS A AND B, AND THE RELINQUISHMENT OF ACCESS RIGHTS TO LOTS 9 AND 10, 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.

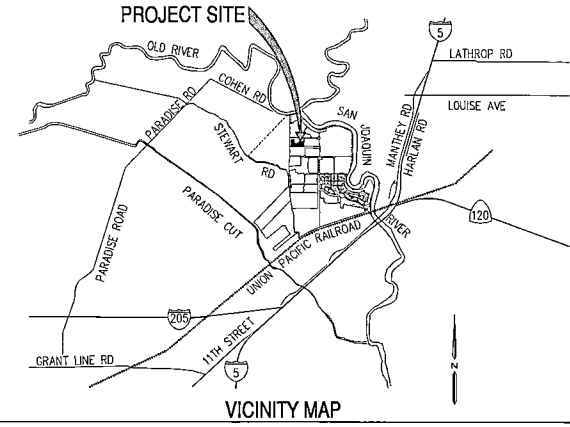
STATE OF CALIFORNIA }
 COUNTY OF SAN JOAQUIN }

ON _____, 2017, BEFORE ME, _____
 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: _____



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 _____, 2017.

REBECCA SCHMIDT, COMMUNITY DEVELOPMENT 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 3912, RIVER ISLANDS, PHASE 1B, VILLAGE O", 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 _____, 2017.

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



RECORDER'S STATEMENT

FILED THIS ____ DAY OF _____, 2017, AT _____ M.
 IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____, AT THE REQUEST OF
 OLD REPUBLIC TITLE COMPANY.

FEE: \$ _____

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

BY: _____ ASSISTANT/DEPUTY RECORDER

NOTES

- RIGHT TO FARM STATEMENT:
PER CITY OF LATHROP MUNICIPAL CODE OF ORDINANCES, TITLE 15, CHAPTER 15.4B.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, FLOWING, 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 3912, RIVER ISLANDS, PHASE 1B, VILLAGE O, CONTAINS: 25 RESIDENTIAL LOTS, AND 2 LETTERED PARCELS, CONTAINING 4.27 ACRES, MORE OR LESS, INCLUDING ROADWAYS THAT ARE BEING DEDICATED BY THIS FINAL MAP; AND PARCELS 1 AND 2 CONTAINING 4.04 ACRES, MORE OR LESS, ALL AS SHOWN ON SAID MAP HEREIN. (PLEASE REFER TO THE AREA SUMMARY TABLE BELOW):

TRACT 3912 AREA SUMMARY	
LOTS 1 THROUGH 25	2.36 AC±
STREET DEDICATIONS	1.57 AC±
PARCELS A AND B	0.34 AC±
PARCELS 1 AND 2, RESERVED FOR FUTURE DEVELOPMENT	4.04 AC±
TOTAL	8.31 AC±

- BASED ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT ORDER NUMBER 1211047898-KS (VERSION 1), DATED DECEMBER 12, 2017, PROVIDED BY OLD REPUBLIC TITLE COMPANY.

CITY SURVEYOR'S STATEMENT

I, LAWRENCE GOSSETT, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 3912, RIVER ISLANDS, PHASE 1B, VILLAGE O", 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



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 AUGUST 1, 2016. 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 3912
RIVER ISLANDS - PHASE 1B
VILLAGE O**

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 M&P 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
JANUARY 2018



LINE AND CURVE TABLES FOR COURSES SHOWN ON SHEETS 2 THROUGH 4, ONLY

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N45°00'00"W	42.43'
L2	N45°00'00"E	35.36'
L3	NORTH	6.50'
L4	EAST	7.00'
L5	N45°00'00"E	35.36'
L6	N45°00'00"W	35.36'
L7	N45°00'00"E	42.43'
L8	EAST	93.00'
L9	EAST	351.70'
L10	EAST	644.60'
L11	EAST	412.02'
L12	EAST	675.00'
L13	NORTH	260.00'
L14	NORTH	469.00'
L15	NORTH	445.00' (M-M)(R11)
L16	NORTH	248.00' (M-M)(R11)
L17	EAST	508.00' (M-M)(R11)
L18	NORTH	248.00' (M-M)(R11)
L19	EAST	294.00' (R11)
L20	NORTH	124.00' (R11)

LINE TABLE		
LINE #	DIRECTION	LENGTH
L21	NORTH	693.00'
L22	NORTH	785.00'
L23	EAST	579.02' (M-M)(R11)
L24	EAST	508.00' (M-M)(R11)
L25	EAST	534.00' (M-M)(R11)
L26	EAST	102.83'
L27	N37°03'59"W	12.00'
L28	N39°20'11"E	5.14'
L29	NORTH	61.65'
L30	N51°07'50"W	5.06'
L31	N25°07'44"E	12.00'
L32	NORTH	69.00'
L33	N45°00'00"E	35.36'
L34	EAST	154.00'
L35	NORTH	104.00'
L36	NORTH	104.00'

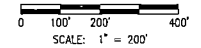
CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	87.00'	23°15'22"	35.31'
C2	73.00'	60°19'21"	76.86'
C3	60.00'	71°24'49"	74.78'
C4	100.00'	23°15'22"	40.59'
C5	100.00'	23°15'22"	40.59'
C6	60.00'	83°25'46"	87.37'
C7	73.00'	48°23'06"	61.65'
C8	87.00'	23°15'22"	35.31'
C9	12.00'	90°00'00"	18.85'
C10	12.00'	90°00'00"	18.85'

SIGNATURE OMISSIONS

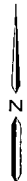
PURSUANT TO SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:
 1. RECLAIMED ISLANDS LAND COMPANY, RESERVATION FOR OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET, PER DOCUMENT NUMBER 2001-046177, S.J.C.R.
 2. PUBLIC UTILITY EASEMENT AND PUBLIC ACCESS EASEMENT PER TRACT 3836 (42 M&P 84) IN FAVOR OF THE CITY OF LATHROP, S.J.C.R.

TRACT 3912 RIVER ISLANDS - PHASE 1B VILLAGE O

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 M&P 84)
CITY OF LAHROP, SAN JOAQUIN COUNTY, CALIFORNIA
JANUARY 2018

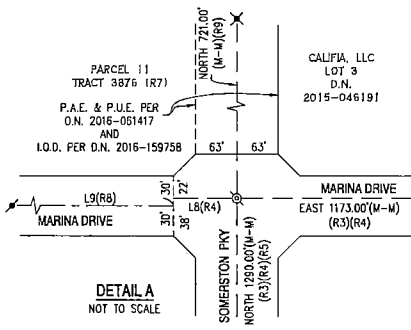
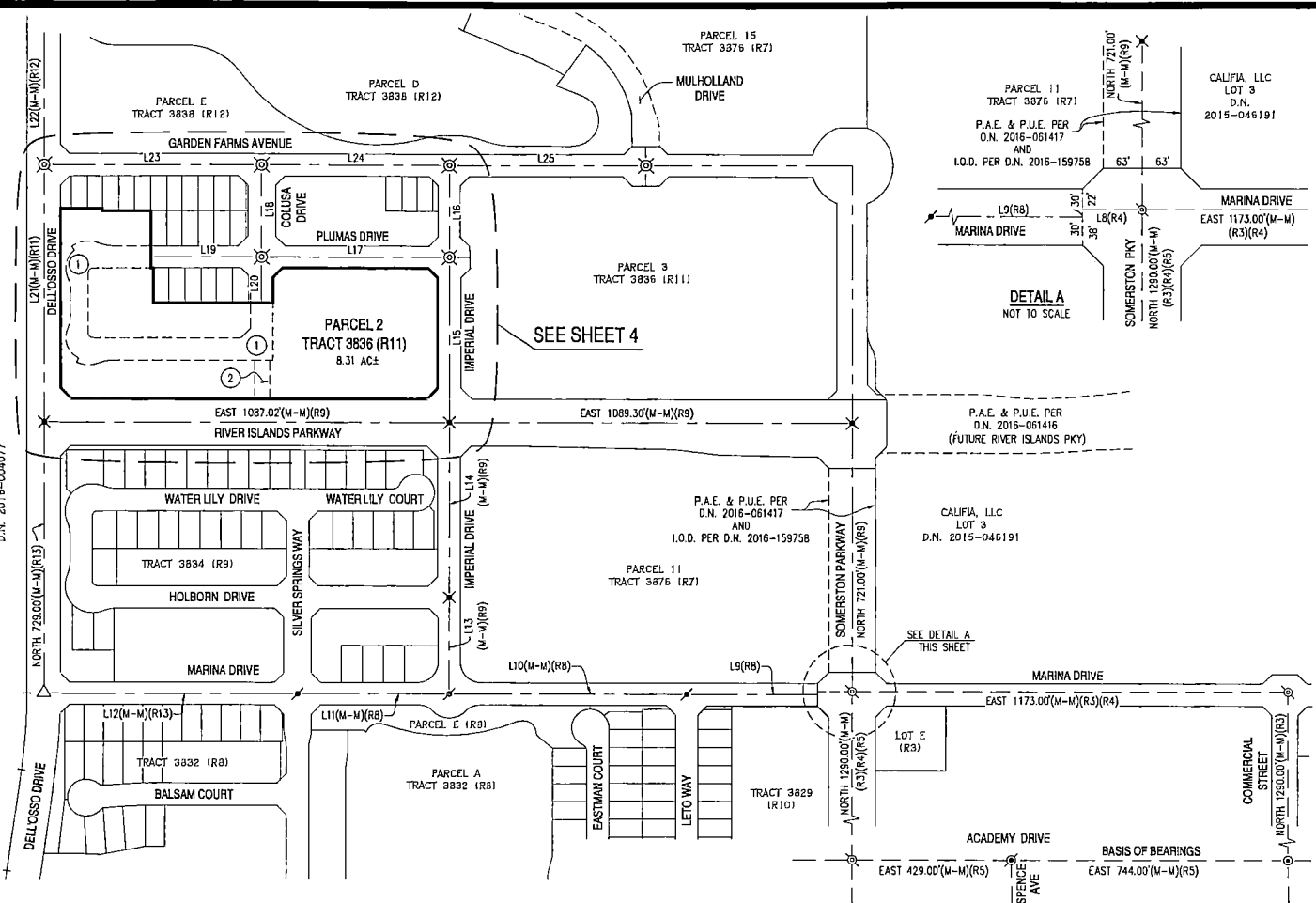


BOUNDARY SHEET



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 (R8)
- 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 (R13)
- BOUNDARY
- LOT LINE OR RIGHT-OF-WAY LINE
- EASEMENT LINE
- MONUMENT LINE
- CENTERLINE
- 200.00' (R1)
- (R1) MEASURED AND RECORD DATA PER REFERENCE (R1) DENOTES REFERENCE (R1) - SEE REFERENCE LIST ON THIS SHEET
- (M-M) MONUMENT TO MONUMENT
- (R) RADIAL BEARING
- (T) TOTAL
- (B) BOUNDARY
- (CL) CENTERLINE
- (D.N.) DOCUMENT NUMBER
- (I.O.D.) IRREVOCABLE OFFER OF DEDICATION
- (P.A.E.) PUBLIC ACCESS EASEMENT
- (P.U.E.) PUBLIC UTILITY EASEMENT
- (1) EASEMENT REFERENCE NUMBER



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 35, S.J.C.R. (42 M&P 35)
- (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 3835, FILED MARCH 15, 2017, IN BOOK 42 OF MAPS AND PLATS, PAGE 84, S.J.C.R. (42 M&P 84)
- (R12) TRACT 3838, FILED NOVEMBER 30, 2017, IN BOOK 43 OF MAPS AND PLATS, PAGE 12, S.J.C.R. (43 M&P 12)
- (R13) TRACT 3895, FILED JUNE 20, 2017, IN BOOK 42 OF MAPS AND PLATS, PAGE 89, S.J.C.R. (42 M&P 89)

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.

EASEMENTS

- ① PUBLIC UTILITY EASEMENT AND PUBLIC ACCESS EASEMENT PER TRACT 3836 (42 M&P 84), S.J.C.R.
- ② PUBLIC UTILITY EASEMENT PER TRACT 3836 (42 M&P 84), S.J.C.R.

NOTES

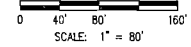
- 1. SEE SHEET 2 FOR ADDITIONAL NOTES, AND FOR THE LINE TABLE AND CURVE TABLE OF COURSES SHOWN ON SHEETS 2 THROUGH 4, ONLY.

TRACT 3912

RIVER ISLANDS - PHASE 1B

VILLAGE O

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 M&P 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
JANUARY 2018



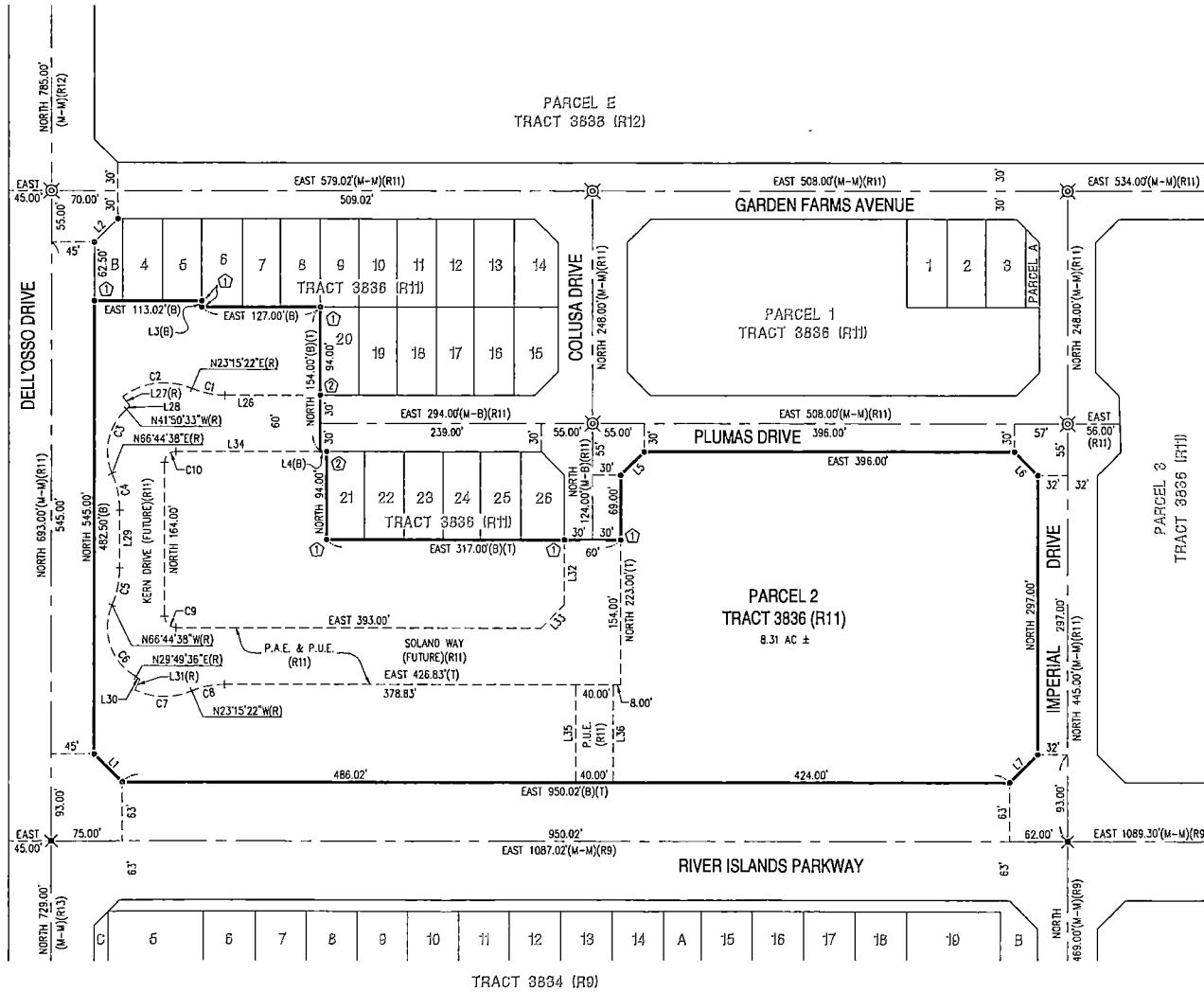
BOUNDARY SHEET

LEGEND

- ✕ MONUMENT TO BE SET PER (R8)
- ✕ MONUMENT TO BE SET PER (R9)
- ⊗ 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-B) MONUMENT TO BOUNDARY
- (T) TOTAL
- (B) BOUNDARY
- D.N. DOCUMENT NUMBER
- P.A.E. PUBLIC ACCESS EASEMENT
- P.U.I.E. PUBLIC UTILITY EASEMENT
- ① 5/8" REBAR WITH CAP "PLS 7788" PER (R11)
- ② 1.17" BRASS DISK STAMPED "PLS 7788" WITNESS CORNER ON 1.0' OFFSET PER (R11)
- LOT LINE OR RIGHT-OF-WAY LINE
- BOUNDARY LINE
- - - EASEMENT LINE
- - - MONUMENT LINE
- - - CENTERLINE

NOTES

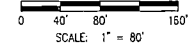
1. SEE SHEET 2 FOR ADDITIONAL NOTES, AND FOR THE LINE TABLE AND CURVE TABLES OF COURSES SHOWN ON SHEETS 2 THROUGH 4, ONLY.
2. SEE SHEET 3 FOR BASIS OF BEARINGS, DOCUMENT AND EASEMENT REFERENCES.



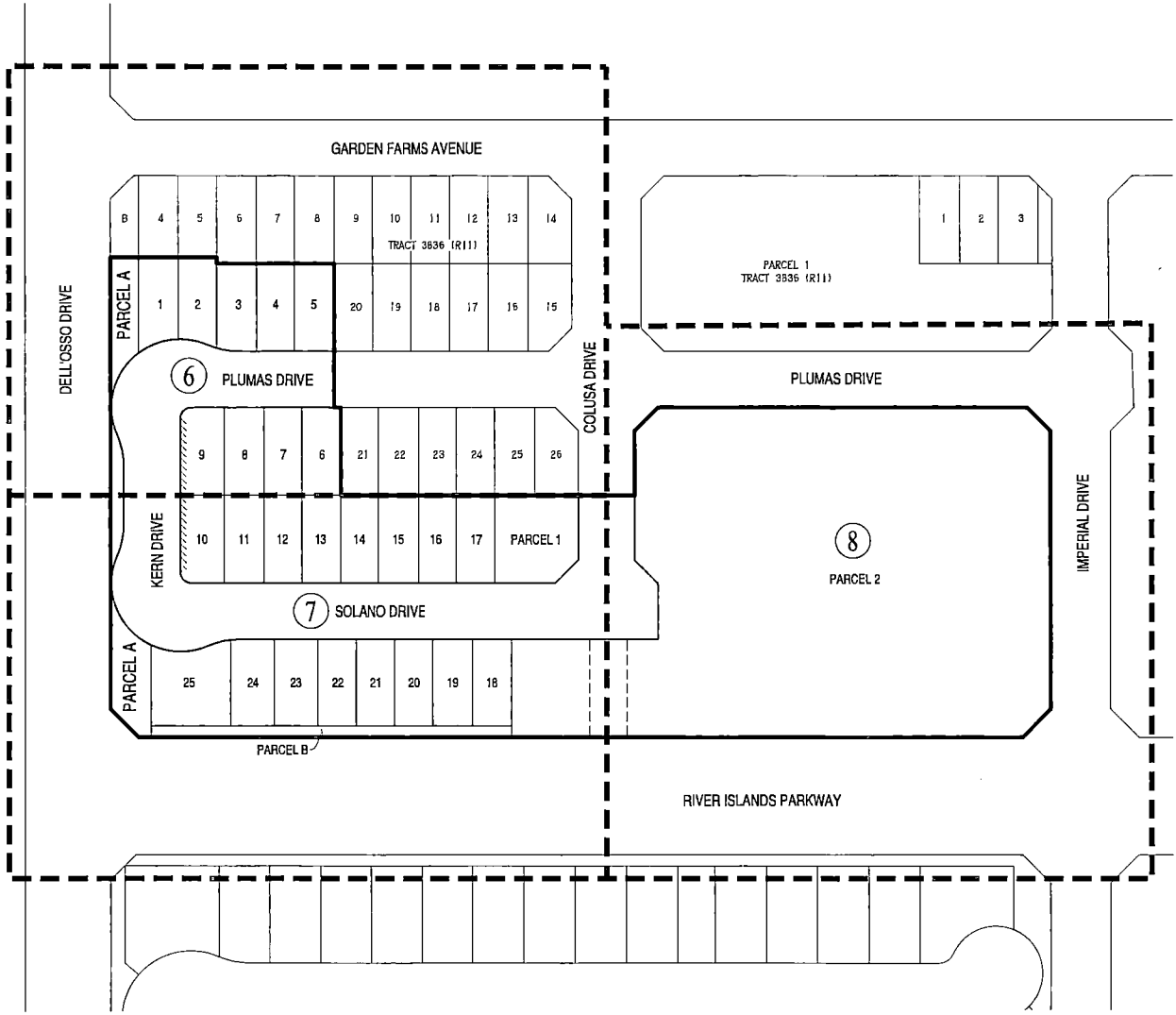
RIVER ISLANDS DEV., LLC
D.N. 2018-004077

TRACT 3912
RIVER ISLANDS - PHASE 1B
VILLAGE O

A PORTION OF RANCHO EL PESCADERO, BEING
 A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 MAP 84)
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
 JANUARY 2018



SHEET INDEX

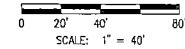


LEGEND

- EASEMENT LINE
- LOT LINE
- RIGHT-OF-WAY LINE
- BOUNDARY
- SHEET LIMIT LINE
- 4 LOT NUMBER
- 6 SHEET NUMBER
- ////// RESTRICTED ACCESS

TRACT 3912 RIVER ISLANDS - PHASE 1B VILLAGE O

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 M&P 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
JANUARY 2018



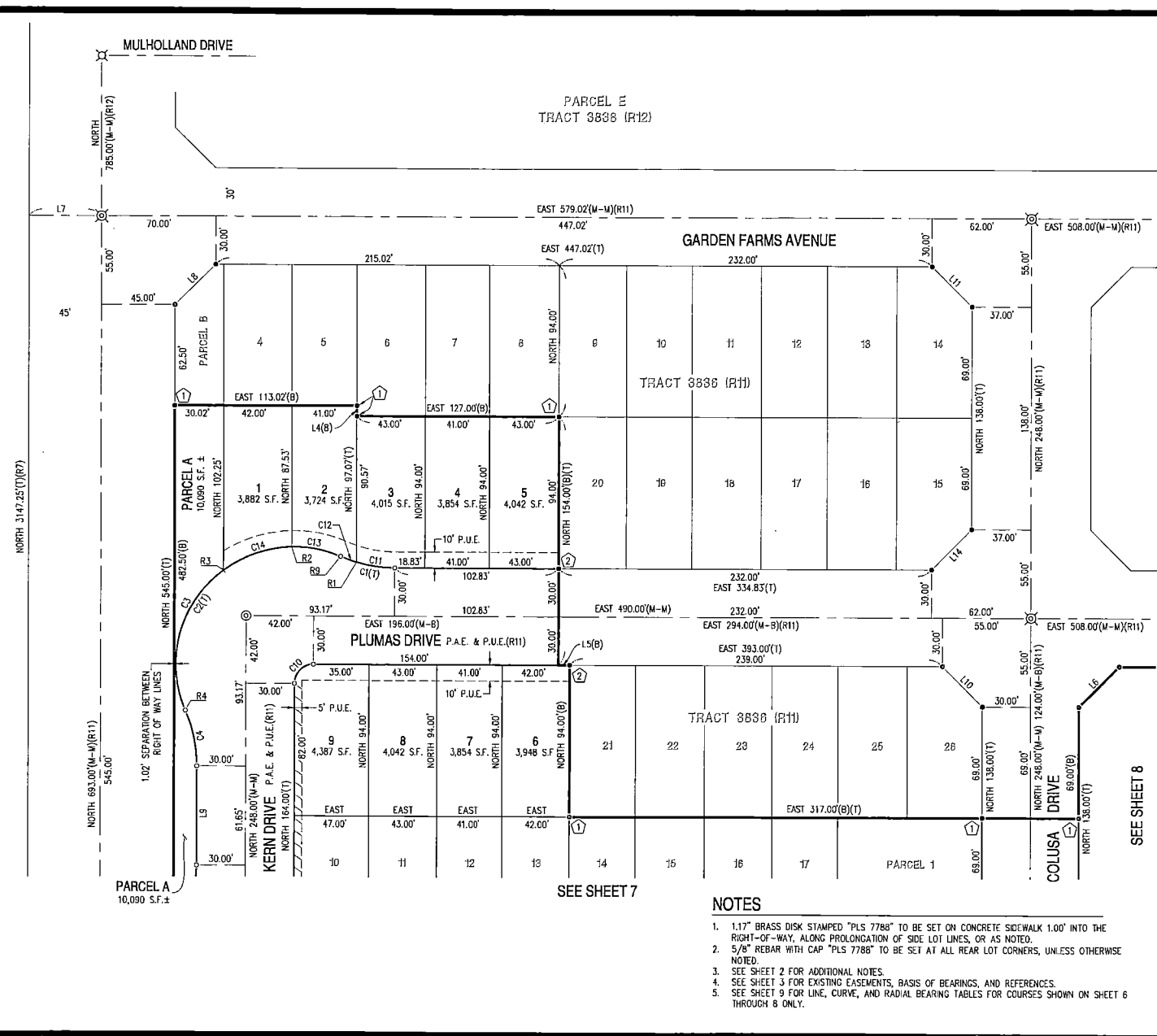
LEGEND

- ⊙ SET STANDARD CITY OF LATHROP MONUMENT WELL STAMPED "PLS 7788"
- SET 3/4" IRON PIPE W/ PLASTIC PLUG "PLS 7788"
- ⊗ MONUMENT TO BE SET PER (R11)
- ⊗ MONUMENT TO BE SET PER (R9)
- ⊗ MONUMENT TO BE SET PER (R12)
- 3/4" IRON PIPE W/ PLASTIC PLUG "PLS 7788" TO BE SET PER (R11), UNLESS OTHERWISE NOTED
- 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"
- 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-B) MONUMENT TO BOUNDARY
- (T) TOTAL
- (B) BOUNDARY
- D.N. DOCUMENT NUMBER
- P.A.E. PUBLIC ACCESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- R1 DENOTES RADIAL BEARING- SEE SHEET 9 FOR RADIAL BEARING TABLE
- ① 5/8" REBAR WITH CAP "PLS 7788" PER (R11)
- ② 1.17" BRASS DISK STAMPED "PLS 7788" WITNESS CORNER ON 1.0' OFFSET PER (R11)
- LOT LINE
- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- - - EASEMENT LINE
- - - MONUMENT LINE
- - - CENTERLINE
- ////// RESTRICTED ACCESS

SEE SHEET 8

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 EXISTING EASEMENTS, BASIS OF BEARINGS, AND REFERENCES.
5. SEE SHEET 9 FOR LINE, CURVE, AND RADIAL BEARING TABLES FOR COURSES SHOWN ON SHEET 6 THROUGH 8 ONLY.

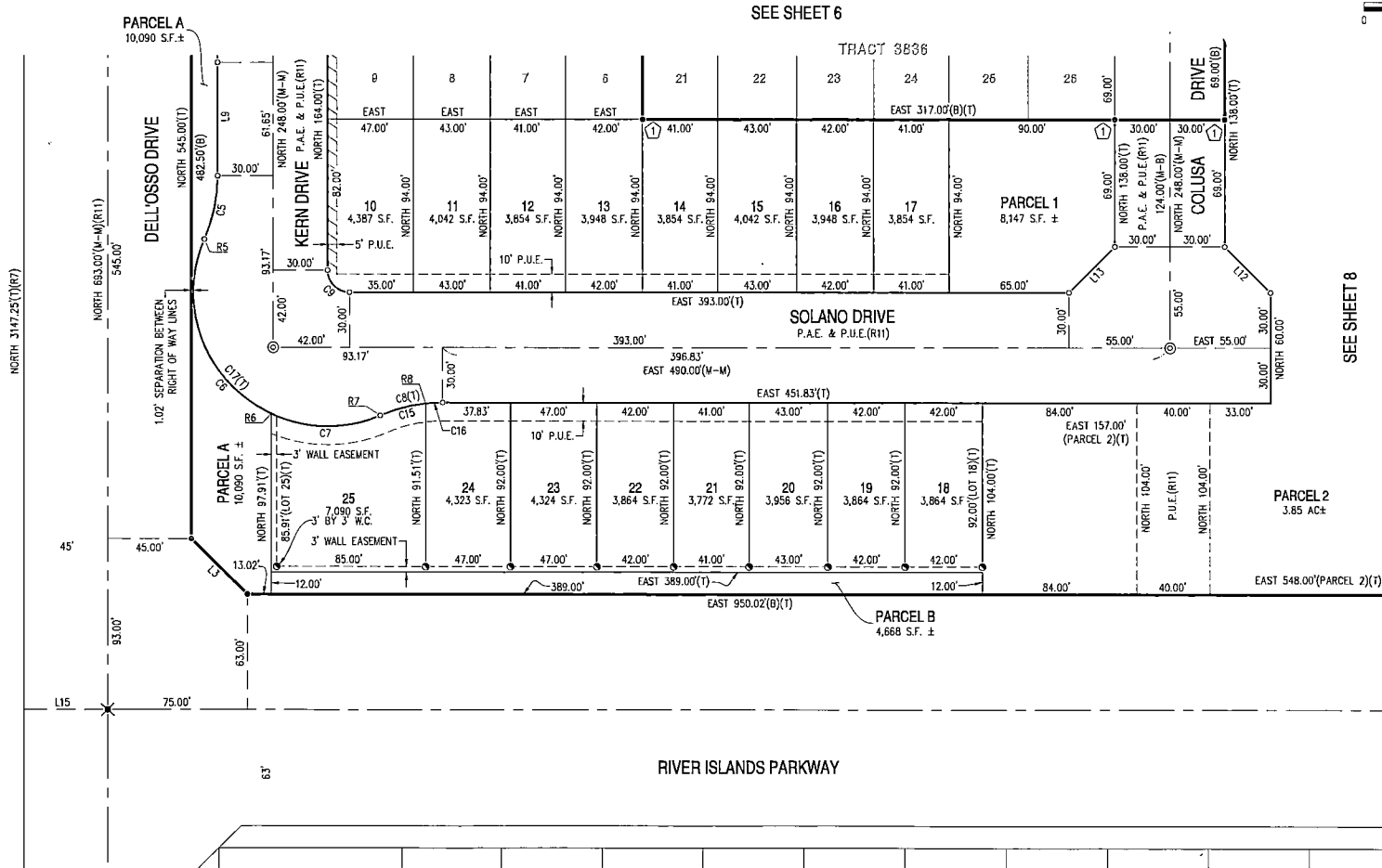
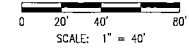


NOTES

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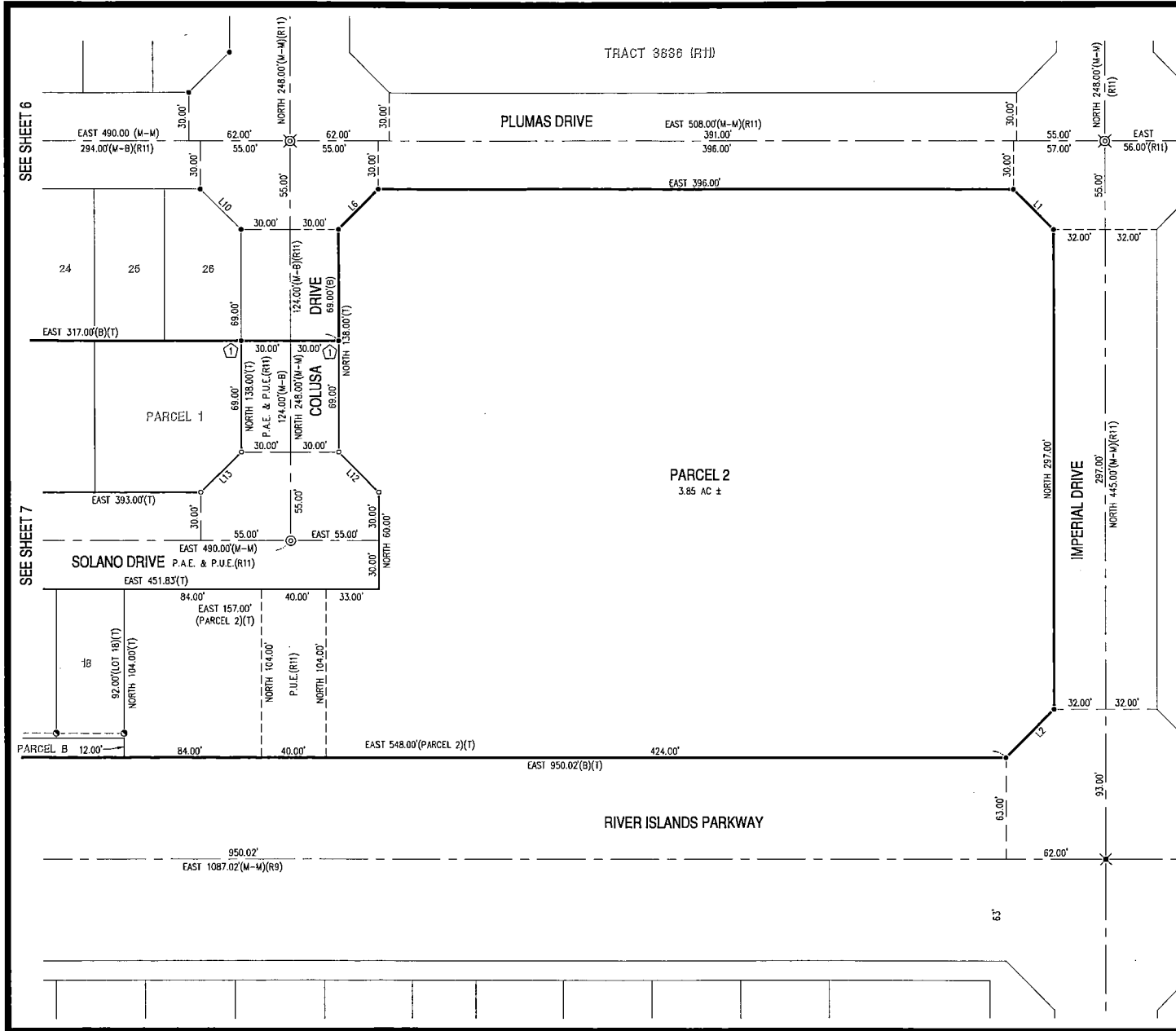
TRACT 3912
RIVER ISLANDS - PHASE 1B
VILLAGE O

A PORTION OF RANCHO EL PESCADERO, BEING
 A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 M&P 84)
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
 JANUARY 2018



SEE SHEET 8

SEE SHEET 6

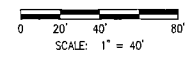


TRACT 3912

RIVER ISLANDS - PHASE 1B

VILLAGE O

A PORTION OF RANCHO EL PESCADERO, BEING
 A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 M&P 84)
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
 JANUARY 2018



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TRACT 3912
RIVER ISLANDS - PHASE 1B
VILLAGE O

A PORTION OF RANCHO EL PESCADERO, BEING
A SUBDIVISION OF PARCEL 2 OF TRACT 3836 (42 M&P 84)
CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA
JANUARY 2018



LINE, CURVE, AND RADIAL BEARING TABLES FOR COURSES SHOWN ON SHEETS 6 THROUGH 8 ONLY

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N45°00'00"W	35.36'
L2	N45°00'00"E	42.43'
L3	N45°00'00"W	42.43'
L4	NORTH	6.50'
L5	EAST	7.00'
L6	N45°00'00"E	35.36'
L7	EAST	45.00'
L8	N45°00'00"E	35.36'
L9	NORTH	61.65'
L10	N45°00'00"W	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	35.36'
L15	EAST	45.00'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	87.00	23°15'22"	35.31'
C2	73.00	136°30'44"	173.93'
C3	73.00	76°11'23"	97.07'
C4	87.00	23°15'22"	35.31'
C5	87.00	23°15'22"	35.31'
C6	73.00	88°07'38"	112.28'
C7	73.00	48°23'06"	61.85'
C8	87.00	23°15'22"	35.31'
C9	12.00	90°00'00"	18.85'
C10	12.00	90°00'00"	18.85'
C11	87.00	16°07'58"	24.50'
C12	87.00	7°07'24"	10.82'
C13	73.00	24°49'34"	31.63'
C14	73.00	35°29'47"	45.23'
C15	87.00	17°12'10"	26.12'
C16	87.00	6°03'12"	9.19'
C17	73.00	136°30'44"	173.93'

RADIAL BEARING TABLE	
LINE #	DIRECTION
R1	N16°07'58"E
R2	N01°34'12"W
R3	N37°03'59"W
R4	N66°44'38"E
R5	N66°44'38"W
R6	N25°07'44"E
R7	N23°15'22"W
R8	N08°03'12"W
R9	N23°15'22"E

EXHIBIT "B"

ADJACENT TRACTS TO TRACT 3912

EXHIBIT "C"

CITY INSURANCE REQUIREMENTS

1. The Subdivider shall obtain commercial general liability insurance companies licensed to do business in the State of California with an A.M. Best Company rating Insurance rating of no less than A:VII which provides coverage for bodily injury, personal injury and property damage liability in the amount of at least \$1,000,000 for each occurrence and \$2,000,000 in the aggregate.

Said insurance coverage shall be evidenced by a certificate of insurance with policy endorsements, executed by an authorized official of the insurer(s). All parties to the Subdivision Improvement Agreement must be named insured on the policy. The policy endorsements to be attached to the certificate must provide all the following:

a. Name the City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents as additional insured as respects to any liability arising out of the activities of the named insured. A CG 2010 or CG 2026 endorsement form or the equivalent is the appropriate form.

b. State that "the insurance coverage afforded by this policy shall be primary insurance as respects to the City of Lathrop, its officers, employees and agents. Any insurance or self-insurance maintained by the City of Lathrop, its officers, employees, or agents shall be in excess of the insurance afforded to the named insured by this policy and shall not contribute to any loss.

c. Include a statement that, "the insurer will provide to the City at least thirty (30) days prior notice of cancellation or material change in coverage." The above language can be included on the additional insured endorsement form or on a separate endorsement form.

d. The policy must contain a cross liability or severability of interest clause.

e. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/11/2018

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		
INSURER(S) AFFORDING COVERAGE			NAIC #
INSURER A: United Specialty Insurance Company			12537
INSURER B:			
INSURER C:			
INSURER D:			
INSURER E:			
INSURER F:			

COVERAGES **CERTIFICATE NUMBER:** W5092746 **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"/> PROJECT <input type="checkbox"/> LOC OTHER:	Y		BTO1517776	06/19/2015	02/19/2018	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"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <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 DED RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER 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: TRACT# 3912, Village "O" within East Village District (River Islands Development), 25 Single Family Lots

City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents are included as Additional Insured as respects to General Liability.

CERTIFICATE HOLDER**CANCELLATION**

City of Lathrop 390 Towne Centre Dr. Lathrop, CA 95330	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 

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AGENCY CUSTOMER ID: _____

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

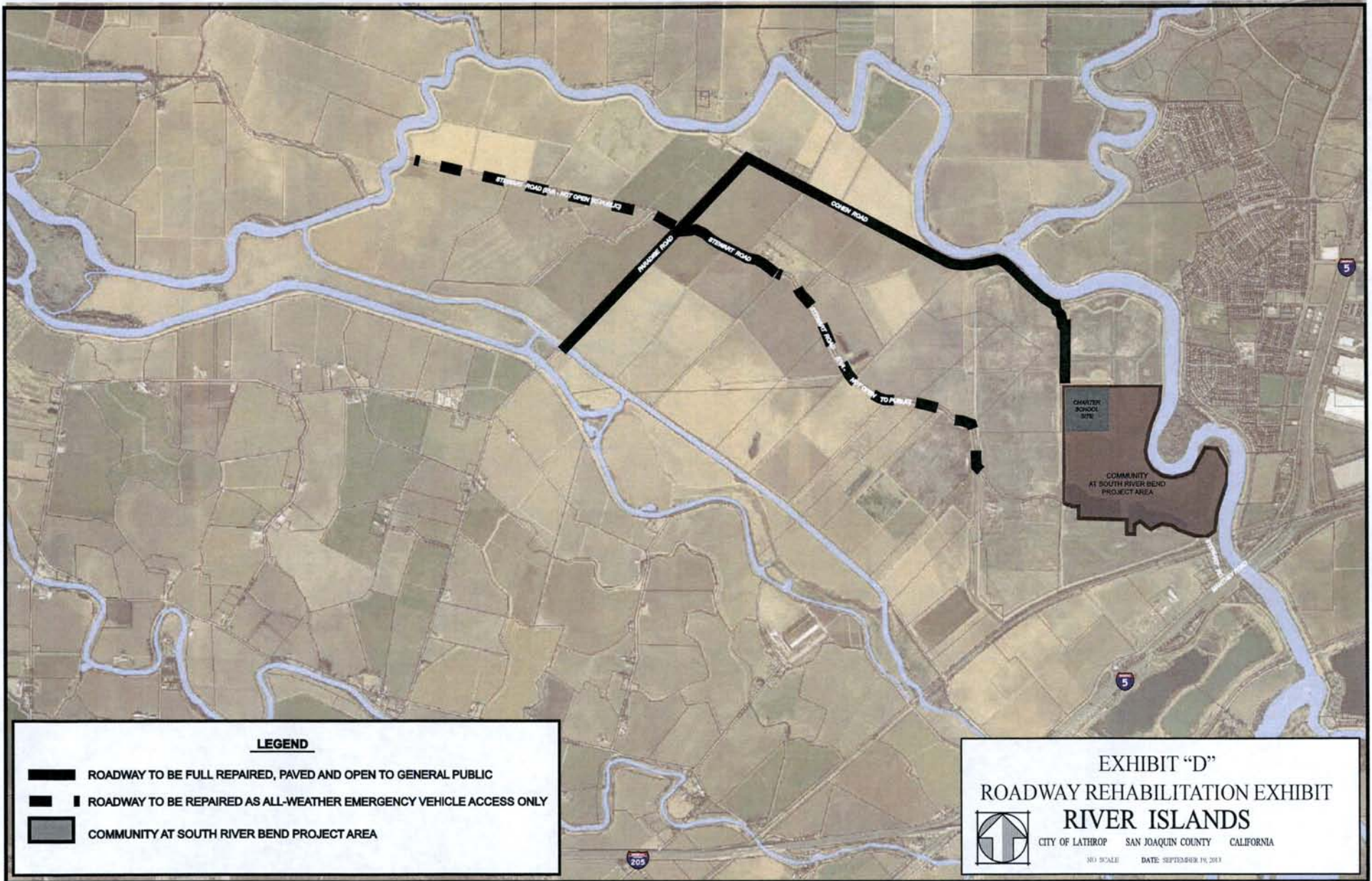
AGENCY Willis Insurance Services of California, Inc.		NAMED INSURED River Islands Development, LLC 73 W Stewart Rd Lathrop, CA 95330	
POLICY NUMBER See Page 1		EFFECTIVE DATE: See Page 1	
CARRIER See Page 1	NAIC CODE See Page 1		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

General Liability Policy shall be Primary and Non-Contributory with any other insurance in force for or which may be purchased by City of Lathrop, its officers, City Council, boards and commissions, and members thereof, its employees and agents.

EXHIBIT "D"
COHEN/PARADISE/STEWART REHABILITATION MAP



LEGEND




-  ROADWAY TO BE FULLY 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
30' SCALE DATE: SEPTEMBER 14, 2011

EXHIBIT "E"

UNFINISHED AND DEFERRED IMPROVEMENT COST ESTIMATE

ENGINEER'S BOND ESTIMATE
COST TO COMPLETE
RIVER ISLANDS - PHASE 1B
TRACT 3836 (101 LOTS)
 CITY OF LATHROP, SAN JOAQUIN COUNTY, CALIFORNIA

January 6, 2017
 Job No.: 25502-15

Item	Description	Quantity	Unit	Unit Price	Amount
1	Sanitary Sewer, Storm Drain, Water Testing & Raising Iron <i>(95% Completion)</i>	1	LS	\$ 44,200.00	\$ 44,200.00
2	Fine Grade, Rock & AC Paving <i>(68% Completion)</i>	1	LS	\$ 237,200.00	\$ 237,200.00
3	Joint Trench <i>(52% Completion)</i>	1	LS	\$ 265,300.00	\$ 265,300.00
TOTAL COST TO COMPLETE					\$ 546,700.00

Notes:

- 1) Estimate for cost to complete based on cost to complete summary sheet and backup documents from Mozingo Construction, Teichert Construction & Moreno Trenching for Tract 3836.

EXHIBIT A
SCOPE OF WORK AND GENERAL CONDITIONS

CONTRACTOR: Mozingo Construction, Inc.
 CONTRACT NUMBER: 2016-260
 PROJECT NAME: River Islands at Lathrop
 PROJECT ADDRESS: 73 West Stewart Road, Lathrop, California

SECTION 1: SCOPE OF WORK

Contractor shall furnish all labor, material, tools, equipment, services, supplies, insurance, licenses, supervisions and facilities necessary to complete work in a workmanlike manner per the following:

Work to include, without limitation:

Mozingo Construction Tract 3836

Based on plan sheets 1-13 for Tract 3836 prepared by O'Dell Engineering, dated 3/1/2016 the following work will be performed:

SEWER

1.	8" Sewer	3366 LF	\$24.00	\$80,784.00
2.	4" Sewer Service	102 EA	\$500.00	\$51,000.00
3.	SSMH	15 EA	\$3,000.00	\$45,000.00
4.	Connect to Existing	1 EA	\$1,500.00	\$1,500.00
5.	De-Watering	1 LS	\$140,000.00	\$140,000.00

STORM

1.	42" Storm RCP	69 LF	\$110.00	\$7,590.00
2.	36" Storm RCP	135 LF	\$60.00	\$8,100.00
3.	30" Storm RCP	248 LF	\$50.00	\$12,400.00
4.	24" Storm RCP	533 LF	\$47.00	\$25,051.00
5.	18" Storm RCP	220 LF	\$40.00	\$8,800.00
6.	15" Storm RCP	1640 LF	\$39.00	\$63,960.00
7.	SDMH - Type 1	1 EA	\$3,500.00	\$3,500.00
8.	SDMH - Type 2	2 EA	\$6,000.00	\$12,000.00
9.	Type A / Inlet/Type 1	16 EA	\$3,500.00	\$56,000.00
10.	Type A / Inlet/Type 2	3 EA	\$4,000.00	\$12,000.00
11.	Connect to Existing	1 EA	\$2,500.00	\$2,500.00
12.	Pump Down Lake 9	1 LS	\$13,500.00	\$13,500.00

WATER

1.	6" PVC (STUB)	1 EA	\$2,500.00	\$2,500.00
2.	8" Water	2,780 LF	\$21.00	\$58,380.00
3.	8" Gate Valve	13 EA	\$1,200.00	\$15,600.00
4.	10" Water	980 LF	\$26.00	\$25,480.00
5.	10" Gate Valve	4 EA	\$2,000.00	\$8,000.00
6.	Fire Hydrant	7 EA	\$5,000.00	\$35,000.00
7.	1.5" Water Service	101 EA	\$950.00	\$95,950.00
8.	ARV	2 EA	\$2,500.00	\$5,000.00
9.	Blow Off	2 EA	\$3,000.00	\$6,000.00
10.	Connect to Existing	3 EA	\$3,000.00	\$9,000.00
11.	1" Water Service	1 EA	\$750.00	\$750.00
12.	2" Water Service	2 EA	\$1,000.00	\$2,000.00

NON-POTABLE WATER

1.	16" Water	980 LF	\$37.00	\$36,260.00
2.	16" Gate Valve	5 EA	\$3,000.00	\$15,000.00
3.	6" PVC (STUB)	1 EA	\$2,500.00	\$2,500.00
4.	8" PVC (STUB)	2 EA	\$3,000.00	\$6,000.00
5.	8" Gate Valve	2 EA	\$1,200.00	\$2,400.00
6.	Blow Off In Line	1 EA	\$2,600.00	\$2,600.00
7.	1" NPW Service	1 EA	\$750.00	\$750.00

Contractor's Initials *MC*
 Owner's Initials *J*

MOZINLO CONSTRUCTION TRACT 3836

8. NPW Connect to Existing	2 EA	\$5,000.00	
			\$10,000.00
		TOTAL	\$882,855.00

(1) IRON IS NOT MARKED
 (2) WATER BOXES & SLO BOXES
 ARE NOT SET

$882,855 \times .05 = 44,143$

COST TO CORRECT = 44,143

CONDITIONS & SCOPE

- Sequence of work
 - ❖ Installing after rough grading operations have been completed by others.
 - ❖ Allow adequate time for materials submittals, procurement and delivery prior to beginning work.
- Sewer System
 - ❖ SDR 26 backfill with sand and native material.
 - ❖ Services to be stubbed to within 5' of building pads.
 - ❖ Services to be stubbed to lots, cleanout box, per City of Lathrop specification, included
 - ❖ Precast Bases are included
 - ❖ Testing is included.
- Storm Drain
 - ❖ RCP and DIP backfill with sand and native material.
 - ❖ Catch basins within the curbs to be set to within 1.0' of finish grade. Provide frames and grates to be set by others.
 - ❖ Testing is included.
- Water System (Potable and Non-Potable)
 - ❖ PVC C900 DR 14 for 10" and smaller.
 - ❖ PVC C905 DR 25 for 16" and smaller.
 - ❖ Services to be stubbed to within 5' of building pads.
 - ❖ Meter idlers to be installed in meter boxes. Boxes to be set per City of Lathrop current standard. (Meters by others)
 - ❖ Testing is included and will require a point of discharge to be provided within close proximity of a blow off point for water system.

EXCLUSIONS:

- Permits/Fees
- Surveying/Staking
- Compaction Testing
- Hazardous Substance Removal
- Over-excavation, handling unsuitable material or working with material with over optimum moisture content.
- Offhaul of spoils.
- Dust Control Plan. Dust Control of Contractor's operation is included in Contract Price.
- Removal of debris from installed pipelines and appurtenances caused by others or due to insufficient SWPPP measures that are not the fault of Contractor.
- Erosion Control
- Traffic Control Plan.
- Construction Area Signs

SECTION 2: GENERAL NOTES

Contractor is required to do a comprehensive quality control walk and correct all discrepancies prior to the quality control walk by Owner. Contractor shall unconditionally guarantee its work, material and labor as set forth in this Contract. All applicable governing agencies plans and specifications are made a part of this contract; and these plans and specifications must be followed in order to receive acceptance of all work by the governing agencies and Owner. All additional work performed or material supplied prior to or without written approval shall become Contractor's responsibility for any necessary corrections and shall be considered done at no charge to Owner.

Any errors and omissions from the list of items in the specifications and/or shown on the subject drawings, or vice versa, shall be called to the attention of the Owner in writing either before submission of Contractor's bid or prior to execution of this document. Failure to do so shall imply that all items related to said subcontract are fully covered upon execution of said document.

All scheduling will be by Owner or its assigned representative; Contractor move-ins shall be as required by Owner. All move-ins, as required and movement through the project are included in the contract unit prices. No other compensation will be made. Contractor shall cooperate totally in accelerations or deviations made by Owner in the scheduling and completion of this contract work.

As time is of the essence in this Contract, work shall proceed at the direction of Owner and be completed as rapidly as possible and in accordance with Owner's schedule. Contractor will under all circumstances leave area outlined in contract in a neat and orderly fashion prior to

Contractor's Initials: *[Signature]*
 Owner's Initials: *[Signature]*

2016-274

TEICHERT CONSTRUCTION

STOCKTON DISTRICT
265 Val Dervin Parkway
P.O. Box 1118
Stockton, CA 95201-1118
(209) 983-2300 FAX (209) 983-2375

August 23, 2016

TOP SIDE CONTRACT 3836

John Peck
River Islands
73 West Stewart Road
Lathrop, CA 95330

Attn: John Peck

Re: River Islands - Tract 3834, 3835, ~~3836~~ Street Improvements

Dear John,

Thank you for giving Teichert Construction the opportunity to provide our services. Our price is based on the following information:

- ❖ Unapproved plans, River Islands Tract 3834 Improvement Plans, sheets 1 through 12, prepared by O'Dell Engineering dated 07/21/2016.
- ❖ Unapproved plans, River Islands Tract 3835 Improvement Plans, sheets 1 through 14, prepared by O'Dell Engineering dated 07/15/2016.
- ❖ Unapproved plans, River Islands Tract 3836 Improvement Plans, sheets 1 through 13, prepared by O'Dell Engineering dated 07/21/2016.
- ❖ City of Lathrop standard plans and specifications.
- ❖ Contra Costa County standard plans and specifications for Storm Drain Inlet.

Items and pricing for our scope of work are listed on the attached proposal. The following information will further clarify our scope of work.

CONCRETE & STRUCTURAL SECTION

INCLUSIONS:

1. Concrete including curb and gutter, sidewalks, and ramps with aggregate base placed under curbs and gutters.
2. Structural section paving including subgrade preparation, aggregate base, and asphalt concrete per plans and specs.
3. Stockpiling excess dirt from grading operations within future Interior Levee Road footprints or tract 3833.

EXCLUSIONS:

4. Geotextile fabric.
5. Fog Seal.
6. Prime oil, slurry seal coat, and soil sterilization.
7. Colored Concrete

EROSION CONTROL AND ENVIRONMENTAL ISSUES:

INCLUSIONS:

8. Please add \$3000.00/ea if Construction Entrances are needed.

EXCLUSIONS:

9. SWPPP development, implementation, maintenance, or monitoring.

MISC. WORK

EXCLUSIONS:

10. Bonds. Bond rate is 1/2 percent if required.
11. Inspection, permits, fees and soils testing.

TEICHERT CONSTRUCTION

STOCKTON DISTRICT
265 Val Dervin Parkway
P.O. Box 1118
Stockton, CA 95201-1118
(209) 983-2300 FAX (209) 983-2375

12. Engineering and staking.
13. Striping, signs, bumpers and bollards.

ADDITIONAL CLARIFICATIONS & QUALIFICATIONS:

14. Asphalt bid item is based on paving per the attached schedule.
15. Prices based on approved plans. Prices may need to be revised to reflect any changes shown on the final approved plans.
16. Proposal based on award of all three tracts 3834, 3835, and 3836.
17. Proposal based on sole access during grading and concrete machine work activities.
18. Quantities furnished by TEICHERT used to prepare proposals.
19. Prices based on working five eight-hour shifts per week.
20. One move-in for each major phase of work.
21. Our price is based on obtaining water from an onsite source at no cost..
22. Teichert's proposal excludes any liquidated damages.
23. Project timeline will be based on a mutually agreeable schedule representing agreed start date and substantial completion date for Teichert's work.
24. Proposal does not include any sweeping of streets that may be necessary due to ingress/egress to the site. Sweeping is only included for offsite work or import/export operations.

Thank you for the opportunity to provide our quotation for this project.

Sincerely,



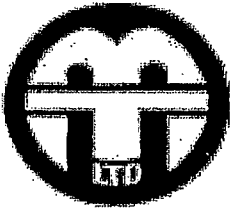
Ly Phan
Teichert Construction

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
CONCRETE TRACT 3835					
2700	Rolled Type Curb & Gutter	4,642.00	LF	15.00	69,630.00
2800	Vertical Type Curb & Gutter	3,514.00	LF	15.50	54,467.00
2900	Type F Curb & Apron	413.00	LF	20.00	8,260.00
3000	6" Concrete Sidewalk Including Round Corners	48,420.00	SF	4.20	203,364.00
3100	Handicap Ramps	16.00	EA	2,750.00	44,000.00
3200	Catch Basin - top out only, iron supplied by other	24.00	EA	600.00	14,400.00
3289	SUBTOTAL CONCRETE TRACT 3835				\$394,121.00
MISCELLANEOUS TRACT 3835					
3300	4" Sleeves (3 Per Lot)	222.00	EA	50.00	11,100.
3389	SUBTOTAL MISCELLANEOUS TRACT 3835				\$11,100.
FINE GRADE, ROCK, & PAVE TRACT 3836					
4000	Fine Grade (RW to RW)	223,952.00	SF	0.36	80,622.7
4100	Interior Streets 3"AC/7"AB	31,964.00	SF	2.00	63,928.0
4200	Interior Streets 4.5"AC/8"AB	83,357.00	SF	2.75	229,231.7.
4300	AB Cushion Under Concrete	7,316.00	LF	3.00	21,948.00
4400	Balance St/Haul excess to Interior Levee Rd +/- 6"	2,132.00	CY	3.00	6,396.00
4589	SUBTOTAL FINE GRADE, ROCK, & PAVE TRACT 3836				\$402,126.47
CONCRETE TRACT 3836					
4700	Rolled Type Curb & Gutter	4,394.00	LF	15.00	65,910.00
4800	Vertical Type Curb & Gutter	2,553.00	LF	15.50	39,571.50
4900	Type F Curb & Apron	378.00	LF	20.00	7,560.00
5000	6" Concrete Sidewalk Including Round Corners	40,720.00	SF	4.20	171,024.00
5100	Handicap Ramps	8.00	EA	2,750.00	22,000.00
5200	Catch Basin - top out only, iron supplied by other	19.00	EA	600.00	11,400.00
5289	SUBTOTAL CONCRETE TRACT 3836				\$317,465.50
MISCELLANEOUS TRACT 3836					
5300	4" Sleeves (3 Per Lot)	303.00	EA	50.00	15,150.00
5389	SUBTOTAL MISCELLANEOUS TRACT 3836				\$15,150.00
GRAND TOTAL					\$2,142,935.55

CONTINGENT AMOUNT
 TRACT 3836 \$ 734,741.97

ITEM 4100 AC PAVING NOT COMPLETE 31,964 x 3" / 100 = 599 tons AC at 80 ~~80~~
 ITEM 4200 AC PAVING NOT COMPLETE 83,357 4.5" / 100 = 2,344 tons AC at 80 ~~80~~
 ITEM 5000 CONCRETE NOT COMPLETE AT GAS TIE-INS 400 SF at 4.20 = 1,680

COST TO COMPLETE = ~~244,550~~ \$ 237,120



MORENO TRENCHING, Ltd.

1015-B Airport Road
 P.O. Box 458
 Rio Vista, CA. 94571
 Phone:(707) 374-5075
 Fax:(707) 374-6194
 Lic. No. 439967

07/13/16

River Islands Development
 Attn: Curtis Bryant

**Northern California Laborers
 Operators Union Local # 3
 CPUC Certified MBE
 CA. Certified SBE**

Re: River Islands Tract 3836 - Lathrop

Moreno Trenching is pleased to provide you with this proposal for the above referenced project. The following information will clarify our scope of work.

Trench & Backfill

24" x 44"	Trench	GC	42 lf	18.00	756.00
36" x 46"	Trench	PGCT	81 lf	22.25	1,802.25
24" x 46"	Trench	PGCT	539 lf	18.50	9,971.50
36" x 54"	Trench	PGCTL	55 lf	24.25	1,333.75
24" x 54"	Trench	PGCTL	283 lf	19.75	5,589.25
36" x 48"	Trench	PSGCT	278 lf	22.75	6,324.50
24" x 48"	Trench	PSGCT	931 lf	18.75	17,456.25
24" x 56"	Trench	PSGCTL	416 lf	20.25	8,424.00
24" x 44"	Trench	PGC	35 lf	18.00	630.00
36" x 48"	Trench	SGCT	42 lf	22.75	955.50
24" x 48"	Trench	SGCT	589 lf	18.75	11,043.75
18" x 48"	Trench	SGCT	1,824 lf	17.25	31,464.00
36" x 56"	Trench	SGCTL	7 lf	24.75	173.25
24" x 56"	Trench	SGCTL	35 lf	20.25	708.75
18" x 56"	Trench	SGCTL	290 lf	18.25	5,292.50
12" x 22"	Trench	L	1,288 lf	11.50	14,812.00
Bell Hole for Gas Tie-In			3 ea	2,100.00	6,300.00
					\$ 123,037.25

Vaults/Splice Boxes (Excavate Only)

17" x 30"	L.I.D.	Secondary Box (18")	19 ea	175.00	3,325.00
17" x 30"	L.I.D.	Secondary Box (26")	12 ea	175.00	2,100.00
24" x 36"	L.I.D.	Secondary Box (26")	1 ea	205.00	205.00
4' x 6'6"	L.I.D.	Primary Box	2 ea	775.00	1,550.00
36" x 52"	L.I.D.	Transformer Pad	8 ea	555.00	4,440.00
17" x 30"	AT&T	Telephone Box (34")	10 ea	225.00	2,250.00
24" x 36"	AT&T	Telephone Box (42")	3 ea	320.00	960.00
Misc.	Comcast	CATV Box	15 ea	90.00	1,350.00
					\$ 16,180.00

Vaults/Splice Boxes (Supply & Install)

17" x 30" L.I.D.	Secondary Box (18")	19 ea	325.00	6,175.00
17" x 30" L.I.D.	Secondary Box (26")	12 ea	420.00	5,040.00
24" x 36" L.I.D.	Secondary Box (26")	1 ea	665.00	665.00
4' x 6'6" L.I.D.	Primary Box	2 ea	6,615.00	13,230.00
36" x 52" L.I.D.	Transformer Pad	8 ea	895.00	7,160.00
17" x 30" AT&T	Telephone Box (34")	10 ea	515.00	5,150.00
24" x 36" AT&T	Telephone Box (42")	3 ea	775.00	2,325.00
				\$ 39,745.00

4" L.I.D.	Conduit	713 lf	3.90	2,780.70
3" L.I.D.	Conduit	6,291 lf	3.10	19,502.10
2" L.I.D.	Conduit	2,720 lf	2.50	6,800.00
2" AT&T	Conduit	9,332 lf	2.25	20,997.00
4" AT&T	Conduit	2,860 lf	3.85	11,011.00
				\$ 64,090.80

Gas System

4" Gas Main	7.25	695 lf	3.35	8,733.45
2" Gas Main	3.35	2,607 lf	101 lf	215.00
1" Excess Flow Valves	165.00	59 lf		9,738.00
				\$ 47,179.70

Electric System

Pad Mounted Transformer 26-1503 (Supply)	8 ea	390.00	By Others	3,120.00
Pad Mounted Transformer 26-1503 (Install)	8 ea	390.00	By Others	3,120.00
Primary Cable 1/0-1W	1 ls	13,200.00		13,200.00
Primary Cable 1/0-1W (Install)	3,924 lf	3.00		11,772.00
Secondary Cable 1/0-AT (Supply)	1 ls	30.00		30.00
Secondary Cable 1/0-AT (Install)	19 lf	0.85		16.15
Secondary Cable 4/0-AT (Supply)	1 ls	4,100.00		4,100.00
Secondary Cable 4/0-AT (Install)	1,833 lf	0.85		1,558.05
Secondary Cable 350-AT (Supply)	1 ls	3,375.00		3,375.00
Secondary Cable 350-AT (Install)	881 lf	0.85		748.85
Primary/Secondary Splicing	1 ls	33,100.00		33,100.00
				\$ 71,020.05

Lighting System

35W LED Decorative Electroliner	28 ea	6,125.00		171,500.00
Conduit w/ 2 - #8 Wire	90 lf	5.00		450.00
Conduit w/ 3 - #8 Wire	25 lf	5.50		137.50
Conduit w/ 2 - #8 Wire & Grd.	2,080 lf	5.50		11,440.00
Conduit w/ 3 - #8 Wire & Grd.	179 lf	6.00		1,074.00
Splice Box	51 ea	140.00		7,140.00
Metered Pedestal (Install Only)	1 ea	2,500.00		2,500.00
				\$ 194,241.50

GRAND TOTAL = \$ 552,494.30

ELECTRICAL SYSTEM WITH COMPARE 71,020
 LIGHTING SYSTEM WITH COMPARE 194,242
 COST TO COMPLETE \$ 265,262
 547,024
 194,242
 552,494.30

Proposal based on the following:

No Overtime. Work Includes 5 weekdays @ 8 hours per day. 1 move-in per phase .

Bid Includes Prevailing Wage Rates.

Additional re-mob to be negotiated.

Moreno Trenching, LTD. is a Union Contractor.

Bid Excludes dewatering, if dewatering required, work to be performed by others at owners expense.

Bid Excludes: Tree arborist as well as any extra work due to existing trees.

Bid Excludes Fees, Permits, Survey and Compaction Testing.

Bid Excludes off Haul of Trench spoils. Spoils to be pushed into the street after backfill.

Bid Excludes any fine re-grading.

Bid Excludes asphalt, concrete, landscape, irrigation and fence work by others.

Restoration of existing improvements included only for that specific bid item listed in proposal above.

Bid assumes that construction water is available on site. Additional charges will apply due to drought restrictions or having to access water offsite.

Bid proposal quantities subject to reconciliation upon approved plans and field measurements.

Site to be Rough Graded +/- .20' of final subgrade grade by others prior to joint trench & service completions.

Any contaminated soils encountered to be handled by others.

Trenching bid using a 590 Case backhoe or equivalent. Excludes additional work due to rock where a Case 590 backhoe is unable to obtain 10 cy/hr while excavating joint trench.

On site sand source to be utilized. Additional cost will incur if on site sand becomes unavailable.

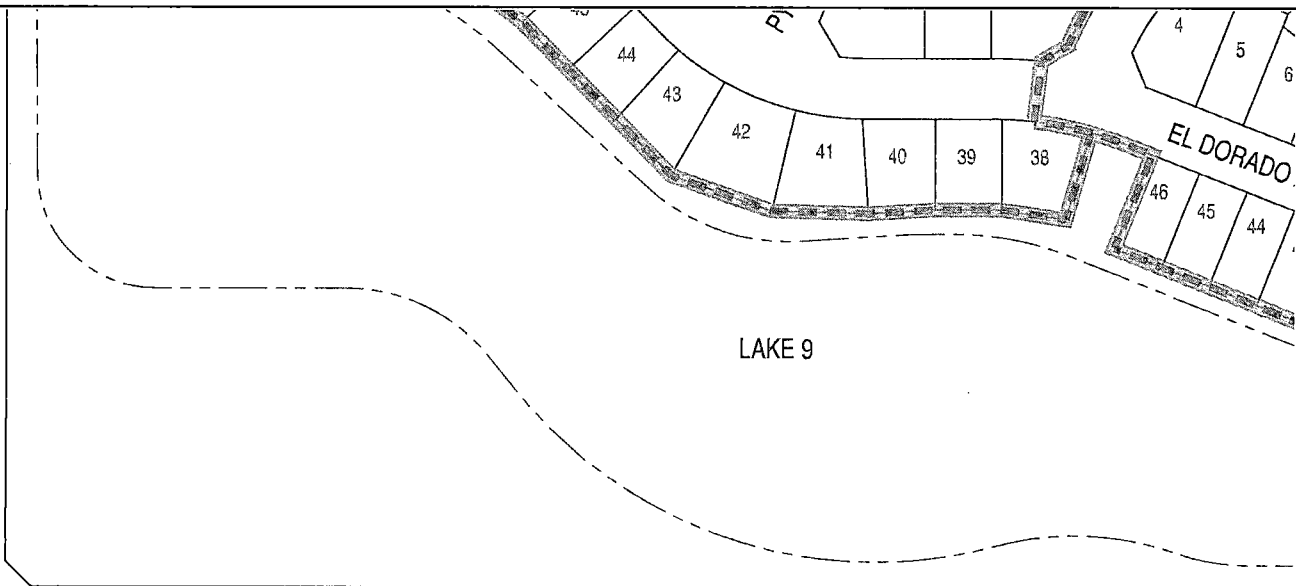
SWPP plan and erosion control work by others. Excludes all maintenance.

Bid proposal to be part of contract & valid for a contract commitment within 30 days.

Progress Payments Shall be Due Net 30 Days.

Retention Payments Shall be Due Net 45 Days.

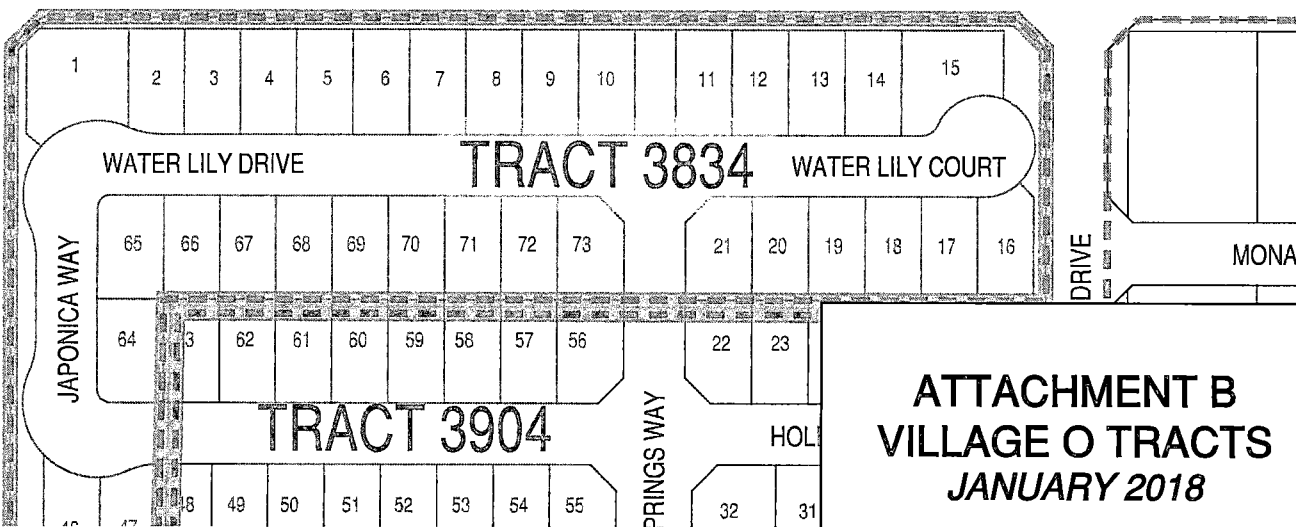
Michael A. McCombs



GARDEN FARMS AVENUE



RIVER ISLANDS PARKWAY



**ATTACHMENT B
VILLAGE O TRACTS
JANUARY 2018**

EXHIBIT "F"

UTILITY CAPACITY GUARANTEES

In accordance with the First Amendment to the 2003 Amended and Restated Development Agreement by and Between the City of Lathrop and Califia, LLC, ("DA"), SUBDIVIDER shall provide the following guarantees for wastewater treatment and recycled water capacity to utilize an additional 120,000 gallons per day of treatment capacity from the Lathrop Consolidated Treatment Facility ("CTF") on an interim basis. Pursuant to the Subdivision Improvement Agreement for Tract 3904 between the City and River Islands Development, LLC, 120,000 gallons per day of treatment capacity from the Lathrop CTF was approved for an interim time period under certain conditions. Requirements for the additional 120,000 gpd of capacity to be utilized (along with the 60,000 gpd approved previously for a total of 180,000 gpd), as most recently modified by the Tract 3904 SIA, the following conditions were to be satisfied prior to December 31, 2017:

1. Have fully constructed, inspected and dedicated to the City the following improvements:
 - Either the Paradise Road Sprayfield Expansion to accommodate 250,000 gpd of treatment capacity **OR** the Southeast Stewart Tract Sprayfields to accommodate 250,000 gpd of treatment capacity. As an option, a combination of these facilities may be constructed, but a total of 250,000 gpd of equivalent disposal capacity shall be provided in total.
 - Recycled Water Pipeline Extension to the Southeast Stewart Tract Storage Basin
 - Interim Recycled Water Pump Station (at Southeast Stewart Tract Storage Basin Site)
2. City shall retain the existing Performance and Labor and Materials Bonds posted in 2015 to guarantee construction of all improvements. Such bonds shall be released upon dedication of all relevant improvements.
3. Provide any outstanding funding for RWQCB permits and/or authorizations to be completed by the City to allow use of the 250,000 gpd in treatment and disposal.
4. Provide appropriate easements in favor of the City for the recycled water extension and procure any required encroachment permits.

As of the date of this Subdivision Improvement Agreement, SUBDIVIDER, has substantially completed the Southeast Stewart Tract Storage Basin, (including and additional expansion to provide future capacity), Southeast Stewart Tract Sprayfields, and Recycled Water Pipeline Extension. The Storage Basin, security fencing and final electrical appurtenances are being installed. SUBDIVIDER shall complete all required improvements as per the approved grading and improvement plans, and have improvements accepted at the May 14, 2018 City Council meeting without exception. Further, all property interests relating to the improvements, including all required easements, shall be dedicated to the City by the January 29, 2018 City Council meeting.

If the May 14, 2018 deadline is not met, the City Engineer may immediately direct the bonding company to complete the improvements or provide the bond funds to the City to allow the City of Lathrop to complete the improvements.

With satisfaction of the conditions included in this Exhibit, SUBDIVIDER shall be allocated and allowed to use the first 180,000 gpd of the 250,000 gpd constructed at the CTF with SUBDIVIDER funding. When all improvements are fully constructed, inspected and accepted by CITY for use and authorized by the RWQCB, 200,000 gpd of treatment capacity shall be permanently allocated to the River Islands Project. The remaining 50,000 gpd allotment of treatment and disposal capacity from this expansion of the CTF shall be allocated by the City at its discretion and in accordance with applicable prior agreements.

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**CITY MANAGER REPORT
JANUARY 29, 2018 SPECIAL CITY COUNCIL MEETING**

ITEM: APPROVE STREET NAME RECOMMENDATIONS ASSOCIATED WITH THE STANFORD CROSSING PROJECT

RECOMMENDATION: Adopt Resolution Approving the Two Street Name Changes:

- "Lathrop Road" to "Spartan Way" from existing Land Park Drive to Barbara Terry Boulevard; and
- "Land Park Drive" to "Stanford Crossing" from north of Spartan Way to Golden Valley Parkway.

SUMMARY:

Staff is requesting to rename the segment of Lathrop Road, adjacent to the San Joaquin River levee, to Spartan Way. This will complete the renaming of Spartan Way that was initiated in 2012 when the high school was constructed. In addition, Saybrook CLSP, LLC (Saybrook) is requesting to rename Land Park Drive to Stanford Crossing to reflect the new identity of this community.

Staff requests that City Council adopt a Resolution approving the proposed change in street names for Lathrop Road to Spartan Way and Land Park Drive to Stanford Crossing located in the Central Lathrop Specific Plan (CLSP), as shown in the attached exhibit.

BACKGROUND:

On March 19, 2012, the City Council adopted Resolution No. 12-3355, approving the street name change from "Lathrop Road" to "Spartan Way" from Golden Valley Parkway to Land Park Drive. It was discussed that at a future date, Lathrop Road west of Land Park Drive would require renaming to accommodate growth in the Central Lathrop Specific Plan (CLSP) and Mossdale developments.

There are two vesting tentative maps approved in Stanford Crossing. Tract 3789 has 430 single family lots and is located on the south side of Spartan Way (currently being graded). Tract 3647 has 1,040 single family lots and is located on the south side of Land Park Drive.

ANALYSIS:

There is a potentially confusing inconsistency with Lathrop Road. Most people are familiar with Lathrop Road from Golden Valley Parkway eastward to the City of Manteca. However, there is another segment that is located along the San Joaquin River levee, behind the homes in Mossdale that extends from Barbara Terry Drive to Spartan Way. As Stanford Crossing is built out, this segment of Lathrop Road will create confusion with the public and emergency responders. To remedy the disconnect, staff recommends this segment of Lathrop Road be renamed Spartan Way to facilitate navigation.

Saybrook is the master developer of Stanford Crossing, a new residential community in the Central Lathrop Specific Plan. Saybrook will market this area using the Stanford Crossing theme, building upon the city's historical ties to Leland Stanford, Jane Lathrop Stanford, and Stanford University. To reinforce the theme, Saybrook wants to name a prominent street Stanford Crossing. Spartan Way and Golden Valley Parkway are already established streets in the community, and it would have been disruptive to change these names. The next prominent street that has not been relied upon as a street address for any existing building, is Land Park Drive. Saybrook is requesting to rename Land Park Drive to Stanford Crossing to reflect the new identity of this community.

Notification letters were sent out on January 16, 2018 to affected property owners, various utility companies, school district, county agencies and postal service. In addition, emergency personnel (San Joaquin Sheriff's Office and Lathrop Manteca Fire Department) have reviewed and approved the proposed street names.

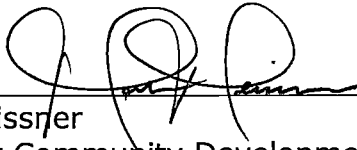
The exhibits below show the existing condition and the proposed street names.

Existing Condition:



**CITY MANAGER'S REPORT
JANUARY 29, 2018 SPECIAL CITY COUNCIL MEETING
CLSP STREET NAME CHANGE**

APPROVALS



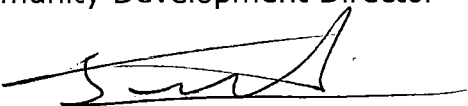
Mark Meissner
Assistant Community Development Director

1-18-18
Date




Rebecca Schmidt
Community Development Director

1-18-18
Date



Salvador Navarrete
City Attorney

1-19-18
Date



Stephen J. Salvatore
City Manager

1-24-18
Date

RESOLUTION NO. 18-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING THE CHANGE IN STREET NAMES IN THE STANFORD CROSSING
SUBDIVISION**

WHEREAS, City staff reviewed the street name for Spartan Way and Lathrop Road, west of Golden Valley Parkway and found the street name to be inconsistent from Golden Valley Parkway to Barbara Terry Boulevard; and

WHEREAS, City Staff received a request to change the street name the developers of the Stanford Crossing Subdivisions, located in the Central Lathrop Specific Plan (CLSP); and

WHEREAS, the San Joaquin County Sheriff's Office and the Lathrop Manteca Fire Department have reviewed and approved the proposed street name change; and

WHEREAS, the street name of "Lathrop Road" will be replaced by "Spartan Way" from the existing Land Park Drive to Barbara Terry Boulevard; and

WHEREAS, the street name of "Land Park Drive" will be replaced by "Stanford Crossing" from north of Spartan Way to Golden Valley Parkway; and

WHEREAS, notification letters were sent out on January 16, 2018, to all property owners in the vicinity and various utility companies, school district, county agencies and postal service.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lathrop does hereby approve the change in street names as shown in Attachment 2, incorporated by reference herein.

PASSED AND ADOPTED by the City Council of the City of Lathrop at a special meeting on the 29th of January, 2018 by the following vote:

AYES:

NOES:

ABSENT:

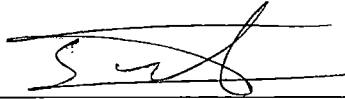
ABSTAIN:

Sonny Dhaliwal, Mayor

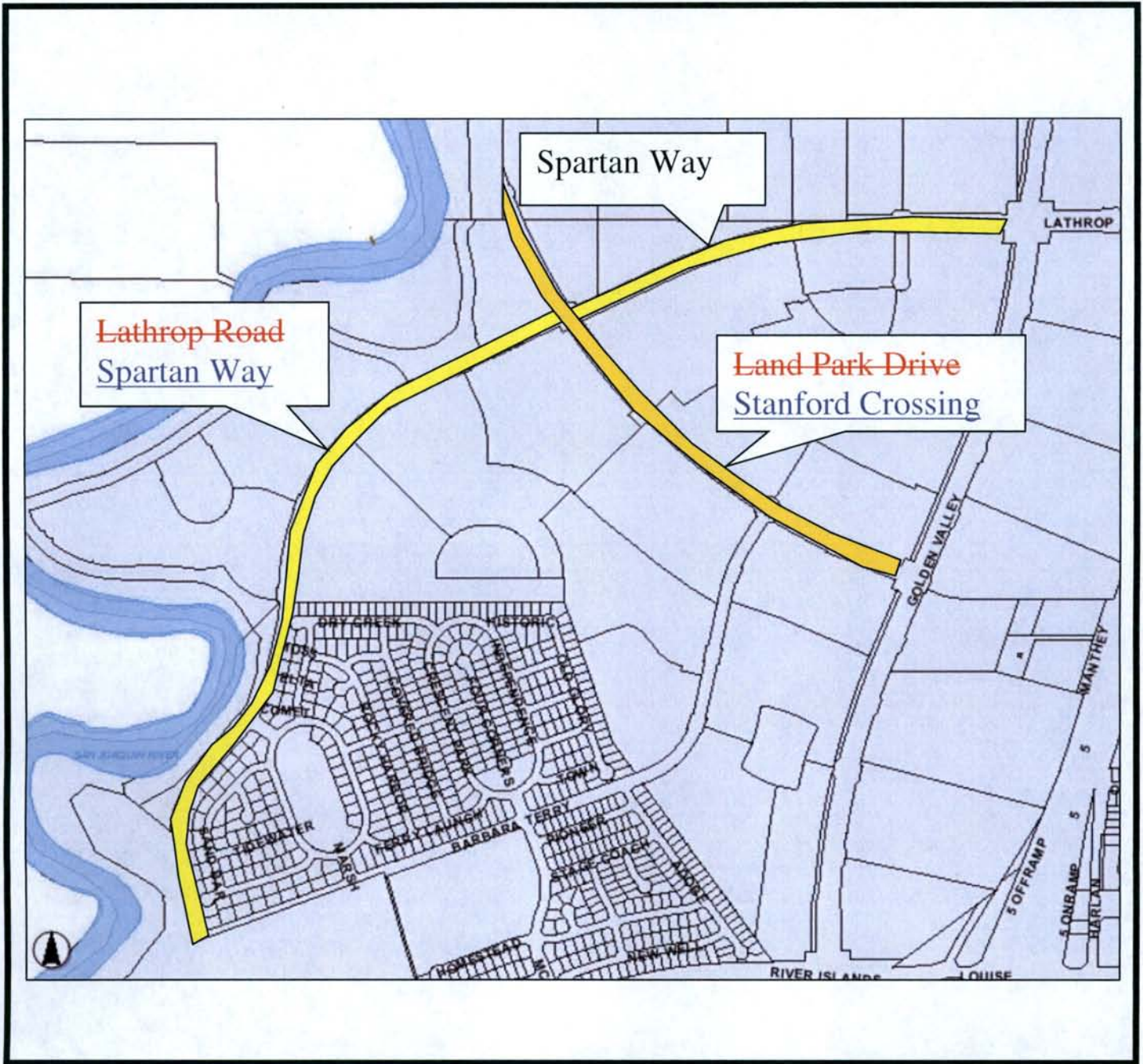
ATTEST:

Teresa Vargas, City Clerk

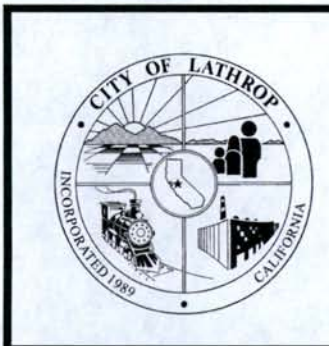
APPROVED AS TO FORM:



Salvador Navarrete, City Attorney



**PLANNING DIVISION
Street Name Exhibit**



**Lathrop Road to Spartan Way
Land Park Drive to Stanford Crossing
Street Name Change
January 29, 2018**



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**CITY MANAGER'S REPORT
JANUARY 29, 2018 SPECIAL CITY COUNCIL MEETING**

ITEM: URGENCY ORDINANCE MAKING FINDINGS AND EXTENDING AN EXISTING TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMMERCIAL CANNABIS ACTIVITIES FOR A PERIOD OF 22 MONTHS AND 15 DAYS

RECOMMENDATION: Council to Consider the Following:

- 1. Hold a Public Hearing; and**
- 2. Adopt an Urgency Ordinance making findings and extending an existing temporary moratorium on the establishment and operation of commercial cannabis activities for a period of 22 months and 15 days.**

BACKGROUND:

In 1996, voters approved Proposition 215, which legalized the use of medicinal cannabis in California. Since the proposition was passed, most regulation was done by local governments.

In 2015, California enacted three bills: AB 243, AB 266, and SB 64 that collectively established a comprehensive state regulatory framework for the licensing and enforcement of cultivation, manufacturing, retail sale, transportation, storage, delivery and testing of medicinal cannabis in California. This regulatory scheme is known as the Medicinal Cannabis Regulation and Safety Act (MCRSA).

In November of 2016, voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). Under Proposition 64, adults 21 years of age or older can legally grow, possess, and use cannabis for non-medicinal purposes, with certain restrictions. In addition, beginning on January 1, 2018, AUMA makes it legal to sell and distribute cannabis through a regulated business.

In June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that integrated MCRSA and AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) contained in division 10 of the Business and Professions Code. Under MAUCRSA, a single regulatory system governs the medicinal and adult use cannabis industry in California.

In response to the various legislations pertaining to cannabis use in California, the City of Lathrop adopted several ordinances. In 2014, the City adopted an ordinance to prohibit the establishment of and the operation of medical marijuana dispensaries, cooperatives and collectives in the City. In September 2017, the City adopted an ordinance to allow and regulate indoor cultivation of marijuana to comply with State law (6 plants) for personal use in response to Proposition 64.

On the November 29, 2017 Planning Commission Special Meeting, there was not a majority of votes to adopt or reject a Resolution prohibiting commercial cannabis in the City of Lathrop. The item was continued to the December 13, 2017 Planning Commission meeting to provide an opportunity for the full Commission's action.

On December 13, 2017, the Planning Commission adopted on a 3-2 vote, in favor of Resolution No. 17-13 recommending the City Council to prohibit commercial cannabis operations within City limits.

Pursuant to Government Code section 65858, on December 18, 2017, the City Council adopted an Urgency Ordinance imposing a 45-day moratorium (expiring February 1, 2018) on the acceptance of applications and the issuance of permits, business licenses, or other applicable licenses or entitlements providing for the establishment and/or operation of commercial cannabis pending the review and possible amendment of regulations applicable to such use. The City Council may extend the 45-day moratorium for a period of up to twenty-two (22) months and fifteen (15) days to allow staff and Council additional time to analyze and review a permanent regulation.

ANALYSIS:

Proposition 64 legalized the recreational use of marijuana for adults aged 21 years or older, personal use in a private home or at a business licensed for on-site marijuana consumption. An individual is permitted to grow up to six (6) plants within a private home for personal or medical use. In addition, beginning January 1, 2018, Proposition 64 makes it legal to sell, manufacture and distribute cannabis through a regulated business. Those interested in commercial cannabis operations will need to demonstrate compliance with local City regulations upon seeking a state license to undertake their activity. The state regulations provide local jurisdictions broad discretion to adopt and enforce ordinances to prohibit, allow, and regulate marijuana-related businesses.

After January 1, 2018, commercial cannabis operations such as cultivation (commercial), manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensaries, collectives, cooperatives and sale of cannabis or cannabis products that requires a state license will be legal. The City will not have a permanent regulation in place by January 1, 2018 so it is recommended to extend the moratorium to provide sufficient time to adopt an ordinance related to commercial cannabis.

On January 4th, U.S. Attorney General Sessions issued a memorandum on federal marijuana enforcement policy announcing "a return to the rule of law and the rescission of previous guidance documents." The memo also stated that "since the passage of the Controlled Substances Act (CSA) in 1970, Congress has generally prohibited the cultivation, distribution, and possession of marijuana."

In the memorandum, Attorney General Jeff Sessions directs all U.S. Attorneys to "enforce the laws enacted by Congress and to follow well-established principles when pursuing prosecutions related to marijuana activities... to disrupt criminal organizations, tackle the growing drug crisis, and thwart violent crime across our country."

It is unclear how this recent direction by the U.S. Attorney General will be implemented in states and communities that allow commercial uses of marijuana.

Government Code section 65858 authorizes the approval and extension of an Urgency Ordinance, after a noticed public hearing, to expressly prohibit land uses which may conflict with a contemplated General Plan, Specific Plan or Zoning proposal which the legislative body, Planning Commission or City staff are considering or studying or intends to study within a reasonable period of time. The City may adopt an extension to the existing moratorium on an urgency basis provided that the City finds that a threat exists to the public health, safety and welfare.

If a commercial cannabis business applied prior to the adoption of a moratorium or other regulation pertaining to cannabis operations, it could create conflicts among land uses or conflict with the City's long-term planning goals. Accordingly, the lack of City regulations present a current and immediate threat to the public health, safety, and welfare. Staff recommends the adoption of an extension to the existing Urgency Ordinance in order to avoid the immediate threat to the public health, safety, and welfare, which could occur if parties seeking to obtain approval for a commercial cannabis operation are not prohibited from doing so until Council has considered the Planning Commission's recommendation and options presented at a duly noticed public hearing before the City Council. A minimum of 4 affirmative votes of Council members are required to approve an extension to the existing Urgency Ordinance.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on December 22, 2017 and the meeting agenda was posted at our designated posting locations in the City.

CEQA REVIEW:

The proposed Urgency Ordinance is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 (b) (3) 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 Urgency Ordinance is primarily procedural in nature and does not propose or require any specific development project; any specific development project undertaken in the future pursuant to the amended ordinance would be required to comply with CEQA at that time.

RECOMMENDATION:

In order to ensure that the City's Municipal Code provisions are adequate and that operation of commercial cannabis, if any, will be located and regulated in a manner that protects the public and satisfies the policies, goals and objectives of the General Plan, staff recommends that the City Council adopt the attached Urgency Ordinance and extending an existing temporary moratorium on the establishment and operation of commercial cannabis activities, to become effective immediately for a period of 22 months and 15 days.

FISCAL IMPACT:

There is no fiscal impact to the City of Lathrop, only staff time to prepare this report and to continue studying the possible regulations related to commercial cannabis.

ATTACHMENT:

1. Urgency Ordinance establishing an extension to an existing temporary moratorium on commercial cannabis.

APPROVALS:



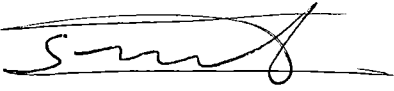
Rick Caguiat
Senior Planner

1/23/18
Date



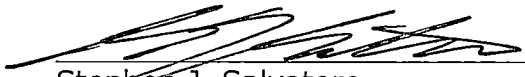
Rebecca Schmidt
Community Development Director

1/23/18
Date



Salvador Navarrete
City Attorney

1-24-18
Date



Stephen J. Salvatore
City Manager

1-24-18
Date

ORDINANCE NO. 18-

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP
MAKING FINDINGS AND EXTENDING THE EXISTING TEMPORARY
MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF COMMERCIAL
CANNABIS ACTIVITIES, TO BECOME EFFECTIVE IMMEDIATELY FOR A
PERIOD OF 22 MONTHS AND 15 DAYS**

WHEREAS, Government Code section 65858 authorizes the creation of a temporary 45-day moratorium, which the City Council approved on December 18, 2017 after a noticed public hearing, to prohibit uses of land which may conflict with a contemplated general plan, specific plan or zoning proposal which the legislative body, planning commission or the city staff is considering or studying or intends to study within a reasonable period of time; and

WHEREAS, Government Code section 65858 authorizes an extension of a temporary moratorium for a period of 22 months and 15 days, after a noticed public hearing; and

WHEREAS, in 1996, voters approved Proposition 215, which legalized the use of medicinal cannabis in California; and

WHEREAS, in 2015, California enacted three bills: AB 243, AB 266, and SB 64 that collectively established a comprehensive state regulatory framework for the licensing and enforcement of cultivation, manufacturing, retail sale, transportation, storage, delivery and testing of medicinal cannabis in California. This regulatory scheme is known as the Medicinal Cannabis Regulation and Safety Act (MCRSA); and

WHEREAS, on November 8, 2016, voters of the State of California enacted Proposition 64, the "Control, Regulate and Tax Adult Use of Marijuana Act" ("Prop 64" or "AUMA"). The AUMA established a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing and sale of non-medical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the growth and retail sale of marijuana for non-medical use; and

WHEREAS, in June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that integrated MCRSA and AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) contained in division 10 of the Business and Professions Code. Under MAUCRSA, a single regulatory system governs the medicinal and adult use cannabis industry in California; and

WHEREAS, the MAUCRSA creates a licensing system whereby the State will issue licenses to businesses authorizing them to cultivate, distribute, transport, store, manufacture, process, test and sell non-medical marijuana and marijuana products for adults 21 years of age and older, with such licenses to be issued by January 1, 2018. The state will not approve an application for a State license if approval of the license will violate the provisions of any local ordinance or regulation adopted in accordance with MAUCRSA; and

WHEREAS, the MAUCRSA does not limit the authority of a local governing body to adopt and enforce local ordinances regulating businesses licensed under MAUCRSA or to completely prohibit such businesses within the local jurisdiction to the full extent authorized to a local agency by the MAUCRSA; and

WHEREAS, on January 4, 2018, U.S. Attorney General Sessions issued a memorandum on federal marijuana enforcement policy announcing "a return to the rule of law and the rescission of previous guidance documents." The memo also stated that "since the passage of the Controlled Substances Act (CSA) in 1970, Congress has generally prohibited the cultivation, distribution, and possession of marijuana." In the memorandum, Attorney General Jeff Sessions directs all U.S. Attorneys to "enforce the laws enacted by Congress and to follow well-established principles when pursuing prosecutions related to marijuana activities... to disrupt criminal organizations, tackle the growing drug crisis, and thwart violent crime across our country." It is unclear how this recent direction by the U.S. Attorney General will be implemented in states and communities that allow commercial uses of marijuana; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and to preserve the peace and integrity of neighborhoods within the City's jurisdiction; and

WHEREAS, the City of Lathrop's Municipal Code does not list commercial cannabis activities as an allowed use, expressly prohibits businesses and other activities considered illegal under local, state, and federal law and does not contain any provisions with regards to the regulation and location of commercial cannabis activities; and

WHEREAS, City staff has commenced and is continuing its efforts to complete a study of the potential impacts of commercial cannabis and possible amendments to the City's Municipal Code related to such uses; and

WHEREAS, staff needs time to study commercial cannabis activities and possible regulations; and

WHEREAS, the City Council desires to (1) address the community concerns regarding the establishment and operation of commercial cannabis, (2) study the potential impacts the commercial cannabis activities may have on the public health, safety and welfare, (3) study and determine what local regulations may be appropriate or necessary for commercial cannabis, (4) study and determine the appropriate zoning and location for commercial cannabis, and (5) determine appropriate controls for protection of public health and welfare; and

WHEREAS, the City Council finds that the current and immediate threat to the public health, safety, and welfare exists as described in the findings above, and finds that the existing temporary moratorium on the acceptance of applications or issuance of permits or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license for the establishment or operation of a commercial cannabis activity should be extended and remain in effect for a period of 22 months and 15 days pending completion of the City's study and adoption of amendments to the Municipal Code; and

WHEREAS, proper notice of this public hearing was given in all respects pursuant to Government Code section 65090, and has duly considered all written and verbal testimony presented during the hearing; and

WHEREAS, the proposed Urgency Ordinance 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby ordain as follows, adopted pursuant to the provisions of California Government Code section 65858:

1. **Incorporation of Recitals.** The City Council finds that all recitals above are true and correct and are incorporated herein by reference.
2. **"Commercial Cannabis" defined.** For the purposes of this Ordinance, "commercial cannabis" means: activities such as cultivation, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensaries, collectives, cooperatives and sale of cannabis or cannabis products that requires a state license.
3. **Moratorium Extended.** In accordance with the authority granted the City of Lathrop under Article XI, Section 7 of the California Constitution and California Government Code section 65858, the temporary moratorium is extended by 22 months and 15 days, which provides that no application shall be accepted and no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, shall be approved or issued for the establishment or operation of a commercial cannabis activity in the City of Lathrop.
4. **Authority; Urgency Statement/Findings.** This is an interim Ordinance, adopted as an urgency measure pursuant to Government Code section 65858 and is for the immediate and long-term preservation of the public peace, health, and welfare. This Ordinance is deemed necessary based on the following findings of the City Council of the City of Lathrop.

- A. The purpose of this Ordinance is to protect the public safety, health and welfare from a current and immediate threat posed by the issuance of an entitlement. The facts constituting the urgency are: current and immediate threat to the public health, safety, and welfare, could occur if parties seeking to evade the adoption of regulations were permitted to obtain approval for uses that might defeat the ultimate objective of the adoption of any future regulations. The City requires additional time to study and adopt commercial cannabis regulations, to avoid conflicts among land uses, or conflict with the City's long-term planning goals.
 - B. Absent the adoption of this Urgency Ordinance, the establishment and operation of commercial cannabis in the City could potentially result in the harmful secondary effects identified above.
 - C. It is necessary to study the possible adoption of amendments to the City's Municipal Code in order to adopt legislation which conforms to recent state and Federal case law.
 - D. In light of the current and immediate threat that commercial cannabis pose to the public health, safety and welfare, it is necessary, in accordance with Government Code section 65858, to adopt this extension to the temporary moratorium on the acceptance of applications and issuance of entitlements for and the establishment of new commercial cannabis activities in the City to provide time for the City Council to further evaluate and consider possible adoption of legislation, guidelines and/or polices.
5. **Zoning Code Amendment.** The establishment, maintenance or operation of a commercial cannabis activity, as defined herein, is not permitted within any zone in the City of Lathrop.
6. **Establishment of Commercial Cannabis Declared Public Nuisance.** The establishment of a commercial cannabis, as defined in this Ordinance, within the City limits of the City of Lathrop during the duration of this moratorium or any extension thereof, is declared to be a public nuisance. Violations of this Ordinance may be enforced by any applicable laws or ordinances, including, but not limited to, injunctions, or administrative or criminal penalties under the Lathrop Municipal Code.
7. **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.

8. **Effective Date.** This Ordinance shall become effective immediately upon passage and adoption if adopted by at least four-fifths (4/5) vote of the City Council and shall be in effect for a period of 22 months and 15 days from the date of adoption unless sooner terminated or extended by the City Council.

The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the City.

The foregoing Ordinance was introduced and adopted this 29th day of January, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

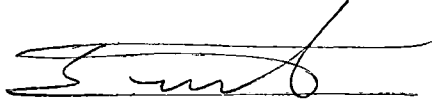
ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

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**CITY MANAGER'S REPORT
JANUARY 29, 2018 SPECIAL CITY COUNCIL MEETING**

ITEM: **PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE TO PROHIBIT COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF LATHROP**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Introduce an Ordinance to modify Chapter 17.18 and add a new Chapter 5.26 to the Lathrop Municipal Code to prohibit the establishment and operation of commercial cannabis activities in the City of Lathrop.**

BACKGROUND:

In 1996, voters approved Proposition 215, which legalized the use of medicinal cannabis in California. Since the proposition was passed, most regulation was done by local governments.

In 2015, California enacted three bills: AB 243, AB 266, and SB 64 that collectively established a comprehensive state regulatory framework for the licensing and enforcement of cultivation, manufacturing, retail sale, transportation, storage, delivery and testing of medicinal cannabis in California. This regulatory scheme is known as the Medicinal Cannabis Regulation and Safety Act (MCRSA).

In November 2016, voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). Under Proposition 64, adults 21 years of age or older can legally grow, possess, and use cannabis for non-medicinal purposes, with certain restrictions. In addition, beginning on January 1, 2018, AUMA makes it legal to sell and distribute cannabis through a regulated business.

In June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that integrated MCRSA and AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) contained in division 10 of the Business and Professions Code. Under MAUCRSA, a single regulatory system governs the medicinal and adult use cannabis industry in California.

In response to the various legislations pertaining to cannabis use in California, the City of Lathrop adopted several ordinances. In 2014, the City adopted an ordinance to prohibit the establishment of and the operation of medical marijuana dispensaries, cooperatives and collectives in the City. In September 2017, the City adopted an ordinance to allow and regulate indoor cultivation of marijuana to comply with State law (6 plants) for personal use in response to Proposition 64.

On the November 29, 2017 Planning Commission Special Meeting, there was not a majority of votes to adopt or reject a Resolution prohibiting commercial cannabis in the City of Lathrop. The item was continued to the December 13, 2017 Planning Commission meeting to provide an opportunity for the full Commission's action.

On December 13, 2017, the Planning Commission adopted on a 3-2 vote, in favor of Resolution No. 17-13 recommending the City Council to prohibit commercial cannabis operations within City limits.

On December 18, 2017, the City Council adopted an Urgency Ordinance pursuant to Government Code section 65858, imposing a 45-day moratorium on the acceptance of applications and the issuance of permits, business licenses, or other applicable licenses or entitlements providing for the establishment and/or operation of commercial cannabis pending the review and possible amendment of regulations applicable to such use. The temporary moratorium has allowed staff and Council additional time to analyze and review a permanent regulation.

ANALYSIS:

Proposition 64 legalized the recreational use of marijuana for adults aged 21 years or older for personal use in a private home or at a business licensed for on-site marijuana consumption. An individual is permitted to grow up to six (6) plants within a private home for personal or medical use. In addition, beginning January 1, 2018, Proposition 64 makes it legal to sell, manufacture and distribute cannabis through a regulated business. Those interested in commercial cannabis operations will need to demonstrate compliance with local City regulations upon seeking a state license to undertake their activity. The state regulations provide local jurisdictions broad discretion to adopt and enforce ordinances to prohibit, allow, and regulate marijuana-related businesses.

After January 1, 2018, commercial cannabis operations such as cultivation (commercial), manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensaries, collectives, cooperatives and sale of cannabis or cannabis products that requires a state license will be legal.

On January 4th, U.S. Attorney General Sessions issued a memorandum on federal marijuana enforcement policy announcing "a return to the rule of law and the rescission of previous guidance documents." The memo also stated that "since the passage of the Controlled Substances Act (CSA) in 1970, Congress has generally prohibited the cultivation, distribution, and possession of marijuana." In the memorandum, Attorney General Jeff Sessions directs all U.S. Attorneys to "enforce the laws enacted by Congress and to follow well-established principles when pursuing prosecutions related to marijuana activities... to disrupt criminal organizations, tackle the growing drug crisis, and thwart violent crime across our country."

It is unclear how this recent direction by the U.S. Attorney General will be implemented in states and communities that allow commercial uses of marijuana.

The City currently has an existing temporary moratorium on commercial cannabis establishments to provide sufficient time to adopt a permanent ordinance.

The proposed text amendment will modify Chapter 17.18 which currently prohibits medical marijuana dispensaries, cooperatives and collectives and expand it with a complete total prohibition of commercial cannabis activity in the City. This amendment does not affect Chapter 8.44 which allows cannabis cultivation for private personal or medicinal use. In addition, a new Chapter 5.26 will be added to Title 5 of the LMC to prohibit commercial cannabis activities.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on December 22, 2017 and the meeting agenda was posted at our designated posting locations in the City.

CEQA REVIEW:

The proposed Municipal Code Amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 (b) (3) 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 is primarily procedural in nature and does not propose or require any specific development project; any specific development project undertaken in the future pursuant to the amended ordinance would be required to comply with CEQA at that time.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

Promotes Public Safety by prohibiting commercial cannabis activities based on Council findings that such uses are likely to pose a risk to public safety and the public's sense of security.

RECOMMENDATION:

Staff recommends that the City Council introduce an ordinance to modify Chapter 17.18 and add a new Chapter 5.26 to the Lathrop Municipal Code to prohibit the establishment and operation of commercial cannabis activities in the City of Lathrop.

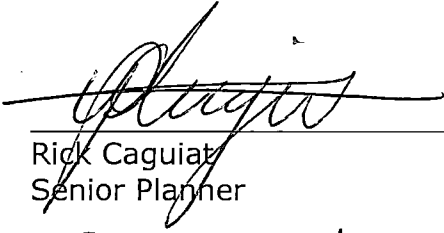
FISCAL IMPACT:

There is no fiscal impact to the City of Lathrop, only staff time to prepare this report.

ATTACHMENT:

1. Ordinance prohibiting commercial cannabis activities in the City of Lathrop
2. Planning Commission Resolution No. 17-13 recommending Council adopt an ordinance prohibiting commercial cannabis activities
3. New Chapter 5.26 and Revised Chapter 17.18
4. Mark-up of Chapter 17.18 (Prohibited Cannabis Activities)

APPROVALS:



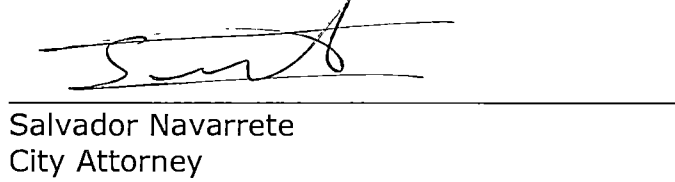
Rick Caguiat
Senior Planner

1/23/18
Date



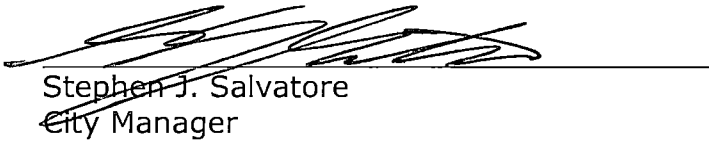
Rebecca Schmidt
Community Development Director

1/23/18
Date



Salvador Navarrete
City Attorney

1-24-18
Date



Stephen J. Salvatore
City Manager

1-24-18
Date

ORDINANCE NO. 18-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP
MODIFYING CHAPTER 17.18 AND ADDING NEW CHAPTER 5.26 TO THE
LATHROP MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT AND
OPERATION OF COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF
LATHROP**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing on December 13, 2017, at which they adopted PC Resolution No. 17-13 recommending City Council adopt Municipal Code Amendment No. TA-17-118 prohibiting commercial cannabis activities in the City of Lathrop pursuant to the Lathrop Municipal Code; and

WHEREAS, pursuant to Government Code section 65858, on December 18, 2017, the City Council adopted an Urgency Ordinance imposing a moratorium on the acceptance of applications and issuance of permits, business licenses or other applicable licenses or entitlements providing for the establishment and/or operation of commercial cannabis businesses; and

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing at a special meeting on January 29, 2018 to review and consider the proposed Municipal Code Amendment; and

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

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

WHEREAS, in 1996, voters approved Proposition 215, which legalized the use of medicinal cannabis in California; and

WHEREAS, in 2015, California enacted three bills: AB 243, AB 266, and SB 64 that collectively established a comprehensive state regulatory framework for the licensing and enforcement of cultivation, manufacturing, retail sale, transportation, storage, delivery and testing of medicinal cannabis in California. This regulatory scheme is known as the Medicinal Cannabis Regulation and Safety Act (MCRSA); and

WHEREAS, on November 8, 2016, voters of the State of California enacted Proposition 64, the "Control, Regulate and Tax Adult Use of Marijuana Act" ("Prop 64" or "AUMA"). The AUMA established a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing and sale of non-medical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the growth and retail sale of marijuana for non-medical use; and

WHEREAS, in June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that integrated MCRSA and AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) contained in division 10 of the Business and Professions Code. Under MAUCRSA, a single regulatory system governs the medicinal and adult use cannabis industry in California; and

WHEREAS, the MAUCRSA creates a licensing system whereby the State will issue licenses to businesses authorizing them to cultivate, distribute, transport, store, manufacture, process, test and sell non-medical marijuana and marijuana products for adults 21 years of age and older; with such licenses to be issued by January 1, 2018. The state will not approve an application for a State license if approval of the license will violate the provisions of any local ordinance or regulation adopted in accordance with MAUCRSA; and

WHEREAS, the MAUCRSA does not limit the authority of a local governing body to adopt and enforce local ordinances regulating businesses licensed under MAUCRSA or to completely prohibit such businesses within the local jurisdiction to the full extent authorized to a local agency by the MAUCRSA; and

WHEREAS, on January 4, 2018, U.S. Attorney General Sessions issued a memorandum on federal marijuana enforcement policy announcing "a return to the rule of law and the rescission of previous guidance documents." The memo also stated that "since the passage of the Controlled Substances Act (CSA) in 1970, Congress has generally prohibited the cultivation, distribution, and possession of marijuana." In the memorandum, Attorney General Jeff Sessions directs all U.S. Attorneys to "enforce the laws enacted by Congress and to follow well-established principles when pursuing prosecutions related to marijuana activities... to disrupt criminal organizations, tackle the growing drug crisis, and thwart violent crime across our country." It is unclear how this recent direction by the U.S. Attorney General will be implemented in states and communities that allow commercial uses of marijuana; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and to preserve the peace and integrity of neighborhoods within the City's jurisdiction; and

WHEREAS, the City of Lathrop's Municipal Code does not list commercial cannabis activities as an allowed use, expressly prohibits businesses and other activities considered illegal under local, state, and federal law and does not contain any provisions with regards to the regulation and location of commercial cannabis activities; and

WHEREAS, the City Council desires to (1) address the community concerns regarding the establishment and operation of commercial cannabis, (2) study the potential impacts the commercial cannabis activities may have on the public health, safety and welfare, (3) study and determine what local regulations may be appropriate or necessary for commercial cannabis, (4) study and determine the appropriate zoning and location for commercial cannabis, and (5) determine appropriate controls for protection of public health and welfare; and

WHEREAS, pursuant to the City's police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the Lathrop Municipal Code, the City Council has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety, and welfare, such as this Ordinance prohibiting the establishment and operation of commercial cannabis activities within the City; and

WHEREAS, the City Council finds that the proposed code amendment is consistent with applicable provisions of the Lathrop General Plan; and

WHEREAS, proper notice of this public hearing was given in all respects pursuant to Government Code section 65090, and has duly considered all written and verbal testimony presented during the hearing; and

WHEREAS, the proposed Ordinance 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.

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 the Municipal Code Amendment as shown in Attachment 3 of the staff report, incorporated by reference herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Lathrop does hereby ordain as follows:

1. The Lathrop Municipal Code is hereby amended as shown in Attachment "3" incorporated by reference herein.
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.
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.

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

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 29th day of January 2018, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on 12th day of February 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. 17-13**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE TO MODIFY
CHAPTER 17.18 AND ADD A NEW CHAPTER 5.26 TO THE LATHROP MUNICIPAL
CODE PROHIBITING COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF
LATHROP (TA-17-118)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public meeting to consider the text amendment on November 29, 2017 and December 13, 2017 pursuant to the Lathrop Municipal Code; and

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

WHEREAS, in 2015, California enacted three bills: AB 243, AB 266, and SB 64 that collectively established a comprehensive state regulatory framework for the licensing and enforcement of cultivation, manufacturing, retail sale, transportation, storage, delivery and testing of medicinal cannabis in California. This regulatory scheme is known as the Medicinal Cannabis Regulation and Safety Act (MCRSA); and

WHEREAS, on November 8, 2016, voters of the State of California enacted Proposition 64, the "Control, Regulate and Tax Adult Use of Marijuana Act" ("Prop 64" or "AUMA"). The AUMA established a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing and sale of non-medical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the growth and retail sale of marijuana for non-medical use; and

WHEREAS, in June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that integrated MCRSA and AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) contained in division 10 of the Business and Professions Code. Under MAUCRSA, a single regulatory system governs the medicinal and adult use cannabis industry in California; and

WHEREAS, the MAUCRSA creates a licensing system whereby the State will issue licenses to businesses authorizing them to cultivate, distribute, transport, store, manufacture, process, test and sell non-medical marijuana and marijuana products for adults 21 years of age and older, with such licenses to be issued by January 1, 2018. The state will not approve an application for a State license if approval of the license will violate the provisions of any local ordinance or regulation adopted in accordance with MAUCRSA; and

WHEREAS, the MAUCRSA does not limit the authority of a local governing body to adopt and enforce local ordinances regulating businesses licensed under MAUCRSA or to completely prohibit such businesses within the local jurisdiction to the full extent authorized to a local agency by the MAUCRSA; and

WHEREAS, unregulated non-medical marijuana activity associated with among other things, cultivation of marijuana, delivery of marijuana, distribution of marijuana, dispensing of marijuana, manufacture of marijuana, sale of marijuana, and use of marijuana will result in impacts to the City of Lathrop's environmental resources and neighborhood quality. The City has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and to preserve the peace and integrity of neighborhoods within the City's jurisdiction; 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, 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.

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-17-118 as shown in Attachment 3 of the staff report, incorporated by reference herein.

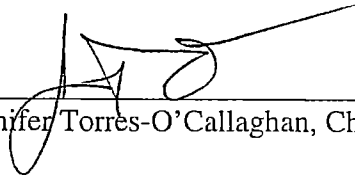
PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a Regular Meeting on the 13th day of December, 2017 by the following vote:

AYES: Ishihara, Gatto, Freeman

NOES: Torres-O'Callaghan, Lazard

ABSTAIN: None


ABSENT: None



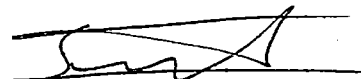
Jennifer Torres-O'Callaghan, Chair

ATTEST:

APPROVED AS TO FORM:



Rebecca Schmidt, Secretary



Salvador Navarrete, City Attorney

(NEW) Chapter 5.26 PROHIBITION AGAINST COMMERCIAL CANNABIS**5.26.010 Purpose.**

The purpose of this chapter is to promote the public health, safety, and general welfare, and to enact a complete and total prohibition of commercial cannabis activity the City of Lathrop.

5.26.020 Definitions.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the CA Health and Safety Code.

“Cannabis for Personal Use” means any use or possession of cannabis that does not require a license pursuant to Chapter 1 of Division 10 of the CA Business and Professions Code.

“Commercial Cannabis” means any activity including cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensaries, collectives, cooperatives and sale of cannabis or cannabis products that requires a state license.

“Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)” means Senate Bill 94 contained in division 10 of the CA Business and Professions Code.

5.26.030 Prohibition.

A. Commercial cannabis activities of all types including, but not limited to, dispensaries, collectives, cooperatives, transportation, distribution, manufacturing, delivery, storing, testing, sale, processing and cultivation are expressly prohibited within the City limits. No person shall establish, operate, conduct, or allow any commercial cannabis (marijuana) activity anywhere within the City.

B. This section is meant to prohibit all activities for which a state license is required. Accordingly, the City shall not issue any permit, license, authorization or other entitlement for any activity for which a state license is required under MAUCRSA.

C. This section is not intended to prohibit cannabis for personal use or cannabis cultivation for personal use as set forth in Chapter 8.44 of the LMC.

- D. This section is not intended to prohibit any of the following:
1. A clinic licensed pursuant to Chapter 1 of Division 2 of the CA Health and Safety Code.
 2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the CA Health and Safety Code.
 3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the CA Health and Safety Code.
 4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the CA Health and Safety Code.
 5. The cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined by Section 11362.7 of Health and Safety Code provided such activity complies strictly with all applicable state law, including but not limited to, Sections 11362.5 and 11362.765 of the CA Health and Safety Code.

5.26.040 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to CA Code of Civil Procedure Section 731 or any other remedy available to the City.

(REVISED) Chapter 17.18 PROHIBITED CANNABIS ACTIVITIES

17.18.010 Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare, and to enact a complete and total prohibition of commercial cannabis activity the City of Lathrop.

17.18.020 Definitions.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the CA Health and Safety Code.

“Cannabis for Personal Use” means any use or possession of cannabis that does not require a license pursuant to Chapter 1 of Division 10 of the CA Business and Professions Code.

“Commercial Cannabis” means any activity including cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensaries, collectives, cooperatives and sale of cannabis or cannabis products that requires a state license.

“Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)” means Senate Bill 94 contained in division 10 of the CA Business and Professions Code.

17.18.030 Prohibition.

A. Commercial cannabis activities of all types including, but not limited to, dispensaries, collectives, cooperatives, transportation, distribution, manufacturing, delivery, storing, testing, sale, processing and cultivation are expressly prohibited within the City limits. No person shall establish, operate, conduct, or allow any commercial cannabis (marijuana) activity anywhere within the City.

B. This section is meant to prohibit all activities for which a state license is required. Accordingly, the City shall not issue any permit, license, authorization or other entitlement for any activity for which a state license is required under MAUCRSA.

C. This section is not intended to prohibit cannabis for personal use or cannabis cultivation for personal use as set forth in Chapter 8.44 of the LMC.

- D. This section is not intended to prohibit any of the following:
1. A clinic licensed pursuant to Chapter 1 of Division 2 of the CA Health and Safety Code.
 2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the CA Health and Safety Code.
 3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the CA Health and Safety Code.
 4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the CA Health and Safety Code.
 5. The cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined by Section 11362.7 of Health and Safety Code provided such activity complies strictly with all applicable state law, including but not limited to, Sections 11362.5 and 11362.765 of the CA Health and Safety Code.

17.18.040 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to CA Code of Civil Procedure Section 731 or any other remedy available to the City

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

Chapter 17.18 ~~MEDICAL MARIJUANA DISPENSARIES, COOPERATIVES AND COLLECTIVES~~ PROHIBITED CANNABIS ACTIVITIES

17.18.010 Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare, ~~and~~ to enact a complete and total prohibition of commercial cannabis activity ~~medical marijuana dispensaries, cooperatives and collectives in the Ceity of Lathrop.~~

17.18.020 Definitions.

For purposes of this chapter, “medical marijuana dispensary” is defined as: (1) any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana to two or more of the following: a qualified patient or a person with an identification card, or a primary caregiver in strict accordance with California Health and Safety Code Section 11362.5, et seq.; or (2) any facility, building, structure or location, whether fixed or mobile, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to cultivate or distribute marijuana for medical purposes.

— The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in California Health and Safety Code Section 11362.7.

— For purposes of this chapter, “collectives” and “cooperatives,” are defined as those terms are described in Health and Safety Code Section 11362.775 and the California Attorney General’s Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, published in August 2008.

“Cannabis” means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the CA Health and Safety Code.

“Cannabis for Personal Use” means any use or possession of cannabis that does not require a license pursuant to Chapter 1 of Division 10 of the CA Business and Professions Code.

“Commercial Cannabis” means any activity including cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, dispensaries, collectives, cooperatives and sale of cannabis or cannabis products that requires a state license.

“Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)” means Senate Bill 94 contained in division 10 of the CA Business and Professions Code.

17.18.030 Findings Prohibition.

A. ~~On November 5, 1996, the voters of the state of California approved Proposition 215, which enacted the Compassionate Use Act of 1996, codified as California Health and Safety Code Section 11362.5 (“the Act” or “the Compassionate Use Act”). The Act decriminalizes otherwise unlawful possession and cultivation of marijuana for certain medical purposes under certain limited and specified circumstances~~ Commercial cannabis activities of all types including, but not limited to, dispensaries, collectives, cooperatives, transportation, distribution, manufacturing, delivery, storing, testing, sale, processing and cultivation are expressly prohibited within the City limits. No person shall establish, operate, conduct, or allow any commercial cannabis (marijuana) activity anywhere within the City.

B. ~~In 2003, the California Legislature enacted Senate Bill 420, effective January 1, 2004, adding Article 2.5, “Medical Marijuana Program” to Chapter 6 of Division 10 of the California Health and Safety Code (Section 11362.7, et seq.) (“the Program” or “the Medical Marijuana Program”). The Medical Marijuana Program created a state approved voluntary medical marijuana identification card program and provided for certain additional immunities from state marijuana laws. The Medical Marijuana Program also authorized cities and other local governing bodies to adopt and enforce rules and regulations consistent with the Program~~ This section is meant to prohibit all activities for which a state license is required. Accordingly, the City shall not issue any permit, license, authorization or other entitlement for any activity for which a state license is required under MAUCRSA.

C. ~~While the Medical Marijuana Program was intended to clarify the scope of the Act, neither the federal nor the state government has to date implemented a specific plan “to provide for the safe and affordable distribution of cannabis to all patients in medical need of cannabis,” leaving unanswered numerous questions as to how the Compassionate Use Act and Medical Marijuana Program should be implemented, particularly in regard to the distribution of medical marijuana through facilities commonly referred to as medical marijuana dispensaries~~ This section is not intended to prohibit cannabis for personal use or cannabis cultivation for personal use as set forth in Chapter 8.44 of the LMC.

D. ~~The chief purposes of the Compassionate Use Act are: (1) to allow Californians to obtain and use marijuana in the medical treatment of illnesses for which it provides appropriate relief, as recommended by a physician; and (2) to ensure that qualified patients and their primary caregivers who obtain and use marijuana for medicinal purposes upon recommendation of a physician are not subject to criminal prosecution or sanction. As such, the primary intention of the Compassionate Use Act was to allow seriously ill Californians to use marijuana for medicinal purposes without facing criminal penalties otherwise imposed under the state law, and not to~~

legalize marijuana for recreational use, legitimize illegal drug use or fuel the market for the illegal drug sales This section is not intended to prohibit any of the following:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the CA Health and Safety Code.
2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the CA Health and Safety Code.
3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the CA Health and Safety Code.
4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the CA Health and Safety Code.
5. The cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined by Section 11362.7 of Health and Safety Code provided such activity complies strictly with all applicable state law, including but not limited to, Sections 11362.5 and 11362.765 of the CA Health and Safety Code.

~~E. — The Compassionate Use Act is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the Medical Marijuana Program is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards, and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana.~~

~~F. — The passage of the Compassionate Use Act and the Medical Marijuana Program appear not to have facilitated its stated goals. Instead, the predominant use of marijuana has been for recreational and non-medicinal purposes. As stated in the report issued by California Chiefs Association on September 2009, entitled “California Police Chiefs Association Position Paper on the Decriminalization of Marijuana”: “[I]t has become clear, despite the claims of use by critically ill people, that only about 2% of those using crude Marijuana for medicine are critically ill. The vast majority of those using crude Marijuana as medicine are young and are using the substance to be under the influence of THC [tetrahydrocannabinol] and have no critical medical condition.”~~

~~G. — Facilities purportedly dispensing marijuana for medicinal purposes are commonly referred to or known as a medical marijuana dispensary, medical marijuana cooperative or medical marijuana collective. However, these terms are not defined anywhere in the Compassionate Use Act nor Medical Marijuana Program. Nothing in the Act or the Program specifically authorizes the operation and the establishment of medical marijuana dispensing facilities, whether fixed or mobile.~~

H. Further, neither the Compassionate Use Act nor the Medical Marijuana Program require or impose an affirmative duty or mandate upon local governments, such as the city of Lathrop, to allow, authorize or sanction the establishment and the operation and establishment of facilities dispensing medical marijuana within their respective jurisdictions. Moreover, the Compassionate Use Act did not create a constitutional right to obtain marijuana. In fact, recent caselaw clearly allows cities to prohibit such facilities altogether.

I. Health and Safety Code Section 11362.765 specifically prohibits the cultivation or distribution of medical marijuana for profit.

J. The Act does not abrogate the city's powers to regulate for public health, safety and welfare. Health and Safety Code Section 11362.5(b)(2) provides that the Act does not supersede any legislation intended to prohibit conduct that endangers others. And, Health and Safety Code Section 11362.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with the Medicinal Marijuana Program.

K. In August 2008, the California Attorney General issued "Guidelines for the Security and Non Diversion of Marijuana Grown for Medical Use" ("the Guidelines") pursuant to Health and Safety Code Section 11362.81(d), which authorizes the Attorney General to "develop and adopt appropriate guidelines to ensure the security and non diversion of marijuana grown for medical use by patients qualified under" the Compassionate Use Act. Nothing in the Guidelines imposes an affirmative mandate or duty upon local governments, such as the city of Lathrop, to allow, sanction, or permit the establishment or the operation of facilities dispensing medical marijuana within their jurisdictional limits.

L. In adopting the ordinance codified in this chapter, the City Council takes legislative notice of the following cases that it finds to be relevant to its actions: *People v. Mentch* (2008) 45 Cal. 4th 274 [regarding the California Supreme Court's analysis of the limited application and scope of the Act and the Program, and its holding that a "primary caregiver" status requires a specified showing of consistently providing care, independent of any assistance in taking medical marijuana, at or before the time of assuming the responsibility of assisting with medical marijuana]; *People ex rel. Lungren v. Peron* (1997) 59 Cal. App. 4th 1383 [the California Court of Appeal recognizing the limited scope of the Act and the Program, and holding that filling out a form that designates a commercial enterprise as the qualified patient's "primary caregiver" is insufficient to establish a caregiver status]; *Rose v. Raging Wire Telecommunication, Inc.* (2008) 42 Cal. 4th 920 [California Supreme Court holding that an employee may be terminated for the use of medical marijuana]; *Caremong v. Kruse* (2009) 177 Cal. App. 4th 1153 [California Court of Appeal holding that neither the Act nor the Program expressly or impliedly preempt local exercise of land use and zoning police powers]; *People v. Mower* (2009) 28 Cal. 4th 457 [California Supreme Court holding that the defenses accorded by the Act are limited to "patients and primary caregivers" for the possession and cultivation of marijuana only]; *People v. Urziceanu* (2005) 132 Cal. App. 4th 747 [California Court of Appeal noting that courts have consistently rejected attempts to broaden the scope of the Act]; *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., et al.* (2013) 56 Cal. 4th 529 [holding that neither the Act nor the Program expressly or impliedly preempts the authority of California cities and counties, under their traditional land use and police powers to allow,

restrict, limit or entirely exclude facilities that distribute medical marijuana, and to enforce such policies by nuisance actions].

——— M. ——— The California Supreme Court’s May 6, 2013 decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., et al.*, permits cities, such as the city of Lathrop, to absolutely ban facilities that distribute medical marijuana.

——— N. ——— Marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. Section 801, et seq. and is classified as a “Schedule 1 Drug,” defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use. Further, the Federal Controlled Substances Act, 21 U.S.C. Section 841, makes it unlawful for any person to manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes.

——— O. ——— The city council, in adopting the ordinance codified in this chapter, takes further legislative notice of the existence and content of the following reports concerning the negative secondary effects and adverse impacts of facilities dispensing medical marijuana: “California Police Chiefs Association Position Paper on the Decriminalization of Marijuana” (September 2009); “White Paper on Marijuana Dispensaries” issued by California Police Chiefs Association’s Task Force on Marijuana dispensaries (April 22, 2009); “City Attorney’s Report to the San Diego City Council Committee on Public Safety and Neighborhood Services on Medical Marijuana” (July 24, 2009); “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association, July through September 2009; “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association, January to March 2009; “Medical Marijuana Dispensaries and Associated Issues” presented to the California Chiefs of Police Association, September to December 2007; and “White Paper Medical Marijuana: History and Current Complications,” issued by Riverside County District Attorney’s Office, September 2006.

——— P. ——— In adopting the ordinance codified in this chapter, the city council also takes notice of the existence and contents of the various articles concerning negative secondary effects and adverse impacts of facilities dispensing medical marijuana. The city council is enacting the ordinance codified in this chapter to preserve and safeguard public health, safety and welfare by protecting against the negative secondary effects and adverse impacts of facilities dispensing medical marijuana, and more specifically finds that these reports provide convincing evidence that: —

——— 1. ——— There is substantial evidence that other California cities that have permitted the establishment and operation of facilities for the purpose of dispensing medical marijuana have experienced negative secondary effects and adverse impacts, including an increase in crimes of marijuana and narcotics distribution and use; an increase in other criminal activities in the vicinity of these facilities, such as robbery of patients as they go in or leave the dispensaries; increased instances of DUIs and street dealing of illegal drugs, burglary of facilities dispensing medical marijuana; an increase in violent crimes, such as armed robberies and murders; loss of trade for other commercial businesses located near these facilities; organized crime involvement

in the ownership and operation of marijuana dispensaries; money laundering and firearm violations; physicians making recommendations for questionable or potentially questionable cases of qualified use of medical marijuana; unjustified and fictitious physician recommendations; street dealers in the vicinity of dispensaries offering marijuana at a lower price to arriving patrons; smoking of marijuana in public; increased noise and pedestrian traffic.

2. In light of the negative secondary effects and adverse impacts, described above, the city council finds that operation of facilities dispensing medical marijuana will burden and strain the city's law enforcement resources, in that law enforcement assistance would often be required to address and respond to various identified criminal activities.

3. California communities, including those in San Joaquin County, have also experienced the operation of facilities dispensing medical marijuana as negatively affecting minors. For example, medical marijuana dispensaries advertise to high school students by leaving fliers on cars in the students' parking lot and offering discounts on marijuana products; medical marijuana shops target healthy kids as young as fourteen (14) years of age through street contacts, suggesting that students obtain medical marijuana cards; high school students are reportedly obtaining physician recommendations to use marijuana for such conditions as sleeplessness and stress; minors are obtaining medical marijuana cards or a physician's recommendation for recreation and non-medicinal purposes. The city council recognizes the possible harmful effects on children and minors exposed to the negative secondary effects and adverse impacts of facilities dispensing medical marijuana and recognizes the need to adopt the ordinance codified in this chapter, which will minimize and/or eliminate such exposure. The city council further recognizes that the threat to minors, children and students in the Lathrop community is even more significant because Lathrop is a small, family oriented community and any nonconforming medical marijuana cooperatives and collectives will be located in close proximity to public and private schools, as well as youth-oriented establishments.

4. California communities, including those located in San Joaquin County, have reported that the majority of facilities dispensing medical marijuana, purportedly as "cooperative" or "collectives," are operating in violation of and contrary to the Act and the Program in that these marijuana dispensing facilities are large money making enterprises and are generally operating for profit and are engaging in the "sale" of marijuana, instead of distributing or making marijuana available to qualified persons.

5. In addition to the illegal operations of these money making entities that sell marijuana, California communities have reported concerns over the quality of marijuana, in that certain chemicals including pesticides and insecticides, have been discovered in the marijuana. Recently, testing of certain "medical marijuana" distributed through a dispensary in Los Angeles County revealed high levels of Bifenthrin, a known form of pesticides or insecticide. Most marijuana dispensaries do not test the marijuana for dangerous and poisonous substances, nor are warning labels generally attached. The unmonitored, untested and unlabeled distribution of marijuana poses serious health and safety concerns.

6. These reports and experiences from other California cities and counties establish by convincing evidence that facilities dispensing and distributing medical marijuana negatively

impact the health, safety, and welfare of the community because of the secondary negative effects and adverse impacts described herein.

7. Relying on the foregoing, the city council also finds that facilities dispensing and distributing medical marijuana may lead to the detrimental secondary effects and adverse impacts specifically described in subsections (P)(1) through (5). The city council bases this conclusion on the experiences of California communities, including those in San Joaquin County, which the city council has a reasonable basis to believe reflect the experiences of its own community.

Q. Moreover, persons in the city of Lathrop that may be in need of medical marijuana have access to facilities dispensing marijuana in neighboring cities within San Joaquin or Stanislaus County, and a short car ride away.

R. Pursuant to the city's police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the Lathrop Municipal Code, the city council has the power to regulate permissible land uses throughout the city and to enact regulations for the preservation of public health, safety, and welfare, such as this zoning ordinance prohibiting the establishment and operation of medical marijuana cooperatives, collectives and dispensaries within the city.

S. The city council finds that neither the Act nor the Program preempt the city's exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety, and welfare, such as this zoning ordinance prohibiting the establishment and operation of medical marijuana cooperatives, collectives and dispensaries within the city.

T. The city council finds that the public health, safety and general welfare of the city and its residents necessitates and requires the adoption of the ordinance codified in this chapter, prohibiting the establishment and operation of stationary and mobile medical marijuana cooperatives, collectives and dispensaries in order to: (1) protect and safeguard against the detrimental secondary negative effects and adverse impacts of facilities dispensing medical marijuana, as more specifically described in subsection S; (2) preserve and safeguard the minors, children and students in the community from the deleterious impacts of medical marijuana facilities; and (3) preserve the city's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the city's law enforcement resources. The city council further finds that due to the negative secondary effects and adverse impacts of facilities dispensing medical marijuana, the establishment and the operation of these facilities will negatively impact residential uses and neighborhoods of the city, in that Lathrop is a small, family oriented, residential community.

U. This chapter is consistent with the city of Lathrop general plan and zoning ordinance in that the general plan and zoning ordinance, their objectives, policies, and goals, do not permit or contemplate the establishment or operation of medical marijuana cooperatives, collectives, dispensaries or similar facilities that engage solely in dispensing of marijuana for medical purposes. (Ord. 14 338 § 3)

17.18.040 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to CA Code of Civil Procedure Section 731 or any other remedy available to the City.

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**CITY MANAGER'S REPORT
JANUARY 29, 2018, CITY COUNCIL SPECIAL MEETING**

ITEM: **REQUEST TO APPROVE AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY (SJAFCA) TO ADD THE CITY OF LATHROP AND THE CITY OF MANTECA AS MEMBERS AND APPOINT TWO BOARD MEMBERS**

RECOMMENDATION: **Adopt Resolution Approving an Amended and Restated Joint Exercise of Powers Agreement (JEPA) for the San Joaquin Area Flood Control Agency (SJAFCA) to add the City of Lathrop and the City of Manteca as Members and Appointing two Board Members**

SUMMARY:

The local San Joaquin County land use agencies entered into a Memorandum of Understanding with Reclamation District (RD) 17 on May 16, 2016, to reach conceptual agreement for broad collaboration among the land use agencies and RD 17 regarding the planning and design work and implementation of 200-year flood protection project in the RD 17 basin (Fix-in-Place Project). Pursuant to the MOU and over the past eighteen months, representatives from San Joaquin County, and the cities of Stockton, Lathrop, and Manteca have been meeting with San Joaquin Area Flood Control Agency (SJAFCA) and RD 17 staff to evaluate and explore options for the governance, adoption, and implementation of the Fix-in-Place Project.

Now that we have had some time to explore options for a regional joint powers agency to provide 200-year flood protection for the region, the City of Lathrop and Manteca requested that SJAFCA expand the existing Joint Exercise of Powers Agreement in a manner to provide coordinated and regional flood protection to include the RD 17 basin.

The current SJAFCA JEPA includes three agencies: City of Stockton, San Joaquin County Flood Control and Water Conservation District, and San Joaquin County. This proposed amendment will add the Cities of Manteca and Lathrop to the JEPA. The proposed resolution also allows the Mayor to appoint two Councilmembers as representatives to SJAFCA, with Council ratification. Upon approval by the four other member agencies, the new SJAFCA Board members will be seated at the next SJAFCA Board meeting scheduled on February 15, 2018 at the Stockton Council Chambers.

BACKGROUND:

In 2007, the Legislature passed California Senate Bill 5 (SB5), which was later amended by various other bills. SB5 requires the State to develop and adopt a comprehensive Central Valley Flood Protection Plan (CVFPP), which was approved by

JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**REQUEST TO APPROVE AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY (SJAFCA) TO ADD THE CITY OF LATHROP AND THE CITY OF MANTECA AS MEMBERS AND APPOINT TWO BOARD MEMBERS**

the Central Valley Flood Protection Board in June 2012. As amended, SB5 also requires all cities and counties in the Central Valley to incorporate the CVFPP into their respective General Plans by July 2, 2015, and into their zoning ordinances by July 2, 2016. SB5 restricts development beyond July 2, 2016, unless a permitting agency can make a finding of "Adequate Progress" toward providing an Urban Level of Flood Protection (ULOP), which includes protection from a 200-year flood.

The existing Reclamation District 17 (RD 17) levees currently do not meet the updated DWR urban levee design criteria (ULDC) standards adopted in May 2012, and the existing levees are not currently certified to provide 200-year protection. Accordingly, the land use agencies, in coordination with RD 17, are jointly pursuing efforts to achieve ULOP by 2025.

The Memorandum of Understanding (MOU), entered into on May 10, 2016, between the Cities of Lathrop, Manteca, Stockton, San Joaquin County, and RD 17, served as the first step in formalizing the relationship between these local agencies in pursuit of ULOP flood protection for the RD 17 levees. Additional organizational efforts are needed to further formalize the relationship among these agencies into a Joint Exercise of Powers Agreement (JEPA) to complete the funding, design, permitting and construction of the required 200-year flood protection project to improve RD 17 levees by the year 2025.

In order to comply with the requirements of SB5 and remain consistent with DWR guidance regarding how to comply, the City needed to make findings of Adequate Progress toward the provision of ULOP 200-year flood protection.

On June 6, 2016, the City of Lathrop adopted findings of Adequate Progress toward providing a 200-year ULOP in RD 17. The approved "Adequate Progress Findings Pursuant to Government Code Sections 65865.5, 65962 and 66474.5," relied upon technical documents of ULDC analysis, including an Engineer's Report, an Independent Panel of Experts (IPE) Report, the response to the IPE Report, and the Adequate Progress Final Report, to represent the substantial evidence on the record in support of the finding of Adequate Progress.

The adoption of findings of Adequate Progress allows the City of Lathrop to continue to issue, within RD 17, discretionary permits for commercial and industrial uses, and ministerial permits (building permits) for new residential homes for a period of one year subject to ongoing validation of that finding.

On June 5, 2017, the City of Lathrop adopted the 2017 Annual Adequate Progress Report Update for a 200-year ULOP in RD 17, validating the prior findings of Adequate Progress, thus allowing the City to continue issuing, within RD 17, discretionary permits for commercial and industrial uses, and ministerial permits for new residential homes while the City continues to make progress toward establishing ULOP 200-year flood protection by the year 2025.

JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**REQUEST TO APPROVE AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY (SJAFCA) TO ADD THE CITY OF LATHROP AND THE CITY OF MANTECA AS MEMBERS AND APPOINT TWO BOARD MEMBERS****DISCUSSION:**

In order to continue regional efforts as outlined in the MOU, representatives from San Joaquin County, the Cities of Lathrop, Manteca, Stockton, and RD 17, have been meeting with SJAFCA staff to evaluate and explore options for the governance, adoption, and implementation of an Amend and Restated Joint Exercise of Powers Agreement (JEPA). This expanded SJAFCA would continue the efforts of developing a project that would provide 200-year level of flood protection within the RD 17 basin.

SJAFCA was formed on May 23, 1995, by the City of Stockton, San Joaquin County, and the San Joaquin County Flood Control and Water Conservation District, through the execution of a Joint Exercise of Powers Agreement (JEPA). The boundaries of SJAFCA were established to be those of the City of Stockton, plus selected unincorporated areas of the County. SJAFCA was formed to undertake projects necessary to prevent the Federal Emergency Management Agency (FEMA) from issuing maps under the National Flood Insurance Program identifying large portions of Stockton as within a special flood hazard area. Most recently, SJAFCA has been a non-Federal sponsor for a U.S. Army Corps of Engineers (USACE) Feasibility Study to increase the level of protection in Northern and Central Stockton called the Lower San Joaquin River Feasibility Study.

On August 24, 2017, the Cities of Manteca and Lathrop sent a joint letter to the SJAFCA Board of Directors requesting that SJAFCA take a leadership role in developing and implementing a plan for 200-Year ULOP flood protection for the RD17 basin by expanding SJAFCA boundaries and membership to include the Cities of Lathrop and Manteca. The SJAFCA framework provides the foundation for a broader regional flood control agency charged with the provision of enhanced floodplain management and flood protection to the existing 46,500 residents and planned development throughout RD 17.

Although Lathrop staff have taken the lead role in processing RD 17 ULOP improvements to date, design, permitting and construction of a \$176 million multi-city project is beyond the capacity of existing staff. Joining SJAFCA would provide for a much stronger and more unified regional voice in advocating for state and federal funding as opposed to a separate new JEPA within the same region. SJAFCA also has history and established credibility with funders and regulatory agencies that may prove advantageous.

Any amendment to the JEPA requires approval of the SJAFCA Board as well as existing and new members. On September 11, 2017, the SJAFCA Board of Directors (Board) voted unanimously, to direct staff to work with the Cities of Stockton, Lathrop, and Manteca, and the County of San Joaquin to negotiate amendments to the JEPA that formed SJAFCA and consider principles for that negotiation. The Board endorsed the following principals for staff to consider in doing so:

JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING**REQUEST TO APPROVE AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY (SJAFCA) TO ADD THE CITY OF LATHROP AND THE CITY OF MANTECA AS MEMBERS AND APPOINT TWO BOARD MEMBERS.**

1. Each Director shall have one vote. The vote of a majority of all the Directors shall be required for the Agency to take action.
2. Funding raised to benefit a particular area will not be expended to benefit a different area.
3. SJAFCA overhead costs should be allocated across all projects using generally applicable accounting standards.
4. All members would need to agree to a formula for seed funding for a new project, and then would work together to ensure that a reliable funding stream is developed to repay that seed funding.
5. Projects with common funding sources would be prioritized by the expanded SJAFCA, but projects with separate funding sources would be equally prioritized.
6. The Agency should track all costs associated with exploring and implementing an expanded JEPA and ensure that such costs are ultimately paid by those who benefit from the action; consideration should be given to requesting seed money from the four agencies that will benefit from the expanded JEPA.

With these principles in mind, the agency representatives of the proposed amended JEPA have been expeditiously meeting and negotiating revisions to the JEPA. The amended and restated JEPA, with input from all participating agencies, has been presented to SJAFCA staff, and adoption is currently scheduled on February 15, 2018, Board meeting. All participating agencies are expected to approve the Draft JEPA prior to that date, per the following schedule:

- San Joaquin County, January 10, 2018
- City of Manteca, January 16, 2018
- City of Stockton, January 23, 2018
- City of Lathrop, January 29, 2018

The amended JEPA binds the respective agencies together as a Joint Powers Authority but doesn't extensively elaborate, as does the Bylaws, regarding the details of how the Authority will function. The SJAFCA Bylaws will also need to be amended and are currently being reviewed by all participating agencies. It is anticipated that the Bylaws will be amended by the expanded SJAFCA Board, after the execution of the amended JEPA.

Amended and Restated JEPA is approved by the last participating Agency, the amended SJAFCA JEPA will be formed. The two Board members chosen by the Mayor will be seated at the next SJAFCA Board meeting scheduled for 9 AM, February 15, 2018 at the Stockton Council chambers.

RECOMMENDATION:

It is recommended that the City Council approve the Amended and Restated Joint Exercise of Powers Agreement subject to: (1) such necessary clarifying and correcting changes agreed to by the City Manager and City Attorney (this can allow minor

JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING

REQUEST TO APPROVE AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY (SJAFCA) TO ADD THE CITY OF LATHROP AND THE CITY OF MANTECA AS MEMBERS AND APPOINT TWO BOARD MEMBERS

editorial changes to be made after the Council meeting and before finalization of the Agreement without the need for the Council to revisit the document), and (2) approval of the Agreement by the Cities of Manteca, and Stockton, by the County Board of Supervisors and by the San Joaquin Area Flood Control Agency.

It is also recommended that the Mayor appoint, with Council ratification, two Council members as representatives to SJAFCA.

FISCAL IMPACT

To date, all cost for the Design and Permitting of an 200-year Flood Protection improvements to the RD17 levees have been funded by the Cities of Lathrop and Manteca and their developers. Once the Amended and Restated SJAFCA Board is seated in February 2018, the Board will determine who will provide the initial seed funding to carry the RD17 project through June 2018. Funding beyond that point will determine with the 2018/2019 fiscal year budget.


ATTACHMENTS:

- A. Resolution of the City Council Approving an Amended and Restated Joint Exercise of Powers Agreement (JEPA) for the San Joaquin Area Flood Control Agency (SJAFCA) to add the City of Lathrop and the City of Manteca as Members and Appointing two Board Members
- B. Amended and Restated SJAFCA Joint Exercise of Powers Agreement

JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING

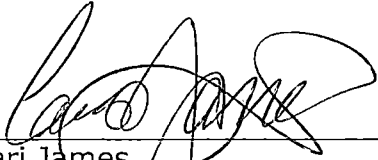
REQUEST TO APPROVE AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY (SJAFCA) TO ADD THE CITY OF LATHROP AND THE CITY OF MANTECA AS MEMBERS AND APPOINT TWO BOARD MEMBERS

APPROVALS:



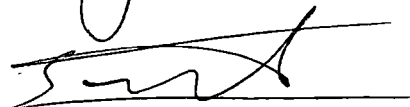
Glenn Gebhardt
City Engineer

1/16/18
Date




Cari James
Finance Director

1/16/18
Date



Salvador Navarrete
City Attorney

1-16-18
Date



Stephen J. Salvatore
City Manager

1-18-18
Date

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (JEPA) FOR THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY (SJAFCA) TO ADD THE CITY OF LATHROP AND THE CITY OF MANTECA AS MEMBERS AND APPOINT TWO BOARD MEMBERS

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 restricts development approvals after July 2, 2016 unless a permitting agency can make a finding of "Adequate Progress" toward providing an Urban Level of Flood Protection (ULOP), which includes protection from a 200-year flood; and

WHEREAS, the existing Reclamation District 17 (RD 17) levees currently do not meet the updated DWR urban levee design criteria (ULDC) standards adopted in May 2012, and the existing levees are not currently certified to provide 200-year protection; and

WHEREAS, on June 6, 2016, the City of Lathrop adopted findings of Adequate Progress toward providing a 200-year ULOP in RD 17, allowing the City of Lathrop to continue to issue, within RD 17, discretionary permits for commercial and industrial uses, and ministerial permits (building permits) for new residential homes for a period of one year subject to ongoing validation of that finding; and

WHEREAS, on June 5, 2017, the City of Lathrop adopted the 2017 Annual Adequate Progress Report Update for a 200-year ULOP in RD 17, validating the prior findings of Adequate Progress, thus allowing the City to continue issuing, within RD 17, discretionary permits for commercial and industrial uses, and ministerial permits for new residential homes while the City continues to make progress toward establishing ULOP 200-year flood protection by the year 2025; and

WHEREAS, on April 21, 2016, Lathrop issued a formal request for the cities of Manteca, Stockton, the County of San Joaquin and RD 17 to approve a Memorandum of Understanding (MOU) to serve as the first step in formalizing the relationship between these local agencies in pursuit of ULOP flood protection for the RD 17 levees; and

WHEREAS, The local San Joaquin County land use agencies entered into a Memorandum of Understanding with Reclamation District (RD) 17 on May 16, 2016 to reach conceptual agreement for broad collaboration among the land use agencies and RD 17 regarding the planning and design work and implementation of 200-year flood protection project in the RD 17 basin (Fix-in-Place Project); and

WHEREAS, Pursuant to the MOU and over the past eighteen months, representatives from San Joaquin County, and the cities of Stockton, Lathrop, and Manteca have been meeting with San Joaquin Area Flood Control Agency (SJAFCA) and RD 17 staff to evaluate and explore options for the governance, adoption, and implementation of the Fix-in-Place Project; and

WHEREAS, SJAFCA was formed on May 23, 1995, by the City of Stockton, San Joaquin County, and the San Joaquin County Flood Control and Water Conservation District, through the execution of a Joint Exercise of Powers Agreement (JEPA), with the purpose to undertake projects necessary to prevent the Federal Emergency Management Agency (FEMA) from issuing maps under the National Flood Insurance Program identifying large portions of Stockton as within a special flood hazard area; and

WHEREAS, on August 24, 2017, the Cities of Manteca and Lathrop sent a joint letter to the SJAFCA Board of Directors requesting that SJAFCA take a leadership role in developing and implementing a plan for 200-Year ULOP flood protection for the RD17 basin by expanding SJAFCA boundaries and membership to include the Cities of Lathrop and Manteca; and

WHEREAS, although Lathrop staff have taken the lead role in processing RD 17 ULOP improvements to date, the design, permitting and construction of a \$176 million multi-city project is beyond the capacity of existing staff; and

WHEREAS, joining SJAFCA would provide for a strong and unified regional voice in advocating for state and federal funding, and SJAFCA has a history and credibility with funders and regulatory agencies that should prove advantageous; and

WHEREAS, the Amended and Restated JEPA, with input from all participating agencies, has been presented to SJAFCA staff, and will become valid when the last participating agency approves it, per the following schedule:

- San Joaquin County, January 10, 2018
- City of Manteca, January 16, 2018
- City of Stockton, January 23, 2018
- City of Lathrop, January 29, 2018

WHEREAS, the two Board members chosen by the Mayor will be seated at the next SJFACA Board meeting scheduled for 9 AM, February 15, 2018 at the Stockton Council chambers.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop hereby approves an Amended and Restated Joint Exercise of Powers Agreement (JEPA) for the San Joaquin Area Flood Control Agency (SJAFCA) to add the City of Lathrop and the City of Manteca as Members, subject to: (1) such necessary clarifying and correcting changes agreed to by the City Manager and City Attorney (this can allow minor editorial changes to be made after the Council meeting and before finalization of the Agreement without the need for the Council to revisit the document), and (2) approval of the Agreement by the Cities of Manteca, and Stockton, by the County Board of Supervisors and by the San Joaquin Area Flood Control Agency; and

BE IT FURTHER RESOLVED, that the Mayor hereby appoints two City Councilmembers, with ratification by the City Council, to become Board members of the expanded SJAFCA.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 29th day of January 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

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
 AMENDED AND RESTATED
 JOINT EXERCISE OF POWERS AGREEMENT

This Amended and Restated Agreement is made and entered into to be effective on the 1st day of January, 2018, by and among the following parties:

- a. City of Stockton, hereinafter referred to as the "Stockton";
- b. County of San Joaquin, hereinafter referred to as the "County";
- c. San Joaquin County Flood Control and Water Conservation District, hereinafter referred to as "SJCFCWCD"
- d. City of Lathrop, hereinafter referred to as "Lathrop"; and
- e. City of Manteca, hereinafter referred to as "Manteca"

RECITALS

On May 23, 1995 (as amended on November 5, 1996 and May 20, 2009), Stockton, County, and SJCFCWCD executed a Joint Exercise of Powers Agreement to create the San Joaquin Area Flood Control Agency ("Agency"). Agency has implemented certain projects within the boundaries of Stockton and unincorporated County but has not advanced projects in the Cities of Lathrop or Manteca. Lathrop and Manteca have now requested that the Joint Exercise of Powers Agreement be amended to include those cities.

The Parties to this Amended and Restated Agreement have and possess the power and authorization to acquire, construct, operate and maintain Works for the purpose of controlling and conserving waters for the protection of life and property that would or could be damaged by being inundated by still or flowing water.

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT

This Amended and Restated Agreement is made and entered into to be effective on the 1st day of January, 2018, by and among the following parties:

- a. City of Stockton, hereinafter referred to as the "Stockton";
- b. County of San Joaquin, hereinafter referred to as the "County";
- c. San Joaquin County Flood Control and Water Conservation District, hereinafter referred to as "SJCFCWCD"
- d. City of Lathrop, hereinafter referred to as "Lathrop"; and
- e. City of Manteca, hereinafter referred to as "Manteca".

RECITALS

On May 23, 1995 (as amended on November 5, 1996 and May 20, 2009), Stockton, County, and SJCFCWCD executed a Joint Exercise of Powers Agreement to create the San Joaquin Area Flood Control Agency ("Agency"). Agency has implemented certain projects within the boundaries of Stockton and unincorporated County but has not advanced projects in the Cities of Lathrop or Manteca. Lathrop and Manteca have now requested that the Joint Exercise of Powers Agreement be amended to include those cities.

The Parties to this Amended and Restated Agreement have and possess the power and authorization to acquire, construct, operate and maintain Works for the purpose of controlling and conserving waters for the protection of life and property that would or could be damaged by being inundated by still or flowing water.

However, there is a need for (i) coordinated planning for the control of waters within or flowing into the boundaries of the Parties, (ii) the protection of private and public property within said boundaries, and (iii) the creation of a single point of contact to represent the Parties' flood control interests for the region and to negotiate with State and Federal agencies on their behalf.

There is a need for a coordinated and regional effort to finance, provide, and maintain Facilities and Works necessary to ensure not less than the minimum level of flood protection, as defined by the Federal Emergency Management Agency and pursuant to State law, in developed and urbanized areas within the boundaries of the Parties.

There is a need to provide leadership and/or local assurances and to participate in cost sharing for such Projects as levee reconstruction, detention basins, pumping plants, conduits, ditches, channels, pumps, dam structures, or other Works necessary for the achievement of at least the minimum level of flood protection.

There is a need to continue to pursue the priorities of the Agency prior to the Amendment and Restatement while also ensuring that the Agency adopts new priorities sought by the new Parties.

Such a regional Water Control Plan can best be achieved through the cooperative action of the Parties operating through a Joint Exercise of Powers Agency.

Each of the Parties is authorized to contract with each other for the joint exercise of any common power under Article I, Chapter 5, Division 7, Title 1 of the Government Code.

COVENANTS

In consideration of the mutual promises and covenants herein contained, the Parties hereto agree as follows:

PURPOSE AND POWERS

1. Definitions. For the purpose of this Amended and Restated Agreement, the meaning of the capitalized terms used in the Amended and Restated Agreement shall be the following:

a. "Act" means any special legislation enacted by the California Legislature which provides additional powers and authority to the Agency not currently provided by the general laws.

b. "Agency" means the "San Joaquin Area Flood Control Agency" formed pursuant to this Amended and Restated Agreement.

c. "Amended and Restated Agreement" means this Joint Exercise of Powers Agreement.

d. "Board" or "Board of Directors" means the governing body of the Agency.

e. "Budget" means the approved budget applicable to the expenses of the Agency.

f. "Directors" means the members of the governing Board of the Agency.

g. "Facility" or "Facilities" means any Works financed, acquired or constructed by the Agency.

h. "Fiscal Year" means July 1, to and including the following June 30.

i. "JPA Law" means Articles 1-4 commencing with Section 6500 of Chapter 5, Division 7, Title 1, of the California Government Code, as such may be amended.

j. "Party" or "Parties" means each of the parties that become a signatory to this Amended and Restated Agreement, acknowledging the rights and obligations of the Agency

hereunder, including any public entity executing an addendum of the Amended and Restated Agreement as hereinafter provided.

k. "Project" means any Facilities or Works constructed or reconstructed by the Agency.

l. "Special District" means a city, county, any irrigation, reclamation, levee or levee maintenance, and drainage district or any other district or public entity which is not a Party of the Agency and which has authority to construct, operate and maintain Water Control Works.

m. "Water Control" means regulating still or moving surface and/or stream water that, if left unchecked, would inundate private or public property.

n. "Work" or "Works" means dams, watercourses, drainage channels, conduits, ditches, canals, pumping plants, levees, buildings, and other structures utilized for the control and disposal of waters within the jurisdictional boundaries of the Parties or for the control and disposal of waters outside and running into the boundaries of the Agency and for which said Facilities and improvements are required either for the protection of the property therein or for the purpose of conserving any waters for beneficial use within the boundaries of the Agency.

2. Agency Created. There is hereby created a public entity to be known as the "San Joaquin Area Flood Control Agency". The Agency is formed by this Amended and Restated Agreement pursuant to the provisions of Articles 1-4, Chapter 5, Division 7, Title 1 of the Government Code of the State of California. The Agency shall be a public entity separate from the Parties hereto and shall administer this Amended and Restated Agreement.

3. Boundaries of the Agency. The geographic boundaries of the Agency shall be coextensive with those of the portions of the three cities and those portions of the unincorporated area of the County all as specified on the map depicting the Agency's geographic boundaries attached hereto as Exhibit A.

4. Purpose of the Amended and Restated Agreement; Common Power to Be Exercised. Each Party has in common the power to study, plan for, develop, finance, acquire,

construct, maintain, repair, manage, operate and control Water Control Works and Facilities for the protection of the public either alone or in cooperation with the United States, the State of California, or other entities. The purpose of this Amended and Restated Agreement is to jointly exercise the foregoing common powers in the manner hereinafter set forth for the purpose of maintaining at least the level of flood protection specified under the National Flood Insurance Program and achieving such other levels of flood protection as appropriate, all within the boundaries of the Agency.

5. Additional Powers to Be Exercised. In addition to those powers common to each of the Parties, the Agency shall have those powers conferred upon it by the Act and the JPA Law.

6. Existing Water Control Works. Notwithstanding anything to the contrary, the Agency shall not undertake the acquisition, of any existing Water Control Works or Facilities within any Party's jurisdiction and shall not perform any Water Control functions currently performed by any Party without obtaining the prior written consent of the Party's governing body which consent shall not be unreasonably withheld if such consent is for the purposes of this Amended and Restated Agreement.

7. Powers. The Agency shall have the power in its own name to do any of the following:

a. To study, plan and implement ways and means to provide a reasonable program and plan of operation for the control of waters within or flowing into the boundaries of the Parties;

b. To exercise the powers conferred upon it by the Act, the JPA Law, and this Amended and Restated Agreement, necessary to the accomplishment of the purposes of this Amended and Restated Agreement;

c. To participate in financing or re-financing any flood control Works or the flood control components of any dam, in accordance with any terms and conditions imposed by the Act and the JPA Law;

- d. To make and enter contracts necessary to the full exercise of its powers;
- e. To contract for the services of engineers, attorneys, planners, financial consultants and other staff, and to employ such other persons as it deems necessary;
- f. To acquire, construct, manage, maintain, operate and replace any Projects, Facilities, or Works;
- g. To enter into agreements with the United States of America, or the State of California, or any other governmental agency to provide a portion of the local contribution that may be required for any Projects, Facilities or Works constructed by the State or federal governments;
- h. To acquire, by the power of eminent domain or otherwise, and to hold and dispose of real and personal property necessary to the full exercise of its powers;
- i. To incur debts, liabilities or obligations subject to limitations herein set forth;
- j. To levy and collect special benefits assessments and/or special taxes, participate in other financing districts, and to issue revenue bonds as hereinafter provided;
- k. To levy and collect special capital assessments;
- l. To sue and be sued in its own name;
- m. To prescribe, revise and collect fees as a condition of development of land;
- n. To apply for, accept and receive state, federal or local licenses, permits, grants, loans or other aid from any agency of the United States of America, or of the State of California necessary for the Agency's full exercise of its powers;
- o. To perform all acts necessary or proper to carry out fully the purpose of this Amended and Restated Agreement and not inconsistent with the Act and the JPA Law;

p. To invest any money in the treasury pursuant to Section 6505.5 of the Act which is not required for the immediate necessities of the Agency, as the Agency determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the Government Code of the State of California;

q. To apply for letters of credit or other form of financial guarantees in order to secure the repayment of its obligations and enter into agreements in connection therewith;

r. To carry out and enforce all the provisions of this Amended and Restated Agreement;

s. To refinance indebtedness incurred by the Parties in connection with any of the purposes hereof;

t. To the extent not herein specifically provided for, to exercise any powers in the manner and according to methods provided under the laws applicable to the County.

8. Restrictions on Exercise of Powers: Obligations of Agency. The Act and the powers of the Agency shall be exercised in the manner provided in the JPA Law, and, except for those powers set forth in Article 4 of the JPA Law, shall be subject (in accordance with Section 6509 of the JPA Law) to the restrictions upon the manner of exercising such powers that are imposed upon the County in the exercise of similar powers. The debts, liabilities and obligations of the Agency shall not be the debts, liabilities and obligations of the Parties. No Party, officer, agent or employee of the Agency shall be individually or personally liable for the payment of the principal or of premium or interest on any obligations of the Agency or be subject to any personal liability or accountability by reason of any obligations of the Agency; but nothing herein contained shall relieve any such Party, officer, agent or employee from the performance of any official duty provided by law or by the instruments authorizing the issuance of any obligations of the Agency.

ORGANIZATION

9. Membership. The Parties of the Agency shall be each public entity which has executed, or hereafter shall execute, this Amended and Restated Agreement, or any addenda,

amendment or supplement thereto and which has not, pursuant to the provisions hereof, withdrawn therefrom.

10. Names. The names and particular capacities of the initial Directors shall be reflected on Exhibit B after being so appointed by the Parties. Exhibit B shall be amended or supplemented from time to time to reflect the then current Directors. A change in Exhibit B shall not be deemed an amendment to this Amended and Restated Agreement.

11. Governing Body of the Agency.

a. The business of the Agency shall be conducted by a Board of Directors consisting of nine (9) persons. All voting power of the Agency shall reside in the Board of Directors. The Board shall be comprised as follows: One (1) member of the SJCFWCWD; one (1) member of the Board of Supervisors of the County; two (2) members of the City Council of Stockton; two (2) members of the City Council of Lathrop; two (2) members of the City Council of Manteca; and one (1) member of the public, appointed by a simple majority of the other Board members for a term as specified in bylaws to be adopted by the Directors, who shall reside or work within the boundaries of the Agency as reflected in Exhibit A.

b. An alternate for each Director from a city or the County or the SJCFWCWD shall be appointed by the governing body of the respective Party from among the elected or appointed members of the governing board. The names of all alternates shall be on file with the Board. The alternates shall assume all rights of the Director and shall have the authority to act in the absence of a Director or in the event that a Director has a conflict of interest which precludes participation by the Director in any decision making process of the Agency.

c. Each Director and alternate shall hold office from the first meeting of the Board after his appointment by the governing body he represents until his successor is appointed. The terms of each Director and alternate shall be four (4) years, except that the term of a Director or alternate who is a member of the SJCFWCWD, the Board of Supervisors of the County, or of the City Council of one of the cities shall immediately terminate in the event that the Director or alternate loses his status as a member of the SJCFWCWD, Board of Supervisors or a city council.

In such event, the governing body of the SJCFWCD, County or the city, as the case may be, shall appoint a successor from among its members to hold office for the remainder of the four (4) year term.

d. A Director may receive such compensation from the Agency for the Director's services as may from time to time be established by the Board. A Director may be reimbursed for expenses incurred by such Director in the conduct of the Agency's business subject to any applicable policy of the Agency.

12. Principal Office. The principal office of the Agency shall be established by the Board. The Board is hereby granted full power and authority to change said principal office from one location to another in the boundaries of the Agency. Any change shall be noted by the secretary under this section, but shall not be considered an amendment to this Amended and Restated Agreement.

13. Meetings. The Board shall meet at the Agency's principal office or at such other place as may be designated by the Board. The time and place of regular meetings of the Board shall be determined by resolution adopted by the Board; a copy of such resolution shall be furnished to each Party hereto. Regular, adjourned and special meetings shall be called and held in the manner as provided in Chapter 9, Division 2, Title 5 of the Government Code of the State of California (commencing at Section 54950).

14. Powers and Limitations Thereon. All the power and authority of the Agency shall be exercised by the Board, subject however, to the provisions of this Amended and Restated Agreement, the Act, the JPA Law, and the rights reserved by the Parties as herein set forth.

15. Minutes. The secretary of the Agency shall cause to be kept minutes of regular, adjourned and special meetings of the Board, and shall cause a copy of the minutes to be forwarded to each Director and to each of the Parties hereto.

16. Rules. The Board may adopt from time to time such bylaws and rules and regulations for the conduct of its affairs as may be necessary or advisable for the purposes of this Amended and Restated Agreement.

17. Vote or Assent of Parties. The vote, assent, or approval of the Parties in any matter requiring such vote, assent or approval hereunder, shall be evidenced by a certified copy of the resolution of the governing Board of such Party filed with the Agency.

18. Officers. There shall be selected from the membership of the Board, a Chair and Vice Chair. The Chair and Vice Chair shall hold office for a period of one year commencing with the first Board meeting of each and every calendar year that falls after the appointment of Board members by the County, the SJCFWCWD, and the three cities. The Board shall have the power to establish by resolution a different commencement date for the term of office of the Chair and Vice Chair. The Board shall also have the power to appoint such additional officers as it deems necessary and appropriate. It is understood by the Parties that the leadership of the Board should rotate on an annual basis, with the Chair position being held by the County, then Stockton, then Lathrop, then Manteca, with the rotation then repeated.

The Treasurer of the County shall be the Treasurer of the Agency. The Treasurer shall be the depository, shall have the custody of all the money of the Agency from whatever source, and shall have the duties and obligations of the Treasurer as set forth in Sections 6505 and 6505.5 of the Act. The Treasurer shall be responsible for receiving quarterly reports and verifying the balance of this report with respect to the balance as maintained by the records of the Auditor.

19. The Auditor of the County shall be the Auditor of the Agency. The Auditor shall have the duties and obligations of the Auditor as set forth in Section 6505 and 6505.5 of the Act. The Auditor shall assure strict accountability of all receipts and disbursements of the Agency and shall make arrangements with a certified public accountant or firm of certified public accountants for the annual audit of accounts and records of the Agency.

The public officer or officers or persons who have charge of any funds or securities of the Agency shall be bonded and the amount of their bond shall be fixed by resolution. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, worker's compensation

and other benefits which apply to the activity of officers, agents, or employees of any of the Parties when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Amended and Restated Agreement. None of the officers, agents, or employees appointed by the Board shall be deemed by reason of their employment by the Board to be employed by any of the Parties or by reason of their employment by the Board to be subject to any of the requirements of such Parties.

20. Executive Director. The Acting Executive Director of the Agency in place prior to the execution of this Amended and Restated Agreement by the five Parties shall remain as the Acting Executive Director who shall continue to serve at the pleasure of the Board of Directors. The Board of Directors shall appoint any successors who shall also serve at the pleasure of the Board. The Executive Director shall be responsible to the Board for the proper and efficient administration of the Agency as is or hereafter may be placed in his charge, or under his or her jurisdiction or control, pursuant to the provisions of this Amended and Restated Agreement, or of any ordinance, resolution or order of the Board. In addition to other powers and duties herein provided, the Executive Director shall have the power:

- a. Under policy direction of the Board to plan, organize and direct all Agency Water Control activities;
- b. To appoint and to remove all Agency employees, all of whom shall serve at the pleasure of the Executive Director, except as is otherwise provided by law or by sections 7(e) and 19 of this Amended and Restated Agreement;
- c. To authorize expenditures within the designations and limitations of the approved Budget;
- d. To make recommendations to and requests of the Board concerning all of the matters and things which are to be performed, done or carried out by said Board;
- e. To call meetings of the Board.

PLANNING

21. Planning Policy. In keeping with the purpose of this Amended and Restated Agreement, the Parties hereby authorize and direct the Board to undertake and/or participate in such studies and planning as necessary to provide for the control of waters of or within the boundaries of the Agency. The specific objective thereof shall be to obtain regional solutions to the Water Control problems. To achieve this objective, the studies and planning may include, but are not limited to, proposals for the construction of an upstream storage or detention dam, the rehabilitation or elevation or construction of levees, and assumption and/or maintenance of Water Control Works of any of the Parties of the Agency. The studies and planning shall also concentrate on the financing methods for such proposals, as well as the allocation of costs among the Parties such that there is a proportionate relationship between the costs paid and the benefits received. Consideration shall be given to the value to the Agency of acquiring and/or operating Facilities presently owned by the Parties and the allocation of the maintenance and operating costs to the Parties.

PROJECTS

22. Projects. The Agency's Projects are intended to consist of developing, designing, acquiring, and constructing Projects, Works, and Facilities as well as funding (including local cost shares of federal projects) of the same, required to attain the minimum levels of flood protection as well as the resolution of Water Control problems within the boundaries of the Agency. The Agency may undertake the construction, rehabilitation or funding of all or any portion of the Projects on its own or in conjunction and cooperation with the United States, the State of California, or other public entity. Participation in financing and refinancing the construction of a flood control dam shall be in accordance with the terms and conditions imposed by applicable law. Construction, rehabilitation or funding of Project Facilities may be all at one time or in sequence.

BUDGETS AND PAYMENTS

23. Budget. Prior to the commencement of each Fiscal Year, the Board shall adopt a Budget for the Agency for the ensuing Fiscal Year. The Parties understand that it may be necessary

to amend the 2017-18 budget to reflect the expanded scope of work for the Agency as a result of this Amended and Restated Agreement.

24. Contributions for Operating Expenses.

a. For Projects that the Agency undertakes within the RD 17 Basin, the Parties agree that the Agency shall fund such Projects using the available funds that the Agency has budgeted for the Projects in accordance with Section 24.

b. It is understood by the Parties that the Agency does not have any assets on hand at the time of the expansion of the Agency to permanently allocate to any projects within the RD 17 Basin. Notwithstanding the foregoing, the Parties understand that the Agency will undertake certain planning and administrative work necessary to expand its services within the RD 17 Basin for an initial period prior to the Board's adoption of the amended 2017-2018 budget. The Parties agree to fund their proportionate share in an amount or in amounts to be agreed to by the Parties and deposited in an interest-bearing account to fund the Agency's initial work to assume the responsibilities to expand its Work within RD 17 until such time as the Board adopts the amended 2017-2018 budget under Section 24.

c. It is understood that the Agency shall allocate overhead costs across all projects of the Agency using generally applicable accounting principles. The allocation of overhead costs shall not be finalized and applied by the Agency until the Agency has given the Parties a reasonable period of time to review and comment on the proposed allocation and consulted on the allocation with the Parties.

d. It is understood that the Board may arrange for the payment of the expenses of the Agency through some other source, including but not limited to state or federal grants or loans; provided, however, that the Agency may not assess a Party directly for the costs of the operation and maintenance of Projects, Works and Facilities, for the payment of administrative expenses or for the satisfaction of any liabilities imposed against the Agency without such Party's consent.

e. The Board may raise additional funds for the operating expenses of the Agency from time to time by levying and collecting special benefit assessments in accordance with the provisions of section 24 and 25 of this Amended and Restated Agreement.

f. In accordance with Government Code Section 6512.1, repayment or return to the Parties of all or part of any contributions made by the Parties may be directed by the Board at such time, and upon such terms as may be consistent with the Act, the JPA Law, and/or any revenue bond issue. The Agency shall hold title to all funds, property and Works acquired by it during the term of this Amended and Restated Agreement.

25. Operation and Maintenance Assessments. The Agency is hereby empowered to levy and collect assessments and reassessments, and raise funds for the operation and maintenance of Works and Facilities, for the payment of the Agency's administrative costs, and for the satisfaction of any liabilities imposed against the Agency arising from Projects, Works and Facilities pursuant to applicable law. The Board may order the creation of a separate assessment roll to pay the allowable expenses of any single Project or any group or system of Projects. In the event that a roll for a single Project is created, an assessment for satisfaction of any liabilities imposed against the Agency arising from said single Project shall be levied against such roll.

26. State and Federal Grants and Loans. It is understood and acknowledged that some Projects may qualify for grant or loan funding from the State of California or the federal government. The Board shall have the power, in its discretion, to contract for such funding of eligible Projects. Funds received by the Agency from such sources may be used to pay for, reimburse or otherwise finance such eligible Projects.

27. Reimbursement of Funds. Funds received by the Agency from any federal, state or local agency to pay for budgeted expenditures for which the Agency has received all or a portion of said funds from its Parties shall be proportionately paid to said Parties to reimburse the Parties for the funds advanced to the Agency for the acquisition, construction, operation and maintenance of the Facilities or Works for which such funds have been received.

FINANCIAL PROVISIONS

28. General Financial Provisions. The Agency may, in any given year, levy assessments, reassessments, fees and charges, or special taxes and issue bonds to finance Projects in accordance with the provisions of any applicable law, including the Act and the JPA Law. The Agency may also enter into such funding or financing arrangements with the Parties and other partner agencies as may allow the Agency to fund its Projects.

29. Revenue Bonds. The Board shall have the power and authority to issue revenue bonds for the purposes and in accordance with the procedures and requirements set forth in the JPA Law.

30. Special Capital Assessments. As an alternative or in addition to any other power available to the Agency, the Agency may, in any year, levy and collect assessments and sell bonds for any Project in accordance with the provisions of applicable law, including the Act.

31. Development Fees. The Agency may, by resolution, prescribe, revise and collect fees as a condition of development of land in accordance with the provisions of applicable law, including the Act.

MAINTENANCE AND OPERATION OF FACILITIES

32. Maintenance and Operation of Facilities. The Board shall determine prior to the acquisition or construction of any Project, whether or not the Agency shall maintain and/or operate such Facilities. If the Agency is to maintain and/or operate such Facilities, it shall do so in an efficient and economical manner and in a manner not detrimental to the other Parties. It is the intent of the Parties that any Project may be maintained and operated in the name of the Agency although, as herein provided, a majority of the Directors shall make all determinations of the Agency in connection therewith. If it is determined that one or more of the Parties shall maintain and/or operate said Facilities, said Parties shall, by written agreement with the Agency, consent thereto prior to the acquisition or construction thereof.

ACCOUNTING AND AUDITS

33. Accounts and Reports. To the extent not covered by the duties assigned to a trustee chosen by the Agency, the Auditor shall establish and maintain such funds and accounts as may be required by good accounting practice or by any provision of any trust agreement entered into with respect to the proceeds of any bonds issued by the Agency. The books and records of the Agency in the hands of a trustee or the Treasurer shall be open to inspection at all reasonable times by representatives of the Parties. The Treasurer, within 120 days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such Fiscal Year to the Parties to the extent such activities are not covered by the report of such trustee. The trustee appointed under any trust agreement shall establish suitable funds, furnish financial reports and provide suitable accounting procedures to carry out the provisions of said trust agreement. Said trustee may be given such duties in said trust agreement as may be desirable to carry out this Amended and Restated Agreement.

Subject to the applicable provisions of any trust agreement or indenture which the Agency may enter into, which may provide for a trustee to receive, have custody of, and disburse Agency funds, the Treasurer of the Agency shall receive, have the custody of, and disburse Agency funds on warrants drawn by the Auditor as nearly as possible in accordance with generally accepted accounting practices, shall make the disbursements required by this Amended and Restated Agreement, or to carry out any of the provisions or purposes of this Amended and Restated Agreement.

34. Audit. The records and the accounts of the Agency shall be audited annually by the County Auditor and copies of such audit reports shall be filed with the State Controller and each Party within six months of the end of the Fiscal Year under examination.

PROPERTY RIGHTS

35. Agency Facilities. All Facilities constructed or acquired by the Agency shall be held in the name of the Agency for the benefit of the Agency in accordance with the terms of this Amended and Restated Agreement.

36. Liabilities. The debts, liabilities and obligations of the Agency shall be the debts, liabilities or obligations of the Agency alone and not of the Parties to this Amended and Restated Agreement. Further, to the extent that the previous sentence is not consistent with the controlling law, a Party shall not have any share of a debt, liability or obligation which accrues to the Agency resulting from actions taken prior to a Party joining the Agency.

LIABILITY OF BOARD

37. Except as otherwise provided in this Amended and Restated Agreement, the funds of the Agency shall be used to defend, indemnify and hold harmless the Agency and any Director, officer or employee for their actions taken within the scope of the authority of the Agency. Nothing herein shall limit the right of the Agency to purchase insurance to provide such coverage as is hereinabove set forth.

RESCISSION, TERMINATION, WITHDRAWAL, ASSIGNMENT

38. Term. The Agency shall continue until this Amended and Restated Agreement is rescinded or terminated as herein provided.

39. Rescission or Termination. This Amended and Restated Agreement may be rescinded and the Agency terminated by unanimous written consent of the Parties; provided that no such termination or rescission shall occur so long as the Agency has any obligations (including, but not limited to, outstanding revenue bonds). Nothing in this Amended and Restated Agreement shall prevent the Parties from entering into other joint exercise of power agreements regarding regional Water Control problems.

40. Disposition of Property Upon Termination. Upon termination of this Amended and Restated Agreement, any surplus funds on hand shall be returned to the then Parties in proportion to the contributions made. The Board shall first offer any Works, Facilities, rights and interests of the Agency for sale to the Parties for good and adequate consideration. If no such sale is consummated, the Board shall consider offering such Works, Facilities, rights and interests of the Agency for sale to any governmental agency, or other entity for good and adequate consideration.

The net proceeds from any sale shall be distributed among the Parties in proportion to the contributions made. If no such sale is consummated, then the Works, Facilities, rights and interests of the Agency shall be allocated to the Parties in the same manner as the allocation of the net proceeds from a sale, unless otherwise agreed to by all of the Parties.

41. Withdrawal.

a. Subject to section 39 of this Amended and Restated Agreement, a Party may withdraw from the Agency provided that such Party (1) provides written notification of its intent to withdraw to the other Parties within thirty (30) days of its withdrawal from the Agency, and (2) the withdrawing Party honors any unmet obligations under the Amended and Restated Agreement prior to formally terminating the Amended and Restated Agreement.

b. In the event the withdrawing Party has any rights in any Facilities or obligations to the Agency, said Party cannot sell, lease or transfer said rights or be relieved of its obligations, except its obligation to pay its share of operation and maintenance costs directly related to the use of the Facilities, without the execution of a written agreement executed by the withdrawing Party and all Parties affected by such withdrawal. The Agency may not sell, lease, transfer or use any rights of a Party who has withdrawn without first obtaining the written consent of the withdrawn Member.

c. No refund or repayment of the initial commitment of funds shall be made to a Party ceasing to be a Party to this Amended and Restated Agreement whether pursuant to this section or any other section of this Amended and Restated Agreement. The refund or repayment of any other contribution shall be made in accordance with the terms and conditions upon which the contribution was made.

42. Admission of New Parties. It is recognized that public entities, other than the original Parties, may wish to participate in the Agency. Additional public entities may become Parties of the Agency upon such terms and conditions as provided by the Board with the unanimous consent of each existing Party of the Agency, evidenced by the execution of a written addendum

to this Amended and Restated Agreement signed by all of the Parties, including the additional Party.

43. Amendments. This Amended and Restated Agreement may be further amended only by the unanimous vote of all Parties.

44. Assignment; Binding on Successors. Except as otherwise provided in this Amended and Restated Agreement, the rights and duties of the Parties may not be assigned or delegated without the written consent of all other Parties. Any attempt to assign or delegate such rights or duties in contravention of this Amended and Restated Agreement shall be null and void. Any approved assignment or delegation shall be consistent with the terms of any contracts, resolutions, indemnities and other obligations of the Agency then in effect.

45. Notice. Any notice or instrument required to be given or delivered by depositing the same in any United States Post Office, registered or certified, postage prepaid, addressed to the addressee of the Parties, shall be deemed to have been received by the Party to whom the same is addressed at the expiration of 72 hours after deposit of the same in the United States Post Office for transmission by registered or certified mail as aforesaid.

46. Severability. Should any part, term or provision of this Amended and Restated Agreement be decided by any court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

47. Successors. This Amended and Restated Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto, respectively.

48. Rescission of MOU and Authorizing Resolutions. Upon execution of this Amended and Restated Agreement by the Parties and upon consent by Reclamation District 17, the Memorandum of Understanding dated May 16, 2016 ("MOU") and the resolutions adopted by the Parties ratifying the MOU shall be superseded by this Amended and Restated Agreement, and the MOU and the resolutions shall be rescinded.

49. Interpretation. For purposes of this Amended and Restated Agreement, references to “he” shall mean and include “she,” references to “him” shall mean and include “her,” and references to “his” shall mean and include “hers.”

IN WITNESS WHEREOF, the Parties hereto have caused this Amended and Restated Agreement to be executed on the day and year first above-written.



COUNTY OF SAN JOAQUIN,
a political subdivision of the State of California

By: ROBERT V. ELLIOTT
Title: Chair Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors
of the County of San Joaquin,
State of California

By: MIMI DUZENSKI
Title: Board Clerk

APPROVED AS TO FORM:
Office of County Counsel

By: LAWRENCE P. MEYERS
Title: Deputy County Counsel

RECOMMENDED FOR APPROVAL:

By: KRIS BALAJI, PMP, P.E.
Title: Director of Public Works

SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT



By: ROBERT V. ELLIOTT
Title: Chair Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors of the
San Joaquin County Flood Control and
Water Conservation District

By: MIMI DUZENSKI
Title: Board Clerk

CITY OF STOCKTON, a municipal Corporation

By:
Title:

ATTEST: _____
Clerk of the City of Stockton

By:
Title:

APPROVED AS TO FORM:
_____, City Attorney

By:
Title:

CITY OF LATHROP, a municipal Corporation

By:
Title:

ATTEST: _____
Clerk of the City of Lathrop

By:
Title:

APPROVED AS TO FORM:
_____, City Attorney

By:
Title:

CITY OF MANTECA, a municipal Corporation

By:
Title:

ATTEST: _____
Clerk of the City of Manteca

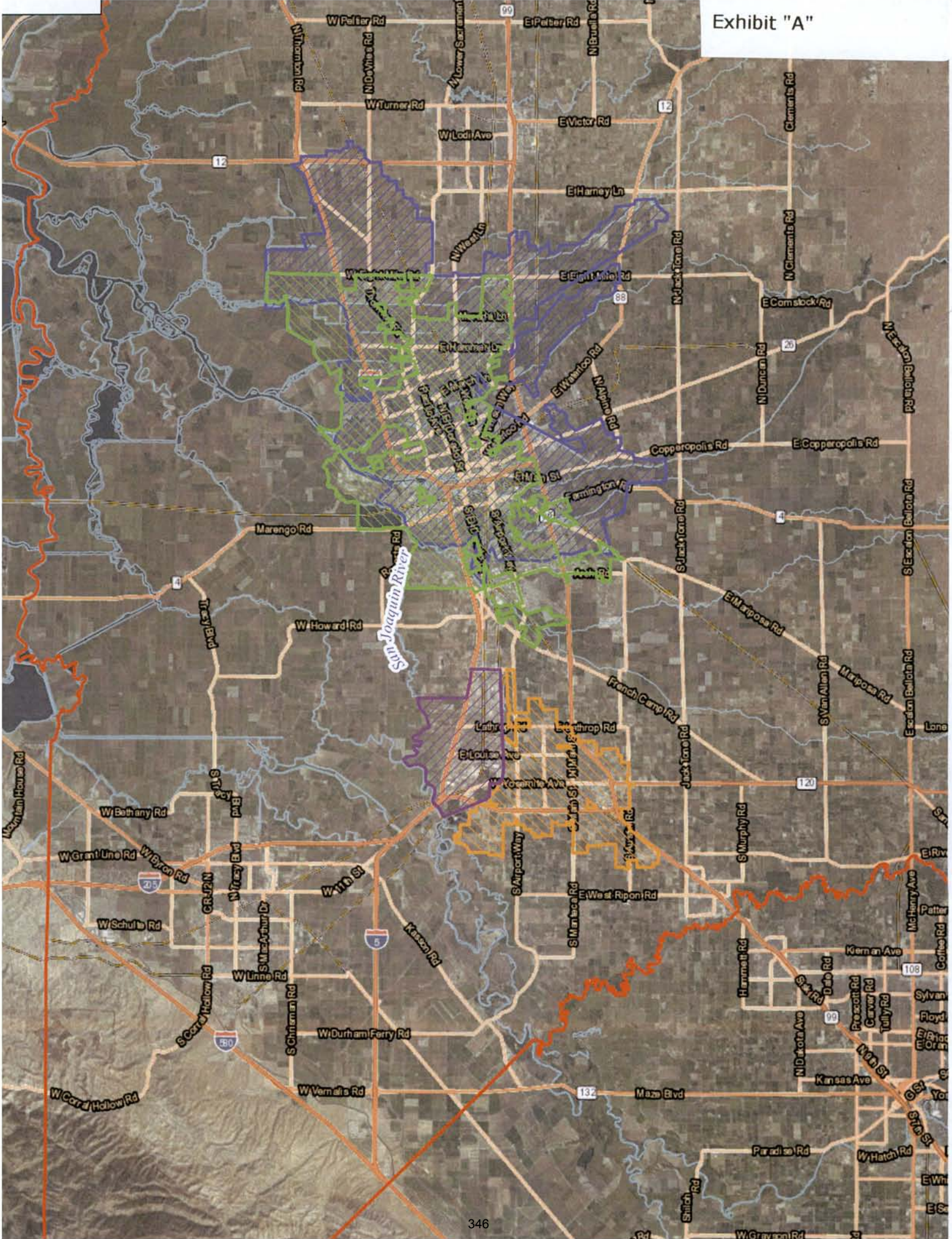
By:
Title:

APPROVED AS TO FORM:
_____, City Attorney

By:
Title:

EXHIBIT A





ITEM: **APPLICATION FOR STATE OF CALIFORNIA
LAND AND WATER CONSERVATION FUND
GRANT APPLICATION FOR THE LATHROP
COMMUNITY SPORTS PARK**

RECOMMENDATION: **Adopt Resolution Authorizing the Submission
of an Application for State of California Land
and Water Conservation Funds for the Lathrop
Community Sports Park Project.**

SUMMARY: Staff requests Council approve a resolution to authorize the submission of an application for California Park and Recreation's Land and Water Conservation grant funds for the design and construction of the Lathrop Community Sports Park project in the amount of \$3,000,000.

BACKGROUND: In October of 2017 the California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) announced the availability of a matching funds grant for up to \$3,000,000 in Land and Water Conservation Funds (LWCF) for the development of a new outdoor recreation project. LWCF funds are intended to increase outdoor recreational opportunities for the health and wellness of Californians. Types of outdoor recreation features include but are not limited to athletic fields, athletic courts, community gardens, dog parks, open space, performance venues, picnic areas, playgrounds and tot lots, trails, tracks, and jogging loops.

Staff is recommending submitting a grant request of \$3,000,000 which would be applied to the design and construction of the Lathrop Community Sports Park. The proposed project would be constructed on 16.79 acres of City owned property located along the western edge of Lathrop High School. The project would include three lighted 240' x 360' all weather turf multipurpose athletic fields, one large natural turf multipurpose activity field, a lighted ball diamond, a restroom/concession/meeting room, an inclusive recreational tot lot, a perimeter walking trail, and a parking lot to accommodate uses of the facility.

In order to be considered for the available grant funding the application must include an "Authorizing Resolution" acknowledging Council approval of the submission of the application. This Resolution approves the filing of the grant application, acknowledges approved property associated with approved projects will be placed into Section 6(f)(3) protection and will remain a public outdoor recreation facility, certifies the City has Matching Funds Available from eligible sources and can finance 100% of the project of which up to \$3,000,000 may be reimbursed, as well as appoints City Manager Stephen Salvatore as the agent of the applicant to conduct all negotiations, execute, and submit all documents associated to this project. Staff requests Council approval of the Authorizing Resolution to allow for the submission of an application for California Park and Recreation's Land and Water Conservation Fund for the Lathrop Community Sports Park project in the amount of \$3,000,000.

CITY MANAGER'S REPORT **PAGE 2**
JANUARY 29, 2018 CITY COUNCIL SPECIAL MEETING
CALIFORNIA LAND AND WATER CONSERVATION GRANT APPLICATION

Upon the approval of the resolution the City will submit an application package to the California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) on or before the February 5, 2018 deadline. Applications will be reviewed by OGALS for approximately four months, applications considered for funding will be forwarded to the National Park Services for a final review and approval and obligation of funds which typically occurs after October.

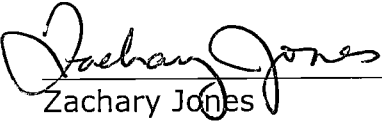
REASON FOR RECOMMENDATION: Staff recommends Council adopt an Authorizing Resolution allowing for the submission of an application for grant funding to the California Parks and Recreation Office of Grants and Local Services Land and Water Conservation Grant (LWCF) Funds for \$3,000,000 for the design and construction of the Lathrop Community Sports Park, and authorize the City Manager to Execute the Application.

FISCAL IMPACT: If the proposed Lathrop Community Sports Park is approved for funding the City obligation for \$3,000,000 in matching funds will be from a combination of developer fees and Capital Facility Fees.

ATTACHMENTS:


- A. Resolution
- B. Application

APPROVALS:



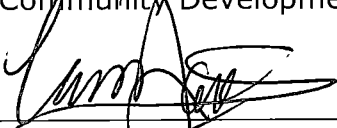
Zachary Jones
Director of Parks and Recreation

1-22-2018
Date




Rebecca Schmidt
Community Development Director

1-24-18
Date



Cari James
Finance Director

1/25/18
Date



Salvador Navarrete
City Attorney

1-24-18
Date



Stephen Salvatore
City Manager

1-25-18
Date

RESOLUTION NO. 18-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING THE SUBMISSION OF AN APPLICATION FOR STATE OF
CALIFORNIA LAND AND WATER CONSERVATION FUNDS FOR THE LATHROP
COMMUNITY SPORTS PARK PROJECT**

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

WHEREAS, the Applicant certifies by resolution the approval of the Application and the availability of eligible Matching funds prior to submission of the Application to the State; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop hereby:

1. Approves the filing of an Application for Land and Water Conservation Fund assistance for the proposed Lathrop Community Sports Park.
2. Agrees to abide by Section 6(f)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."
3. Certifies that said agency has Matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
4. Appoints Stephen Salvatore, City Manager of the City of Lathrop as agent of the Applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, Applications, Contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.

The foregoing resolution was passed and adopted this 29th day of January 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

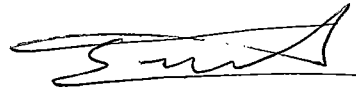
ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:



Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney



ATTACHMENT " B "

CITY OF LATHROP

APPLICATION FOR FUNDING FROM THE
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION'S
OFFICE OF GRANTS AND LOCAL SERVICES
LAND AND WATER CONSERVATION FUND

For the

LATHROP COMMUNITY SPORTS PARK

WE C.A.R.E.—Create Active Recreation Experiences



City of Lathrop

Lathrop Community Sports Park

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Attachments:

- Attachment A - Area of Potential Effect Map
- Attachment B—CHRIS Search Information
- Attachment C—NAHC Sacred Lands Contacts
- Attachment D—Native American Consultation
- Attachment E—CEQA Documentation

**State of California – The Resources Agency
 Department of Parks and Recreation
 Land and Water Conservation Fund
 Application Form – Local Agency Competitive Program**

PROJECT NAME <p style="text-align: center;">Larthrop Community Sports Complex</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Total Project Cost</td> <td style="text-align: right;">\$ <u>\$6,227,650.00</u></td> </tr> <tr> <td>Maximum Grant Request</td> <td style="text-align: right;">\$ <u>3,000,000.00</u></td> </tr> <tr> <td>Minimum Grant Request</td> <td style="text-align: right;">\$ <u>3,000,000.00</u></td> </tr> <tr> <td colspan="2">(Match will be the difference between the approved grant amount and the above total project cost.)</td> </tr> </table>	Total Project Cost	\$ <u>\$6,227,650.00</u>	Maximum Grant Request	\$ <u>3,000,000.00</u>	Minimum Grant Request	\$ <u>3,000,000.00</u>	(Match will be the difference between the approved grant amount and the above total project cost.)	
Total Project Cost	\$ <u>\$6,227,650.00</u>								
Maximum Grant Request	\$ <u>3,000,000.00</u>								
Minimum Grant Request	\$ <u>3,000,000.00</u>								
(Match will be the difference between the approved grant amount and the above total project cost.)									
PROJECT ADDRESS (current/future entrance w/ zip code) 790 Dos Reis Road, Lathrop CA 95330 APN #19122049	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Nearest Cross Street</td> <td style="width: 50%;">County of Project</td> </tr> <tr> <td style="text-align: center;">Spartan Way</td> <td style="text-align: center;">San Joaquin</td> </tr> </table>	Nearest Cross Street	County of Project	Spartan Way	San Joaquin				
Nearest Cross Street	County of Project								
Spartan Way	San Joaquin								
GRANT APPLICANT (entity applying for the Grant) <p style="text-align: center;">City of Lathrop</p>	Grant Applicant's Mailing Address 390 Towne Centre Drive Lathrop, CA 95330								
Project Address Latitude and Longitude	Degrees: 37 N / 121 W Minutes: 49 N / 18 W Seconds: 41.1 N / 25.2 W								
AUTHORIZED REPRESENTATIVE AS SHOWN IN RESOLUTION <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Stephen Salvatore, City Manager</td> <td style="width: 33%; text-align: center;">ssalvatore@ci.lathrop.ca.us</td> <td style="width: 33%; text-align: right;">209-941-7220</td> </tr> <tr> <td>Name (<i>typed or printed</i>) and Title</td> <td style="text-align: center;">Email address</td> <td style="text-align: right;">Phone</td> </tr> </table>		Stephen Salvatore, City Manager	ssalvatore@ci.lathrop.ca.us	209-941-7220	Name (<i>typed or printed</i>) and Title	Email address	Phone		
Stephen Salvatore, City Manager	ssalvatore@ci.lathrop.ca.us	209-941-7220							
Name (<i>typed or printed</i>) and Title	Email address	Phone							
DAY-TO-DAY CONTACT for ADMINISTRATION of the GRANT (<i>if different from AUTHORIZED REPRESENTATIVE</i>) <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Zachary Jones, Director of Parks and Recreation</td> <td style="width: 33%; text-align: center;">zjones@ci.lathrop.ca.us</td> <td style="width: 33%; text-align: right;">209-941-7385</td> </tr> <tr> <td>Name (<i>typed or printed</i>) and Title</td> <td style="text-align: center;">Email address</td> <td style="text-align: right;">Phone</td> </tr> </table>		Zachary Jones, Director of Parks and Recreation	zjones@ci.lathrop.ca.us	209-941-7385	Name (<i>typed or printed</i>) and Title	Email address	Phone		
Zachary Jones, Director of Parks and Recreation	zjones@ci.lathrop.ca.us	209-941-7385							
Name (<i>typed or printed</i>) and Title	Email address	Phone							
For Acquisition: Total land acquired will be _____ acres. Total acreage to be placed under 6(f)(3) Protection shown on the Boundary Map will be _____ acres:	For Development: Total acreage to be placed under 6(f)(3) Protection shown on the Boundary Map will be <u>16.79</u> acres:								
GRANT SCOPE: I represent and warrant that this Application Packet describes the intended use of the requested Grant to complete the Recreation Features and Major Support Amenities listed in the attached Grant Scope/Cost Estimate Form. I agree with the Application and procedural requirements described in the Application Guide. I declare under penalty of perjury, under the laws of the State of California, that the information contained in this Application Packet, including required attachments, is accurate.									
_____ Signature Authorized Representative as shown in Resolution	_____ Date								
Print Name: _____ Title: _____									

RESOLUTION NO. 18-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
APPROVING THE SUBMISSION OF AN APPLICATION FOR STATE OF
CALIFORNIA LAND AND WATER CONSERVATION FUNDS FOR THE LATHROP
COMMUNITY SPORTS PARK PROJECT**

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

WHEREAS, the Applicant certifies by resolution the approval of the Application and the availability of eligible Matching funds prior to submission of the Application to the State; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop hereby:

1. Approves the filing of an Application for Land and Water Conservation Fund assistance for the proposed Lathrop Community Sports Park.
2. Agrees to abide by Section 6(f)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."
3. Certifies that said agency has Matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
4. Appoints Stephen Salvatore, City Manager of the City of Lathrop as agent of the Applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, Applications, Contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.

The foregoing resolution was passed and adopted this 29th day of January 2018, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Project Summary:

Type of Park: City Wide Park

The proposed Lathrop Community Sports Complex will be a City-Wide centrally located within the city boundaries, adjacent to the existing Lathrop High School, and in walking distance of the Lathrop Generations Center. This facility will provide additional community park space to encourage the development and expansion of local youth and adult sports leagues and recreation programs as well as space for additional community celebrations and cultural activities. The proposed location allocates additional 16.79 acres park space including adequate spaces to accommodate parking, restrooms, and meeting areas to support a multi field complex. The location is also an excellent location for lighted sports fields that will allow our city extend hours of current programs as well as expand new programs that would not be possible with the shorter daylight hours in the fall and winter seasons. The proposal includes the installation of all-weather synthetic surfaces on 3 of the multi-purpose athletic fields of the complex. The addition of synthetic surfaces will reduce water consumption as water will not be necessary for the growth of much of the turf area within the park.

This facility will also provide our city the opportunity to be a local host for larger tournament play that would extend this benefit County wide.

Development Project and SCORP/LWCF Priorities

1. Create new parks within a half mile of underserved communities:

Currently 62% of our residents live further than one half mile from a park (Park Access Report -- 1/18/2018). The addition of this proposed 16.79 acre community park space will increase the park acreage for the City of Lathrop and will provide people of our community not only a space to participate in physical activities but also a social meeting place to grow and establish a sense of community pride. This project will also increase the inventory of California outdoor recreation spaces under federal 6(f)(3) protection.

4. Provide community space for healthy lifestyles, children's play areas, environmental justice, cultural activities, and historic preservation.

As referenced within the 2015 Statewide Comprehensive Outdoor Recreation Plan – Public Parks and recreation opportunities serve as a gateway to a healthier America and that Parks can help with many if not most of the challenges of obesity, life expectancy, immune systems, disease,

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

and overall quality of life. Currently the City of Lathrop park system is limited to a system of neighborhood parks that lack the amenities necessary to accommodate organized athletic activities. This lack of programmable facilities forces our residents to look outside of our City limits for programs to meet their recreational needs. Without access to local recreation facilities many of our community's children miss the opportunities for growth and development that can be gained through play. These children not only miss out on the advantages that can be gained by regular visits to a local park, we have found these children are also less likely to participate in youth sports programs which assist in the development of individual social skills as well as building community pride. The addition of this community facility will not only provide a great location for sports programming but by combining this park acreage with the open green spaces provided by the adjoining basin the facility will also provide an excellent venue for large scale community events such as the City's Annual Anniversary Celebration which has proven to be a logistical challenge with facilities and parking as the community and the interest continues to grow.

5. Engage community residents during the project concept and design process.

In 2012 the City of Lathrop worked with the State Parks Office and Grants and Local Services on the construction of the Lathrop Community Complex Project. The City invited the community's participation, developed a local committee and held more than 40 community meetings to discuss the initial conceptual design through construction, naming, and the opening of the facility in the summer of 2014. The current plan includes the development of a 16.79 acre piece of property (APN 19122049) on the western edge of Lathrop High School. We have met with the Manteca Unified School District to discuss our interest in developing this site and the possibility of expanding our current joint use agreement to benefit the students as well as the surrounding community. We have met with the resident whose property is adjacent to the northern edge of the proposed park site to discuss this proposal as well as the development plans moving forward. As a city-wide park this will be a community facility, and as we have shown in our history the City would continue to encourage the participation of our community members within this process.

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Project Selection Criteria

1. Unmet Need – Why is this DEVELOPMENT a high priority project to serve the region, city-wide public, or neighborhood residents?

While there are a number of reasons this project a priority for our community a recent situation explains it pretty well. During the 2017 season the Lathrop High School Spartans JV and Varsity Football teams lost to Franklin High School of Elk Grove by a combined score of 102 to 0. During a discussion with the High School athletic director he mentioned that many of our local children lacked the basic skills necessary to field a competitive team and that this fact was not limited to football. Student athletes where the first time they had put on a baseball glove was for freshman baseball tryouts. Our conversation continued to other communities we have worked and how children's involvement in youth sports in not only helped them to develop as athletes but helped them to develop additional social skills that also assist them in being better students. The lack of facilities designed to accommodate the facilitation of a schedule of youth oriented sports programs has placed our students at a disadvantage and both athletically and socially.

As shown within the California Park Access Report 62% of the residents of the City of Lathrop live further than a half mile to visit a local park. Many of the parks within the City of Lathrop park system were also designed to serve as a detention basin as part of the local flood protection system. It is apparent, as in many communities, that many of our local facilities were designed to meet these flood protection needs first, and provision of the benefits of recreational space as secondary. While the basin park design does provide dedicated spaces for many passive recreational activities the City is lacking larger city-wide park spaces that are designed to allow a community to gather and participate organized active recreation programming. This is a high priority for the City of Lathrop as currently the local park system does not include a facility that can accommodate larger organized athletic activities such as soccer, flag football, rugby, or lacrosse without the use of an overlay field. The scheduling and use of overlay fields creates a situation where larger athletic areas are in continual use without an adequate period of rest which in turn results in unsafe playing conditions. Without spaces dedicated to accommodate these activities many of our families currently have to look outside of their local community if they have the resources or, if they do not, many of our residents do not have the opportunity to participate. Our children are missing out on the basic recreational and growth opportunities that are provided through participation in local programs.

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Parks, and the access to public spaces, not only increase property values, but cities who have shown a commitment to providing recreational spaces for residents to gather have shown to be a more desirable place to live. As Lathrop begins a period of growth, the addition of the Lathrop Community Sports Park, coupled with the continued improvements of our existing park system, will show perspective residents the City of Lathrop is making a continued commitment to the provision of public spaces for passive and active recreational activities. This commitment to our residents will also be an important tool to assist in attracting businesses to our City to continue the economic growth of our community.

A city-wide facility will also provide our local sports organizations the opportunity to host tournament play within our community which will also provide a boost to our local economy.

2. If this proposed DEVELOPMENT is not completed within the next five years, what effect will the continued lack of this proposed recreational opportunity have on the region, city-wide public, or neighborhood residents?

This conceptual design of this Community park space was originally proposed in 2004 and has continued to be a part of development discussions since that time. The original development process stalled due to a downturn in the economy, was followed by the challenges of flood protection challenges of SB 5, and continues to be challenged by lack of funding. Without the development of this city-wide facility our residents will continue to look outside of their local community for many recreational opportunities. As I mentioned previously without the development of this city-wide facility our residents will continue to miss out on recreational and social opportunities that are possible through the provision of dedicated park and open spaces that are built to facilitate these activities.

The southern edge of the proposed park is adjacent to conceptual phase 1 development of Stanford Crossing which is one of the newest developments within the City of Lathrop. While we are excited growth of our community this growth creates challenges for the growing popularity of our local community events. Without a location large enough to accommodate all aspects of a community event, including parking, the City will not have the opportunity to invite our community out to gather, socialize, and celebrate. Having the opportunity for the City to show a commitment, through a partnership with the State of California Office of Grants and Local Services, to the provision of a city-wide recreation facility at this location will assist in the growth of the surrounding community and assist in showing all visitors Lathrop is a very desirable location to live, work and play.

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

3. Type of Project:

The proposed Lathrop Community Sports Complex is a Development Project that will create a new park location within the City of Lathrop.

4. New Acreage Placed under 6(f)(3) protection

The approval of this project would include the addition of an additional 16.79 acres of property under 6(f)(3) protection. This parcel of property (APN: 19122049) is adjacent to the existing Lathrop High School and is bordered by Dos Reis Road on the north and Spartan Way on the south.

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Grant Scope/Cost Estimate Form

Development: List the following information:

Recreation Feature	Major Support Amenity	Estimated Cost
Construct New Lathrop Community Sports Park	Seeding of approximately 60,000 sq. ft. of natural grass playing field at basin (\$5 sq ft x 60,000 sq ft)	\$300,000.00
	Field Lighting for 4 multi-purpose playing fields	\$500,000.00
	Restroom/Concessions/Meeting Room building	175,000.00
	Facility Parking Lot w/ lights	250,000.00
	Synthetic playing surface for 3 multi-purpose playing fields (\$15 sq ft – CA x 280,000 sq ft)	\$4,200,000.00
	Youth playground w rubberized surface	\$125,000.00
	Outdoor Fitness Station w surfacing (8 stations)	115,000.00
	Group Picnic Area with Shade Canopy, Tables, BBQ	200,000.00
	Outdoor Performance Stage w/ small back stage & Restroom	175,000.00
	General Landscaping for Project Site	300,000.00

Total Pre-Awarded Project Planning Costs (from the attached Pre-Award Project Planning Costs Form)	\$2650.00
Total Project Costs	\$6,227,650.00
Maximum Grant Request	\$3,000,000.00
Minimum Grant Request	

The Applicant understands that this form will be used to establish the expected Grant deliverables that must be completed before final Grant payment is processed as specified in the Grant Process – End of Grant Performance Period” section found in the Grant Administration Guide. See the Eligible Costs charts before creating a cost estimate. The Applicant also understands that the remaining portion of the estimated Total Project Cost not funded by a LWCF grant is the required Match.

Applicants Authorized Representative Signature

Date

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Pre-Award Project Planning Costs Form

Note: a – e below is required information OGALS needs to report to NPS.

Pre-Award Project Planning Costs	Span of Months or Years Where Costs Were or Will Be Incurred	Estimated Costs
Development: List the costs of site investigation and selection, site planning , feasibility studies, preliminary design, CEQA/NEPA environmental review, Section 106, and the PD?ESF Form, preparation of cost estimates, construction drawings and specifications, and similar items for Project Preparation.	Documents were prepared as part of the conceptual master plan for the Stanford Crossing	0
a. Administrative and Legal expenses		0
b. Relocation Expenses and payments (for Acquisition)		
c. Architectural and Engineering fees (for Development)	Dec – Jan 2018	2,500.00
d. CEQA/NEP Environmental Review Costs	Previously completed	0
e. Section 106 preparation costs	Jan – Feb 2018	\$150.00
Total Estimated Cost for Pre-Award Planning Costs		\$2650.00

The Applicant understands that this form will be used to establish eligible Project planning costs that were incurred within the past three years or will be incurred before the National Park Service approves the Project. The Applicant understands that no other costs except for eligible Pre-award Project Planning Costs can be incurred prior to National Park Service approval of the project, unless NPS approved a Waiver of Retroactivity. See the Eligible Costs Charts starting on page 62 before creating a cost estimate.

Applicants Authorized Representative Signature

Date

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Funding Sources Form

The Applicant must be able to “cash-flow” 100% of the project with LWCF. Check boxes below to identify funding source(s) to be used as Match and which source will be reimbursed by the LWCF Grant Request.

Funding Source (Identify all “cash-flow” sources and which will be reimbursed by LWCF)	Date Committed	Amount
<input type="checkbox"/> LWCF <input checked="" type="checkbox"/> Match Source: City Capital Facility Fees (*source to be reimbursed by LWCF Funds)	December 2017*	\$4,527,650.00
<input type="checkbox"/> LWCF <input checked="" type="checkbox"/> Match Source: Developer Fees	January 2017	\$1,700,000.00
<input type="checkbox"/> LWCF <input type="checkbox"/> Match Source:		
<input type="checkbox"/> LWCF <input type="checkbox"/> Match Source:		
<input type="checkbox"/> LWCF <input type="checkbox"/> Match Source:		
<input type="checkbox"/> LWCF <input type="checkbox"/> Match Source:		
Grand Total of All Funding Sources		\$6,227,650.00
(Estimated Total Project Cost)		\$6,227,650.00

The Applicant understands that the Project cannot be funded unless the total amount of Committed Funds equals the estimated Total Project Cost. The Applicant understands the definition of committed Funds and the Applicant certifies that they have eligible Match sources and can “cash-flow” 100 percent of the Project, which will be partially reimbursed at the Rate of Reimbursement.

Applicants Authorized Representative Signature

Date



Department of Parks and Recreation
We C.A.R.E – Create Active Recreation Experiences

390 Towne Centre Drive, Lathrop, CA 95330
Phone (209) 941-7430 – fax (209) 941-7449
www.ci.lathrop.ca.us

January 2018

Jeff W. Brooke
Associate State Archaeologist
Office of Historic Preservation (OHP)
Review and Compliance Unit (RACU)
1725 23rd Street, Suite 100
Sacramento, CA 95816
Office (916) 445-7000
Fax (916) 445-7053
calshpo@parks.ca.gov

Re: SHPO Section 106 Package

Dear Mr. Brooke:

1. INTRODUCTION

The City of Lathrop has applied for assistance from the *National Park Service - Land and Water Conservation Fund* (NPS-LWCF) to construct the Lathrop Community Sports Park. We have contacted Elizabeth Greenhouse, the Coordinator of the Central California Information Center (CCIC), to request a records search and recommendation of our proposed project and are continuing consultation for the undertaking under the National Historic Preservation Act (NHPA).

As such, and in accordance with the implementing regulations for Section 106 found at 36 CFR Part 800, we are seeking your concurrence on our finding of: No prehistoric or historic archaeological resources have been reported to the CCalC for this project site.

2. PROJECT DESCRIPTION

The construction of this city-wide park has been proposed to increase the number of acres of public recreation facilities within the City of Lathrop. Proposed location is a 16.70 acre City owned parcel adjacent to the existing Lathrop High School. Amenities to be constructed on this site will include a natural turf athletic field, 3 large all weather synthetic turf multi-purpose athletic fields, a restroom/concession facility, (ground disturbing work and work on existing structures) will consist of the following:

- Irrigation Trenching - approximately of 2-foot wide by 4-foot deep trenching will be completed for installing irrigation water lines.
- Parking Lot Grading - ground will be graded to a depth of 4-inches for constructing an automobile parking lot.

- Construction - concrete sidewalks will be installed throughout the project including the foundation pad will be constructed for a new public restroom/concessions facility.
- Sports field grading will be at a depth of 8 – 10 inches to place drainage rock base for the construction of 3 – 360' x 240' synthetic playing surfaces.
- Project access – access to site will be provided by the existing Spartan Way or Dos Reis Road.

3. AREA OF POTENTIAL EFFECT (APE) DESCRIPTION

The Area of Potential Effect (APE) was determined through reviews of project plans, estimations of maximum potential for ground disturbance, topographic and geographical constraints, etc. Located in the City of Lathrop. The horizontal APE will involve 16.79-acres of land (APN: 19122049) and it encompasses all ground disturbing activities identified in the project description above. Per the project description, the vertical APE will range between 6-inches for construction of the new access road and 4-feet for irrigation water line trenching. The APE and its ground disturbing activities are delineated and labeled the attached map as **Attachment A**.

4. HISTORIC PROPERTY IDENTIFICATION EFFORTS

A research strategy consisting of California Historical Resources Information System (CHRIS) and Native American Heritage Commission (NAHC) information searches, consultation with NAHC identified contacts, and field-survey was used to identify historic properties in the APE.

- A. The CHRIS Search was completed at Central California Information Center by R. L. Hards, Assistant Research Technician on January 19, 2018 for the APE. This work identified NO previously recorded historic properties/cultural resources the current APE. A copy of this CHRIS search request and results is provided in **Attachment B**.
- B. The NAHC Sacred Lands and Contacts Search was completed by Sharaya Souza, Staff Services Analyst on January 18, 2018 and identified 8 NA contacts in the current APE. A copy of this NAHC consultation and its results is provided in **Attachment C**.
- C. Native American Consultation was completed with all contacts were identified by the NAHC. Consultation involved letters/emails/phone-calls with each contact. Copies of NA consultations are provided in **Attachment D**.

5. FINDING OF EFFECT (FOE)

- A. A finding of "*No Historic Properties Affected*" pursuant to 36 CFR Part 800.4(d)(1) was determined for the proposed undertaking as the identification efforts discussed above identified no cultural resources/historic properties the current APE.

I appreciate your time. Please let me know if there are any questions with this submission.

Sincerely,



Zachary Jones
Director of Parks and Recreation
City of Lathrop

Attachments:

Attachment A: Area of Potential Effect (APE) Map

Attachment B: Evidence and Results of CHRIS search

Attachment C: Evidence and Results of Native American Heritage Commission search

Attachment D: Evidence and Results of NA consultation

CEQA Compliance Certification Form

Applicant/Grantee: City of Lathrop **Project Name:** Lathrop Community Sports Park

Project Address: 790 Dos Reis Road, Lathrop CA 95330 (APN 19122049)

When was CEQA analysis completed for this Project? Date: November 9, 2004

**What documents were filed for this Project's CEQA analysis:
(check all that apply)**

- Initial Study Notice of Exemption Negative Declaration
 Mitigated Negative Declaration Environmental Impact Report
 Other Notice of Determination *

Please attach all checked documents.

If these forms were not completed please attach a letter from the Lead Agency explaining why, certifying the Project has complied with CEQA and noting the date that the Project was approved by the Lead Agency.

Lead Agency Contact Information:

Agency Name: City of Lathrop **Contact Person:** Zachary Jones

Mailing Address: 390 Towne Centre Drive, Lathrop CA 95330

Phone: (209) 941-7385 **Email:** zjones@ci.lathrop.ca.us

Certification:

I hereby certify that the Lead Agency listed above has determined that it has complied with the California Environmental Quality Act (CEQA) for the Project identified above and that the Project is described in adequate and sufficient detail to allow the Project's construction or Acquisition.

I certify that the CEQA analysis for this Project encompasses all aspects of the work to be completed with Grant funds.

Authorized Representative Date
(Signature)

Authorized Representative
(Printed Name and Title)

* Documentation to show completion included with application as Attachment E



PROPOSAL DESCRIPTION AND ENVIRONMENTAL SCREENING FORM Land and Water Conservation Fund



The purpose of this Proposal Description and Environmental Screening Form (PD/ESF) is to provide descriptive and environmental information about a variety of Land and Water Conservation Fund (LWCF) state assistance proposals submitted for National Park Service (NPS) review and decision. The completed PD/ESF becomes part of the “federal administrative record” in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. The PD portion of the form captures administrative and descriptive details enabling the NPS to understand the proposal. The ESF portion is designed for States and/or project sponsors to use while the LWCF proposal is under development. Upon completion, the ESF will indicate the resources that could be impacted by the proposal enabling States and/or project sponsors to more accurately follow an appropriate pathway for NEPA analysis: 1) a recommendation for a Categorical Exclusion (CE), 2) production of an Environmental Assessment (EA), or 3) production of an Environmental Impact Statement (EIS). The ESF should also be used to document any previously conducted yet still viable environmental analysis if used for this federal proposal. The completed PD/ESF must be submitted as part of the State’s LWCF proposal to NPS.

Except for the proposals listed below, the PD/ESF **must** be completed, including the appropriate NEPA document, signed by the State, and submitted with each new federal application for LWCF assistance and amendments for: scope changes that alter or add facilities and/or acres; conversions; public facility exceptions; sheltering outdoor facilities; and changing the original intended use of an area from that which was approved in an earlier LWCF agreement. Consult the LWCF Program Manual (www.nps.gov/lwcf) for detailed guidance for your type of proposal and on how to comply with NEPA.

For the following types of proposals only this Cover Page is required because these types of proposals are administrative in nature and are categorically excluded from further NEPA environmental analysis. NPS will complete the NEPA CE Form. Simply check the applicable box below, and complete and submit only this **Cover Page** to NPS along with the other items required for your type of proposal as instructed in the LWCF Program Manual.

- SCORP planning proposal
- Time extension with no change in project scope or with a reduction in project scope
- To delete work and no other work is added back into the project scope
- To change project cost with no change in project scope or with a reduction in project scope
- To make an administrative change that does not change project scope

Name of LWCF Proposal: Lathrop Community Sports Complex		Date Submitted to NPS:	
LWCF Project Number:	Prior LWCF Project Number(s) and Park Name(s) Associated with the Assisted Site(s):		
Local or State Project Sponsoring Agency <i>(recipient, or sub-recipient in case of pass-through grants)</i> City of Lathrop			
Name of Local or State Sponsor Contact: Zachary Jones		Title Director of Parks and Recreation	
Address 390 Towne Centre Drive		City Lathrop	State CA
		Zip Code 95330	
Phone 209-941-7385	Fax 209-941-7248	Email Address zjones@ci.lathrop.ca.us	

Using a separate sheet for narrative descriptions and explanations, address each item and question in the order it is presented, and identify each response with its item number such as Step 1-A1, A2; Step 3-B1; Step 6-A1, A29; etc.

Step 1. Type of LWCF Proposal		
X	New Project Application	
<input type="checkbox"/>	Acquisition <i>Go to Step A</i>	<input checked="" type="checkbox"/> Development <i>Go to Step 2B</i>
	<input type="checkbox"/> Combination (Acquisition and Development) <i>Go to Step 2C</i>	
New Project Application		
<input type="checkbox"/> Increase in scope or change in scope from original agreement. <i>Complete Steps 3A, and 5 through 7.</i>		
<input type="checkbox"/> 6(f) conversion proposal. <i>Complete Steps 3B, and 5 through 7.</i>		
<input type="checkbox"/> Request for public facility in a Section 6(f) area. <i>Complete Steps 3C, and 5 through 7.</i>		
<input type="checkbox"/> Request for temporary non-conforming use in a Section 6(f) area. <i>Complete Steps 4A, and 5 through 7.</i>		
<input type="checkbox"/> Request for significant change in use/intent of original LWCF application. <i>Complete Steps 4B, and 5 through 7.</i>		
<input type="checkbox"/> Request to shelter existing/new facility within a Section 6(f) area regardless of funding source. <i>Complete Steps 4C, and 5 through 7.</i>		
Step 2. New Project Application (See LWCF Manual for guidance)		
A. For an Acquisition Project		
1.	Provide a brief narrative about the proposal that provides the reasons for the acquisition, the number of acres to be acquired with LWCF assistance, and a description of the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.).	
2.	How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?	
3.	Describe development plans for the proposal for the site(s) for public outdoor recreation use within the next three (3) years.	
4.	SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.	
5.	Address each item in "D" below.	
B. For a Development Project		
1.	Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.	
2.	When will the project be completed and open for public outdoor recreation use?	
3.	Address each item in "D" below.	
C. For a Combination Project		
1.	For the acquisition part of the proposal:	
a.	Provide a brief narrative about the proposal that provides the reasons for the acquisition, number of acres to be acquired with LWCF assistance, and describes the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.)	
b.	How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?	
c.	Describe development plans for the proposed for the site(s) for public outdoor recreation use within the next three (3) years. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.	
d.	SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.	

2. For the development part of the proposal:

- a. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.
- b. When will the project be completed and open for public outdoor recreation use?

3. Address each item in "D" below.

D. For a Combination Project

1. Will this proposal create a new public park/recreation area where none previously existed and is not an addition to an existing public park/recreation area? Yes (go to #3) No (go to #2)

- 2. a. What is the name of the pre-existing public area that this new site will be added to?
- b. Is the pre-existing public park/recreation area already protected under Section 6(f)? Yes No
If no, will it now be included in the 6(f) boundary? Yes No

3. What will be the name of this new public park/recreation area?

- 4. a. Who will hold title to the property assisted by LWCF? Who will manage and operate the site(s)?
- b. What is the sponsor's type of ownership and control of the property?

_____ Fee simple ownership

_____ Less than fee simple. Explain:

_____ Lease. Describe lease terms including renewable clauses, # of years remaining on lease, etc.

Who will lease area? Submit copy of lease with this PD/ESF. (See LWCF Manual for program restrictions for leases and further guidance)

- 5. Describe the nature of any rights-of-way, easements, reversionary interests, etc. to the Section 6(f) park area? Indicate the location on 6(f) map. Do parties understand that a Section 6(f) conversion may occur if private or non-recreation activities occur on any pre-existing right-of-way, easement, leased area?
- 6. Are overhead utility lines present, and if so, explain how they will be treated per LWCF Manual.
- 7. As a result of this project, describe **new** types of outdoor recreation opportunities and capacities, and short and long term public benefits.
- 8. Explain any existing non-recreation and non-public uses that will continue on the site(s) and/or proposed for the future within the 6(f) boundary.
- 9. Describe the planning process that led to the development of this proposal. Your narrative should address:
 - a. How was the interested and affected public notified and provided opportunity to be involved in planning for and developing your LWCF proposal? Who was involved and how were they able to review the **completed** proposal, including any state, local, federal agency professionals, subject matter experts, members of the public and Indian Tribes. Describe any public meetings held and/or formal public comment periods, including dates and length of time provided for the public to participate in the planning process and/or to provide comments on the completed proposal.
 - b. What information was made available to the public for review and comment? Did the sponsor provide written responses addressing the comments? If so, include responses with this PD/ESF submission.
- 10. How does this proposal implement statewide outdoor recreation goals as presented in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) (include references), and explain why this proposal was selected using the State's Open Project Selection Process (OPSP).
- 11. List all source(s) and amounts of financial match to the LWCF federal share of the project. The value of the match can consist of cash, donation, and in-kind contributions. The federal LWCF share and financial matches must result in a viable outdoor recreation area and not rely on other funding not mentioned here. Other federal resources may be used as a match if specifically authorized by law.

Source	Type of Match	Amount

12. Is this LWCF project scope part of a larger effort not reflected on the SF-424 (Application for Federal Assistance) and grant agreement? If so, briefly describe the larger effort, funding amount(s) and source(s). This will capture information about partnerships and how LWCF plays a role in leveraging funding for projects beyond the scope of this federal grant.

13. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

Proceed to Steps 5 through 7 

Step 3. Project Amendment (See LWCF Manual for guidance)

A. Increase/Change in Project Scope

1. **For Acquisition Projects:** To acquire additional property that was not described in the original project proposal and NEPA documentation, follow Step 2A-Acquisition Project and 2D.
2. **For Development Projects:** To change the project scope for a development project that alters work from the original project scope by adding elements or enlarging facilities, follow Step 2B-Development Project and 2D.
3. **For Combination Projects:** Follow Step 2C as appropriate.

B. Section 6(f)(3) Conversion Proposal

Prior to developing your Section 6(f)(3) conversion proposal, you must consult the LWCF Manual and 36 CFR 59.3 for complete guidance on conversions. Local sponsors must consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States must consult with their NPS-LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. **A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity.** Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.

The Section 6(f)(3) conversion proposal including the required NEPA environmental review documents (CE recommendation or an EA document) must focus on the loss of public outdoor recreation park land and recreational usefulness, and its replacement per 36 CFR 59, and not the activities precipitating the conversion or benefits thereof, such as the impacts of constructing a new school to relieve overcrowding or constructing a hotel/restaurant facility to stimulate the local economy. Rather, the environmental review must: 1) focus on "resource impacts" as indicated on the ESF (Step 6), including the loss of public park land and recreation opportunities (ESF A-15), and 2) the impacts of creating new replacement park land and replacement recreation opportunities. A separate ESF must be generated for the converted park area and each replacement site. Section 6(f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, except for "small" conversions as defined in the LWCF Manual Chapter 8.


For NPS review and decision, the following elements are required to be included in the State's completed conversion proposal to be submitted to NPS:

1. A letter of transmittal from the SLO recommending the proposal.
2. A detailed explanation of the sponsor's need to convert the Section 6(f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued.
3. An explanation of how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).
4. Completed "State Appraisal/Waiver Valuation Review form in Step 7 for each of the converted and replacement parcels certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions." States must retain copies of the appraisals/waiver valuations and make them available for review upon request.
5. For the park land proposed for conversion, a detailed description including the following:
 - a. Specific geographic location on a map, 9-digit zip code, and name of park or recreation area proposed for conversion.
 - b. Description of the area proposed for the conversion including the acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the activity precipitating the conversion, but how the precipitating activity will impact the entire 6(f) park area. **In many cases the size of the converted area is larger than the physical footprint.** Include a description of the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f) park land must remain recreationally viable and not be impacted by the activities that are precipitating the conversion. If it is anticipated that the precipitating activities impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted park land.
 - c. Description of the community and population served by the park, including users of the park and uses.
 - d. For partial conversions, a revised 6(f) map clearly indicating both the portion that is being converted and the portion remaining intact under Section 6(f).
6. For each proposed replacement site:
 - a. Specific geographic location on a map, 9-digit zip code, and geographical relationship of converted and replacement sites. If site will be added to an existing public park/outdoor recreation area, indicate on map.
 - b. Description of the site's physical characteristics and resource attributes with number and types of resources and features on the site, for example, 15 acres wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground

utilities including overhead wires, towers, etc.

c. Identification of the owner of the replacement site and its recent history of use/function up to the present.


- d. Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.
 - e. Identification of owner and manager of the new replacement park?
 - f. Name of the new replacement park. If the replacement park is added to an existing public park area, will the existing area be included within the 6(f) boundary? What is the name of the existing public park area?
 - g. Timeframe for completing the new outdoor recreation area(s) to replace the recreation opportunity lost per the terms of conversion approval and the date replacement park(s) will be open to the public.
 - h. New Section 6(f) map for the new replacement park.
7. NEPA environmental review, including NHPA Section 106 review, for both the converted and replacement sites in the same document to analyze how the converted park land and recreational usefulness will be replaced. Except for "small" conversions (see LWCF Manual Chapter 8), conversions usually require an EA.

Proceed to Steps 5 through 7 

C. Proposal for a Public Facility in a Section 6(f) Area

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. In summary, NPS must review and decide on requests to construct a public indoor and/or non-recreation facility within a Section 6(f) area. In certain cases NPS may approve the construction of public facilities within a Section 6(f) area where it can be shown that there will be a net gain in **outdoor recreation** benefits and enhancements for the entire park. In most cases, development of a non-recreation public facility within a Section 6(f) area constitutes a conversion. For NPS review, the State/sponsor must submit a proposal to NPS under a letter of transmittal from the SLO that:

- 1. Describes the purpose and all proposed uses of the public facility such as types of programming, recreation activities, and special events including intended users of the new facility and any agency, organization, or other party to occupy the facility. Describe the interior and exterior of the facility, such as office space, meeting rooms, food/beverage area, residential/lodging area, classrooms, gyms, etc. Explain how the facility will be compatible with the outdoor recreation area. Explain how the facility and associated uses will significantly support and enhance existing and planned outdoor recreation resources and uses of the site, and how outdoor recreation use will remain the primary function of the site. (The public's outdoor recreation use must continue to be greater than that expected for any indoor use, unless the site is a single facility, such as a swimming pool, which virtually occupies the entire site.)
- 2. Indicates the exact location of the proposed public facility and associated activities on the site's Section 6(f) map. Explain the design and location alternatives considered for the public facility and why they were not pursued.
- 3. Explains who will own and/or operate and maintain the facility? Attach any 3rd party leases and operation and management agreements. When will the facility be open to the public? Will the facility ever be used for private functions and closed to the public? Explain any user or other fees that will be instituted, including the fee structure.
- 4. Includes required documents as a result of a completed NEPA process (Steps 5 – 7).

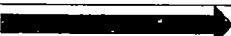
Proceed to Steps 5 through 7 

Step 4. Proposals for Temporary Non-Conforming Use, Significant Change in Use, and Sheltering Facilities
(See LWCF Manual for guidance)

A. Proposal for Temporary Non-Conforming Use

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decided on requests for temporary uses that do not meet the requirements of allowable activities within a Section 6(f) area. A temporary non-conforming use is limited to a period of six months (180 days) or less. Continued use beyond six-months will not be considered temporary, and may result in a Section 6(f)(3) conversion of use requiring the replacement of converted parkland. For NPS review, describe the temporary non-conforming use (activities other than public outdoor recreation) in detail including the following information:

- 1. A letter of transmittal from the SLO recommending the proposal.
- 2. Describe in detail the proposed temporary non-conforming use and all associated activities, why it is needed, and alternative locations that were considered and why they were not pursued.
- 3. Explain length of time needed for the temporary non-conforming use and why.
- 4. Describe the size of the Section 6(f) area affected by the temporary non-conforming use activities and expected impacts to public outdoor recreation areas, facilities and opportunities. Explain efforts to keep the size of the area impacted to a minimum. Indicate the location of the non-conforming use on the site's 6(f) map.
- 5. Describe any anticipated temporary/permanent impacts to the Section 6(f) area and how the sponsor will mitigate them during and after the non-conforming use ceases.
- 6. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

Proceed to Steps 5 through 7 

B. Proposal for Significant Change in Use

Prior to developing the proposal, you must consult the LWCF Manual for complete guidance. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area outlined in the original LWCF application for federal assistance. Consult with NPS for early determination on the need for a formal review. NPS approval is only required for proposals that will significantly change the use of a LWCF-assisted site (e.g., from passive to active recreation). The proposal must include and address the following items:

1. A letter of transmittal from the SLO recommending the proposal.
2. Description of the proposed changes and how they significantly contravene the original plans or intent of LWCF agreements.
3. Explanation of the need for change in use and how the change is consistent with local plans and the SCORP.
4. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

Proceed to Steps 5 through 7 

C. Proposal for Sheltering Facilities

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decide on all proposals to shelter an existing outdoor recreation facility or construct a new sheltered recreation facility within a Section 6(f) area regardless of funding source. The proposal must demonstrate that there is an increased benefit to public recreation opportunity. Describe the sheltering proposal in detail, including the following:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe the proposed sheltered facility, how it would operate, how the sheltered facility will include recreation uses that could typically occur outdoors, and how the primary purpose of the sheltered facility is recreation.
3. Explain how the sheltered facility would not substantially diminish the outdoor recreation values of the site including how the sheltered facility will be compatible and significantly supportive of the outdoor recreation resources present and/or planned.
4. Explain how the sheltered facility will benefit the total park's outdoor recreation use.
5. Describe efforts provided to the public to review the proposal to shelter the facility and has local support.
6. Document that the sheltered facility will be under the control and tenure of the public agency which sponsors and administers the original park area.
7. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

Proceed to Steps 5 through 7 

Step 5. Summary of Previous Environmental Review (including E.O. 12372 - Intergovernmental Review)

To avoid duplication of effort and unnecessary delays, describe any prior environmental review undertaken at any time and still viable for this proposal or related efforts that could be useful for understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and any other environmental reviews. At a minimum, address the following:

1. Date of environmental review(s), purpose for the environmental review(s) and for whom they were conducted.
2. Description of the proposed action and alternatives.
3. Who was involved in identifying resource impact issues and developing the proposal including the interested and affected public, government agencies, and Indian tribes?
4. Environmental resources analyzed and determination of impacts for proposed actions and alternatives.
5. Any mitigation measures to be part of the proposed action.
6. Intergovernmental Review Process (Executive Order 12372):
Does the State have an Intergovernmental Review Process? Yes No . If "Yes", has the LWCF Program been selected for review under the State Intergovernmental Review Process? Yes No . If "Yes", was this proposal reviewed by the appropriate State, metropolitan, regional and local agencies, and if so, attach any information and comments received about this proposal. If proposal was not reviewed, explain why not.
7. Public comment periods (how long, when in the process, who was invited to comment) and agency response.
8. Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.
9. Was this proposed LWCF federal action and/or any other federal actions analyzed/reviewed in any of the previous environmental reviews? If so, what was analyzed and what impacts were identified? Provide specific environmental review document references.

Use resource impact information generated during previous environmental reviews described above and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your ESF responses should indicate your proposal's potential for impacting each resource as determined in the previous environmental review(s), and include a reference to where the analysis can be found in an earlier environmental review document. If the previous environmental review documents contain proposed actions to mitigate impacts, briefly summarize the mitigation for each resource as appropriate. The

appropriate references for previous environmental review document(s) must be documented on the ESF, and the actual document(s) along with this PD/ESF must be included in the submission for NPS review.

Proceed to Steps 6 through 7 

Step 6. Environmental Screening Form (ESF)

This portion of the PD/ESF is a working tool used to identify the level of environmental documentation which must accompany the proposal submission to the NPS. By completing the ESF, the project sponsor is providing support for its recommendation in Step 7 that the proposal either:

1. meets criteria to be categorically excluded (CE) from further NEPA review and no additional environmental documentation is necessary; or
2. requires further analysis through an environmental assessment (EA) or an environmental impact statement (EIS).

An ESF alone does not constitute adequate environmental documentation unless a CE is recommended. If an EA is required, the EA process and resulting documents must be included in the proposal submission to the NPS. If an EIS may be required, the State must request NPS guidance on how to proceed.

The scope of the required environmental analysis will vary according to the type of LWCF proposal. For example, the scope for a new LWCF project will differ from the scope for a conversion. Consult the LWCF Manual for guidance on defining the scope or extent of environmental analysis needed for your LWCF proposal. As early as possible in your planning process, consider how your proposal/project may have direct, indirect and cumulative impacts on the human environment for your type of LWCF action so planners have an opportunity to design alternatives to lessen impacts on resources, if appropriate. When used as a planning tool in this way, the ESF responses may change as the proposal is revised until it is ready for submission for federal review. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the NEPA.

The ESF should be completed with input from resource experts and in consultation with relevant local, state, tribal and federal governments, as applicable. The interested and affected public should be notified of the proposal and be invited to participate in scoping out the proposal (see LWCF Manual Chapter 4). At a minimum, a site inspection of the affected area must be conducted by individuals who are familiar with the type of affected resources, possess the ability to identify potential resource impacts, and to know when to seek additional data when needed.

At the time of proposal submission to NPS for federal review, the completed ESF must justify the NEPA pathway that was followed: CE recommendation, production of an EA, or production of an EIS. The resource topics and issues identified on the ESF for this proposal must be presented and analyzed in an attached EA/EIS. Consult the LWCF Manual for further guidance on LWCF and NEPA. The ESF contains two parts that must be completed:

Part A. Environmental Resources

Part B. Mandatory Criteria

Part A: For each environmental resource topic, choose an impact estimate level (none, negligible, minor, exceeds minor) that describes the degree of potential negative impact for each listed resource that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. For each impacted resource provide a brief explanation of how the resource might be affected, how the impact level was determined, and why the chosen impact level is appropriate. If an environmental review has already been conducted on your proposal and is still viable, include the citation including any planned mitigation for each applicable resource, and choose an impact level as mitigated. If the resource does not apply to your proposal, mark NA in the first column. Add any relevant resources (see A.24 on the ESF) if not included in the list.

Use a separate sheet to briefly clarify how each resource could be adversely impacted; any direct, indirect, and cumulative impacts that may occur; and any additional data that still needs to be determined. Also explain any planned mitigation already addressed in previous environmental reviews.

Part B: This is a list of mandatory impact criteria that preclude the use of categorical exclusions. If you answer "yes" or "maybe" for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in Part A. Explain all "yes" and "maybe" answers on a separate sheet.

A. ENVIRONMENTAL RESOURCES Indicate potential for adverse impacts. Use a separate sheet to clarify responses per instructions for Part A on page 9.	Not Applicable - Resource does not exist	No/Negligible Impacts - Exists but no or negligible impacts	Minor Impacts	Impacts Exceed Minor EA/EIS required	More Data Needed to Determine Degree of Impact EA/EIS required
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.					
2. Air quality					
3. Sound (noise impacts)					
4. Water quality/quantity					
5. Stream flow characteristics					
6. Marine/estuarine					
7. Floodplains/wetlands					
8. Land use/ownership patterns; property values; community livability					
9. Circulation, transportation					
10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing					
11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.					
12. Unique or important wildlife/ wildlife habitat					
13. Unique or important fish/habitat					
14. Introduce or promote invasive species (plant or animal)					
15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. <i>Most conversions exceed minor impacts. See Step 3.B</i>					
16. Accessibility for populations with disabilities					
17. Overall aesthetics, special characteristics/ features					
18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.					
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure					
20. Minority and low-income populations					
21. Energy resources (geothermal, fossil fuels, etc.)					
22. Other agency or tribal land use plans or policies					
23. Land/structures with history of contamination/hazardous materials even if remediated					
24. Other important environmental resources to address.					

B. Mandatory Criteria <i>If your LWCF proposal is approved, would it...</i>	Yes	No	To Be Determined
1. Have significant impacts on public health or safety?			
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O. 11988); and other ecologically significant or critical areas.			
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?			
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?			
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?			
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?			
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office. (Attach SHPO/THPO Comments)			
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.			
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?			
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?			
11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?			
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of			

Environmental Reviewers
<p>The following individual(s) provided input in the completion of the environmental screening form. List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.</p>
<p>1. 2. 3.</p>
<p>The following individuals conducted a site inspection to verify field conditions. <i>List name of inspector(s), title, agency, and date(s) of inspection.</i></p>
<p>1. 2. 3.</p>
<p>State may require signature of LWCF sub-recipient applicant here: _____ Date: _____</p>

Step 7. Recommended NEPA Pathway and State Appraisal/Waiver Valuation
<p>First, consult the NPS list of Categorical Exclusions (CEs). If you find your action in the CE list and you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF and you answered "no" to all of the "Mandatory Criteria" questions in Step 6B, the proposal qualifies for a CE. Complete the following "State LWCF Environmental Recommendations" box indicating the CE recommendation.</p>
<p>If you find your action in the CE list and you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources and you answered "no" to all of the "Mandatory Criteria" questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts to meet the CE criteria. If impacts remain at the greater than minor level, the State/sponsor must prepare an EA for the proposal. Complete the following "State Environmental Recommendations" box indicating the need for an EA.</p>

NOTICES

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by the Land and Water Conservation Fund Act of 1965 (54 U.S.C. 2003 et seq.). Your response is required to obtain or retain a benefit. We use this information to obtain descriptive and environmental information about the proposal. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0031 to this collection.

Estimated Burden Statement

Completion times vary widely depending on the use of the form, from approximately 30 minutes to complete the cover page only to 500 hours for a difficult conversion of use. We estimate that the average completion time for this form is 8 hours for an application, 2 hours for an amendment, and 112 hours for a conversion of use, including the time necessary to review instructions gather data and review the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 12201 Sunrise Valley Drive, MS-242 Rm. 2C114, Reston, VA 20192. Please do not send your completed form to this address; but rather to the address at the top of the form.

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Proposal Description and Environmental Screening Form (PD/ESF) required responses

Step 1. Type of LWCF Proposal

New Project Application – Development Project

Step 2-B1. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and or replacement of existing facilities.

The City of Lathrop is proposing to build a community sports park as part of the proposed Stanford Crossing Development. This phase of the Community Park will include lighted multi-purpose fields to address the need for these facilities within the Lathrop Community. Currently there are no facilities within the community of Lathrop that will accommodate the needs of local sports such as soccer and football, or growing sports like rugby or lacrosse. The proposed community sport park will include:

- Up to 4 lighted multi-purpose fields to accommodate sports such as soccer, football, and Rugby.
- A restroom/concession/meeting room to accommodate the needs of the facility
- An active play structure to promote physical activity and expand the imagination of users.
- Parking facility to adequately address the number of visitors to the park.
- Walking trail around the entire facility with distance markers to promote physical fitness.

The proposed location shares the western property line with the existing Lathrop High school. As a public facility there will be designated areas for vehicular entry but will be open and accessible from many directions for park users.

The proposed facility is part of the newly developing community of Stanford Crossing which will begin construction in the spring of 2018. The original conceptual master plan for a community park in this area was designed in 2004. Due to a number of circumstances, including available funding, this facility has remained conceptual.

Step 2-B2. When will the project be completed and open for public outdoor recreation use?

If selected for funding, and considering the time associated with design, approvals, and construction we would anticipate opening the facility by the spring of 2023.

Step 2-D1. Will this proposal create a new public park/recreation area where none previously existed and is not an addition to an existing public park/recreation area? The proposed project would create a new outdoor recreation facility.

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Step 2-D3. What will be the name of this new public park/recreation area?

Currently the proposed name of the facility would be the Lathrop Community Sports Park. As with any other public facility it would be at the direction of our Council to have the public submit applications to propose names to be considered for this facility.

Step 2-D4a. Who will hold title to the property assisted by LWCF? Who will manage the site(s)?

The proposed project site is owned by the City of Lathrop. Once constructed the park site will be managed by the City of Lathrop.

Step 2-D4b. What is the sponsor's type ownership and control of the property?

The property is a fee simple ownership of the land by the City of Lathrop.

Step 2-D5. Describe the nature of any rights of way, easements, reversionary interests, etc. to the section of 6(f) park area? Indicate the location on 6(f) map. Do parties understand that a section 6(f) conversation may occur if private or non-recreation activities occur on any pre-existing right-of-way, easement, and leased area?

This proposed development does not include any right-of-ways, easements, or reversionary interests that will impact the park site.

Step 2 –D6. Are overhead utility lines present, and if so, explain how they will be treated per LWCF Manual.

There are no overhead powerlines at the proposed location.

Step 2-D7. As a result of this project, describe **new** types of outdoor recreation opportunities and capacities, and short term and long term public benefits.

Currently the City of Lathrop does not own a facility designated to accommodate sports programs such as soccer and football. Due to the shortage of adequate space our community is forced to rely on the use of overlay fields which results in poor field quality which then does not provide our community the ability to support a local youth soccer league. As a result many of our current residents do not participate due to lack of local access or must look outside of our community for such services. The addition of designated fields for outdoor recreational programming will provide our community local access to sports program such as soccer, flag football, and other increasingly popular sports like rugby or lacrosse. The addition of a large community park also provides a location to continue and expand community events such as our City's Annual Anniversary Celebration on July 1st which may not continue do to the lack of facilities large

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

enough to accommodate an event which continues to grow in popularity. The proposed park will also show our existing residents our City has made a commitment to the health and wellness of our community but also the development of safe and inviting public spaces to provide places for gathering to develop and build a sense of community.

As shown on the California State Parks – Park Access Report 62% of the people within our community have to travel more than a half mile to visit a local park. In the short term the addition of this facility will increase the available park space and provide the opportunity to address the current needs for outdoor recreational needs for the people of our community. In the long run the addition of this facility will not only provide a local home to many of our sports leagues but also allow these programs to host tournaments locally as a boost to our local economy. The addition of programs and tournaments will also assist in people from other communities visiting our City who will see we have made a commitment to the provision of these facilities could also play in increased property values making our community a more desirable place to live.

Step 2-D8. Explain and existing non-recreation and non-public uses that will continue on the site(s) and/or proposed for the future within the 6(f) boundary.

This site is currently in an undeveloped part of our city with no existing non-recreational programs. The north end of the project does include two parcels of privately owned property currently residential on land that has been zoned as park land.

Step 2-D9. Describe the planning process that led to the development of your proposal. Your narrative should address:

Step 2-D9a. How was the interested and affected public notified and provided opportunity to be involved in planning for and developing your LWCF proposal? Who was involved and how were they able to review the completed proposal, including any state, local, federal agency professionals, subject matter experts, members of the public and Indian Tribes. Describe any public meetings held and/or formal public comment periods, including dates and length of time provided for the public to participate in the planning process and/or to provide comments on the completed proposal.

This project is currently in the proposal stage without additional funding provided by LCWF the project will not be constructed. As part of this process the City has taken all necessary steps to fulfill all of the requirements of the grant, including contacting the Native American Heritage Commission to request a consultation and recommendation. As I mentioned there is a parcel on the northern edge of the property which are currently private residences. We have met with the residents to inform them of the proposal for the property. We also met with the school district to discuss the proposal and the joint use opportunities that may become available. If selected for funding we would schedule meetings for public input to encourage our community to participate in the process.

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Step 2-D9b. What information was made available to the public for review and comment? Did the sponsor provide written responses addressing the comments? If so, include the responses with this PD/ESF submission.

Since this project is proposed on a parcel in an undeveloped area of our community without adequate funding for construction without assistance from LCWF. All proposal information is available for review if requested.

Step 2-10. How does this proposal implement statewide outdoor recreation goals as presented in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) (include references) and explain why this proposal was selected using the State's Open Project Selection Process (OPSP).

This project if selected will increase the number of acres of park land as well as reduce the distance to travel for the purposes of outdoor recreation as shown within the Park Access Report from the California State Parks website. As a referenced within the Statewide Comprehensive Outdoor Recreation Plan, this Community Park will provide a location for outdoor recreation that will support healthy affordable, physical and social activities such as youth and adult sports programs, community events such as concerts in the park, or an open safe environment for people to gather for a picnic, a celebration, or just to take a walk with friends.

It discussed in the Benefits of Parks and Recreation Catalog by the Parks and Recreation Foundation of Ontario recreating together builds strong families, which is the foundation of a stronger society. Recreation has shown to be the strongest contributing factor to creating strong and supporting families which in turn nurture productive and involved children and youth. As a city-wide facility it will provide our citizens local access to outdoor recreational opportunities that are currently not available. This facility in a location adjacent to our local high school will provide our community an opportunity to work together to plan, promote, and implement events to celebrate the culture and history of our community. The construction of this facility will not only show a commitment to the current residents of our community but it will continue to enhance the value of the community for generations that will follow. The addition of this facility in our community will promote opportunities for togetherness, will promote closer healthy relationships with in the family, and assist in the improvement of the quality of life for our citizens.

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Step 2-11. List all source(s) and amounts of financial match to the LWCF federal share of this project. The value of the match can consist of cash, donation, and in-kind contributions. The federal LWCF share and financial matches must result in a viable outdoor recreation area and not rely on other funding not mentioned here. Other federal resources may be used as a match if specifically authorized by law.

Source	Type of Match	Amount
Capital Facility Fee	Designated funds – scheduled for reimbursement	\$4,527,650.00
Developer Contribution	Developer fees	\$1,700,000.00

Step 2 D-12. Is this LWCF project scope part of a larger effort not reflected on the SF-424 (Application for Federal Assistance) and grant agreement? If so, briefly describe the larger effort, funding amount(s) and source(s). This will capture information about partnerships and how LWCF plays a role in leveraging funding for projects beyond the scope of this federal grant.

No proposed project is not included as part of a larger effort.

Step 2-D13. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

Step 5 Summary of Previous Environmental Review: (In Progress)

Step 6: Environmental Screening Form (In Progress)

Step 7: Recommended NEPA Pathway and State Appraisal/Waiver Valuation (In Progress)

Project Location Map: Lathrop Community Sports Park



Project: Lathrop Community Sports Park (APN: 19122049)

Applicant: City of Lathrop

Project Location: 790 Dos Reis Road, Lathrop CA 95330



State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Project Site Photos

APN: 19122049

Project Site from Northern boundary looking South

Project Site from Southern Boundary looking North

State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Project Site Photos

APN: 19122049

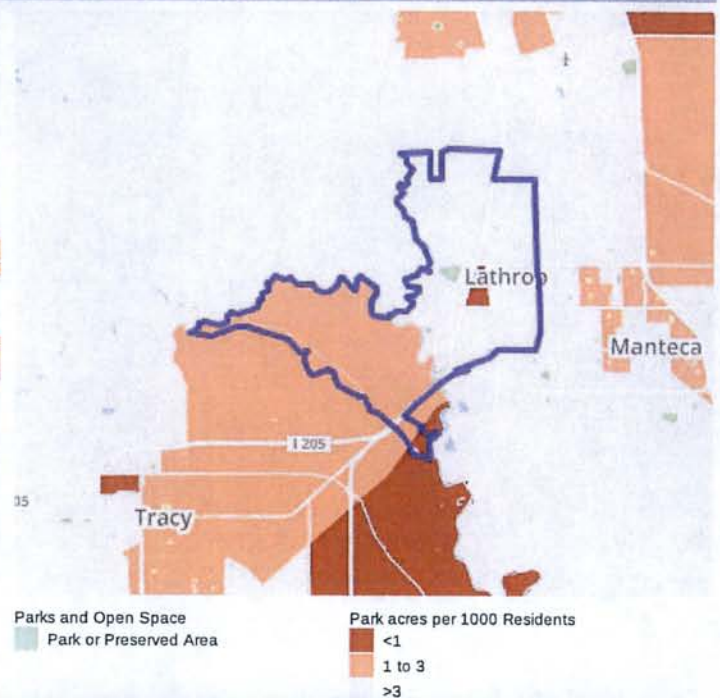
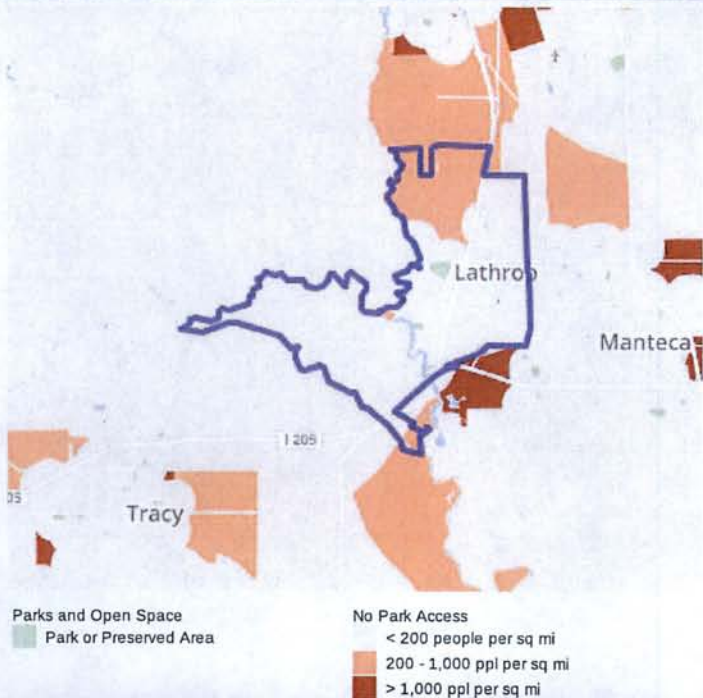
Project Site from Western boundary looking East

Project Site from Eastern Boundary looking West

LATHROP CITY

62% of the 18,128 residents live further than **a half mile** from a park

20% of the 18,128 residents live in areas with **less than 3 acres** of parks or open space per thousand residents



CALIFORNIA

24% of the 37,325,068 residents live further than **a half mile** from a park

62% of the 37,325,068 residents live in areas with **less than 3 acres** of parks or open space per thousand residents

REPORT BACKGROUND

The statistics have been calculated based on the selected city, county or political district.

Park Access/No Park Access A half mile zone is added around all parks. The estimated population living within a half mile zone of a park is counted as having park access in this report. The half mile measurement standard is explained further in the 2015 SCORP (pg. 15).

Park Acres per 1000 residents: Calculated as ((park acres in tract)/(tract population)) * 1,000. Park acres and population are defined at the census tract level. Census tracts vary in population size, but average approximately 4,000 persons. In some situations, additional parkland may lie at the edge of (or very close to) a particular tract, a condition not measured by this analysis.

More information on the calculations is available on [the methods page](#) »

Demographics—American Community Survey (ACS) 5-year estimates 2008-2012; Decennial 2010 Census; the margin of error (MOE) was not analyzed.

Parks—California Protected Areas Database 2014b CFF adjusted (11/2014) - more information at <http://www.CALands.org>. Parks and park acres area based on best available source information but may not always contain exact boundaries or all parks in specific locations. Parks are defined further in the 2015 SCORP (pg. 4).

Users can send updated information on parks to SCORP@parks.ca.gov



SCORP Park Access Tool is a service of the California Department of Parks and Recreation www.parks.ca.gov

SCORP Park Access Tool Created by GreenInfo Network in consultation with CA Dept. of Parks and Recreation www.greeninfo.org



California State Parks Community FactFinder Report

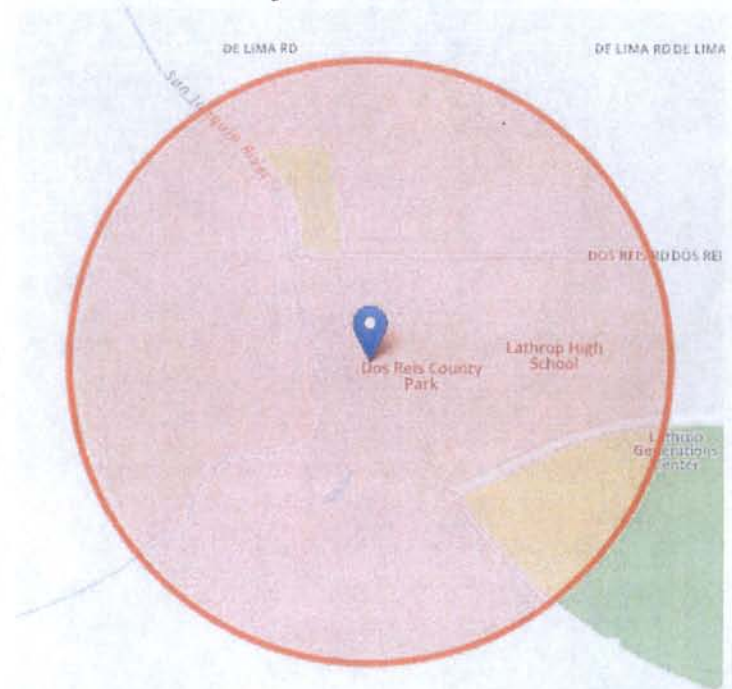
Project ID: 308
Coordinates: 37.8275, -121.3091
Date: 01/18/2018

This is your SCORP project report for the site you have defined. Please refer to your **Project ID** above in any future communications about the project.

PROJECT AREA STATISTICS

County:	San Joaquin
City:	Lathrop
Total Population:	31
Youth Population:	11
Senior Population:	2
Households Without Access to a Car:	0.4
Number of People in Poverty:	3
Median Household Income:	\$74,731
Per Capita Income:	\$24,591
Park Acres:	39.49
Park Acres per 1,000 Residents:	1,273.84

PROJECT AREA MAP



REPORT BACKGROUND

The project statistics have been calculated based on half mile radius around the point location selected. Only park acres within the project area's half mile radius are reported.

Population and people in poverty are calculated by determining the percent of any census block groups that intersect with the project area. The project area is then assigned the sum of all the census block group portions. An equal distribution in census block groups is assumed. Rural areas are calculated at a census block level to improve results.

Median household and per capita income are calculated as a weighted average of the census block group values that fall within the project area.

More information on the calculations is available on [the methods page](#) »

Demographics—American Community Survey (ACS) 5-year estimates 2008-2012; Decennial 2010 Census; the margin of error (MOE) was not analyzed.

Parks—California Protected Areas Database 2014b CFF adjusted (11/2014) - more information at <http://www.CALands.org>. Parks and park acres area based on best available source information but may not always contain exact boundaries or all parks in specific locations. Parks are defined further in the 2015 SCORP (pg. 4).

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SCORP Community FactFinder
is a service of the California Department of Parks and Recreation
www.parks.ca.gov

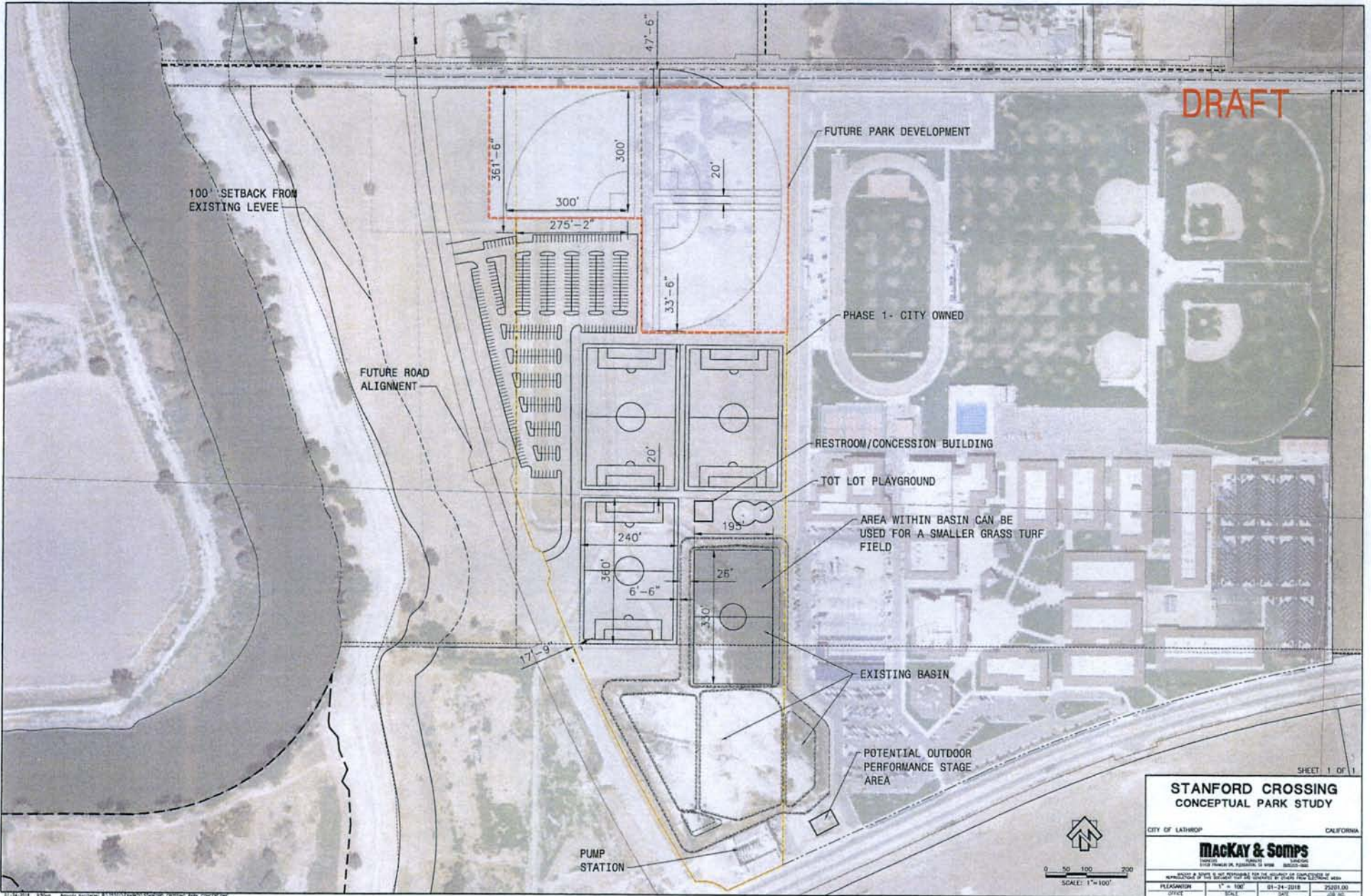
SCORP Community FactFinder
Created by GreenInfo Network in consultation
with CA Dept. of Parks and Recreation
www.greeninfo.org



State of California Land and Water Conservation Fund Grant Application

Project: Lathrop Community Sports Complex

Proof of ownership of Property



DRAFT

100' SETBACK FROM EXISTING LEVEE

FUTURE ROAD ALIGNMENT

FUTURE PARK DEVELOPMENT

PHASE 1 - CITY OWNED

RESTROOM/CONCESSION BUILDING

TOT LOT PLAYGROUND

AREA WITHIN BASIN CAN BE USED FOR A SMALLER GRASS TURF FIELD

EXISTING BASIN

POTENTIAL OUTDOOR PERFORMANCE STAGE AREA

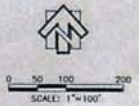
PUMP STATION

SHEET 1 OF 1

**STANFORD CROSSING
CONCEPTUAL PARK STUDY**

CITY OF LATHROP CALIFORNIA

Mackay & Somp



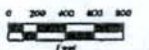
PRELIMINARY	1" = 100'	01-24-2018	25001.00
PIECE	SHEET	SHEET	25 OF 25

11-21-2017 11:56m AutoCAD 2017 P:\11111\11111\STANFORD CROSSING CONCEPTUAL PARK STUDY.DWG

SEC. 22, & POR. SECS. 21 & 23, T.1S. R.6E., M.D.B. & M. E -POR. LAND PARK AT LATHROP - PHASE 1

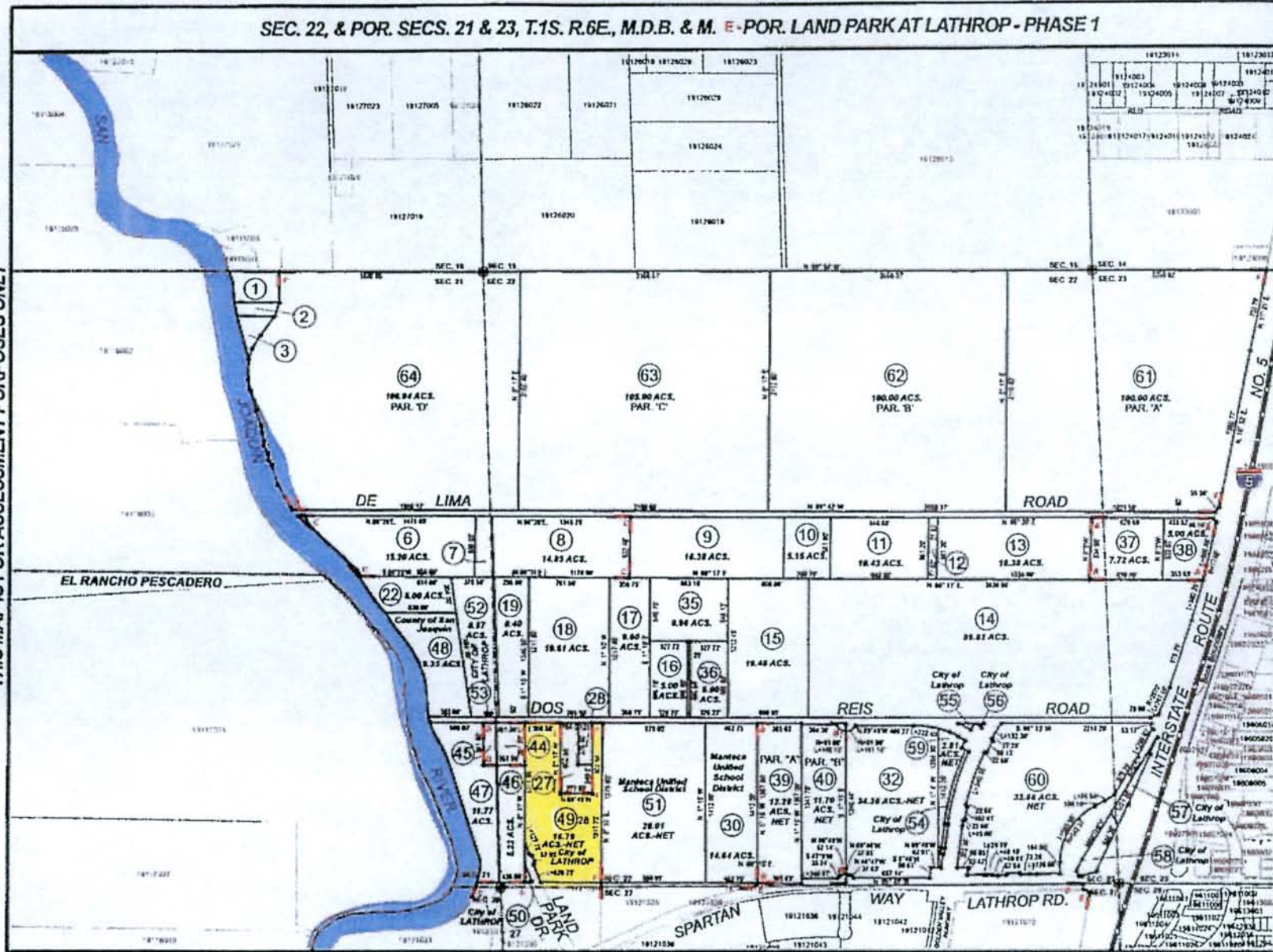
191-22

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY AND IS NOT FOR THE PURPOSE OF INTERFERING LEGAL BOUNDARY RIGHTS, ZONING REGULATIONS AND/OR LEGALITY OF LAND DIVISION LAWS.



LEGEND:
 (00) Assessor's Parcel Numbers
 00000000
 Book Page Parcel Number
 A - R.S. Bk. 26 Pg. 165
 B - P.M. Bk. 02 Pg. 092
 C - R.S. Bk. 28 Pg. 195
 D - P.M. Bk. 11 Pg. 084
 E - R.M. Bk. 40 Pg. 100

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



△ - Williamson Act Parcel

HIGHEST A.P.N. USED		
YEAR	PAR. #	PAR. #
81-83	43	
88-99	47	
04-07	48	
07-08	51	
10-11	53	
14-15	58	

BK. 191 PG. 22
 County of San Joaquin, CA
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 Assessor Mapping/GIS 2016

ATTACHMENT A PAGE 1 OF 1

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



**THE CALIFORNIA HISTORICAL RESOURCES
INFORMATION SYSTEM**

The following institutions are under agreement with the Office of Historic Preservation to:

1. Integrate information on new Resources and known Resources into the California Historical Resources Information System.
2. Supply information on resources and surveys to government, institutions, and individuals who have a need to know.
3. Supply a list of consultants qualified to do historic preservation fieldwork within their area.

COORDINATOR: Mr. Eric Allison, Associate Information Systems Analyst, (916) 445-7044

<p>Bryan Much, Coordinator Northwest Information Center Sonoma State University 150 Professional Center Drive, Suite E Rohnert Park, CA 94928</p> <p>Office (707) 588-8455 Cell (707) 332-1117 No Fax nwic@sonoma.edu www.sonoma.edu/nwic</p> <p>Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Yolo</p>	<p>Amy Huberland, Coordinator Northeast Information Center 123 West 6th Street, Suite 100 Chico, CA 95928</p> <p>Dr. Carly Whelan, Faculty Coordinator (530) 898-6256 No Fax neinfoctr@csuchico.edu http://www.csuchico.edu/neic</p> <p>Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity</p>
<p>Dr. Lynn Gamble, Coordinator Central Coast Information Center Department of Anthropology University of California, Santa Barbara Santa Barbara, CA 93106</p> <p>(805) 893-2474 Fax (805) 893-8707 ccic@anth.ucsb.edu</p> <p>San Luis Obispo Santa Barbara</p>	<p>Dr. Nathan Hallam, Coordinator North Central Information Center California State University, Sacramento Folsom Hall 2042 6000 J St. Sacramento, CA 95819-6100</p> <p>(916) 278-6217 Fax (916) 278-5162 ncic@csus.edu http://www.csus.edu/hist/centers/ncic</p> <p>Amador, El Dorado, Nevada, Placer, Sacramento, Yuba</p>
<p>Ms. Stacy St. James, Coordinator South Central Coastal Information Center California State University, Fullerton Department of Anthropology 800 North State College Blvd. P.O. Box 6846 Fullerton, CA 92834-6846</p> <p>(657) 278-5395 No Fax scic@fullerton.edu http://anthro.fullerton.edu/scic/</p> <p>Los Angeles, Orange, San Bernardino, Ventura</p>	<p>Ms. Elizabeth A. Greathouse, Coordinator Central California Information Center Department of Anthropology California State University, Stanislaus One University Circle Turlock, CA 95382</p> <p>(209) 667-3307 No Fax ecgreathouse@csustan.edu</p> <p>Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne</p>
<p>Ms. Jaime Lennox, Coordinator South Coastal Information Center College of Arts and Letters San Diego State University 5500 Campanile Drive San Diego, CA 92182-5320</p> <p>(619) 594-5682 Fax (619) 594-4483 jaime@scic.org http://scic.org</p> <p>Imperial, San Diego</p>	<p>Celeste Thomson, Coordinator Southern San Joaquin Valley Information Center California State University, Bakersfield Mail Stop: 72DOB 9001 Stockdale Highway Bakersfield, CA 93311-1022</p> <p>(661) 654-2289 No Fax ssjvic@csub.edu www.csub.edu/ssjvic</p> <p>Fresno, Kern, Kings, Madera, Tulare</p>
	<p>Dr. M. C. Hall, Coordinator Eastern Information Center c/o Dept. of Anthropology University of California Riverside Riverside, CA 92521-0418</p> <p>Attn: Shaina Ho (951) 827-5745 No Fax eickw@ucr.edu</p> <p>Inyo, Mono, Riverside</p>



CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System
 Department of Anthropology – California State University, Stanislaus
 One University Circle, Turlock, California 95382
 (209) 667-3307

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: January 19, 2017

CCaIC File #: 10582L

Project: APN 191-22-049 on Dos Reis Rd.,
 proposed development of a park site

Zachary Jones, Director, Dept. of Parks/Recreation
 City of Lathrop
 390 Towne Center Drive
 Lathrop, CA 95330

Email: zjones@ci.lathrop.ca.us

Dear Mr. Jones,

We have conducted a records search as per your request for the above-referenced project area located on the Lathrop USGS 7.5-minute quadrangle map in San Joaquin County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), *California Inventory of Historic Resources* (DPR 1976), the *California Historical Landmarks* (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current computer lists dated 3-20-2014 and 4-05-2012, respectively), the *Survey of Surveys* (1989), GLO Plats and other historic maps on file for the area, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or historic resources within the project area:

No prehistoric or historic archaeological resources have been reported to the CCaIC. However, this does not preclude their existence in this area.

No historic properties have been reported to the CCaIC.

Prehistoric or historic resources within the immediate vicinity of the project area:

One historic-era archaeological site has been reported on an adjacent parcel: file #P-39-004548: 1 standing structure of unknown purpose, 1 collapsed structure, and 1 dump pile of structural debris. The site was dated as post-1945, probably associated with dairy farming, and not eligible for the NRHP. It is possible that the site has been razed and removed.

Resources that are known to have value to local cultural groups:

None have been formally reported to the Information Center.

Previous investigations within the project area:

Two cultural resource field surveys have been reported to the CCalIC:

CCIC Report SJ-04874 Jensen (2002)

Archaeological Inventory Survey, Proposed Lathrop Storm Drain Construction Project, Linear Corridors and Other Features at Lathrop, San Joaquin County, California. [linear survey corridor along Dos Reis Road]

CCIC Report SJ-06029 Green (2006)

Cultural Resources Inventory and Evaluation Central Lathrop Phase I, San Joaquin County, California, Project 2003-230.1. [included field survey of the entire project parcel]

One very broad overview has also been reported, that subsumes the project area:

CCIC Report SJ-06447 URS Corporation (2007)

Cultural Resources Report for the Geotechnical Evaluation Project, December 2006.

Previous investigations within the immediate vicinity of the project area:

CCIC Report SJ-05803 EDAW, Inc. (2005)

Central Lathrop Specific Plan, Cultural Resources Inventory, San Joaquin County, California.

Recommendations/Comments:

Based on existing data in our files the *surface* of the project area has a low sensitivity for the possible discovery of historical resources. But *under the surface*, there may be a low to moderate sensitivity for prehistoric site features (such as remnants of occupation sites, hearths or house pits, middens, stone tools, baked clay, or even human burials, due to the proximity of a large natural water source), and historic-era foundation remains and artifact or refuse deposits associated with residential or farm/ranch use. Because the ground surface has been extensively impacted by grading for development and has been subject to previous archaeological field survey with negative results, we do not offer any recommendations for further study at this time; however, we ask that you heed the advisories below, especially because of the possibility of encountering subsurface resources:

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline. If you should need it, The Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

We advise you that in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-373-3710) are to be notified immediately for recommended procedures.

We further advise you that if you retain the services of a historical resources consultant, the firm or individual you retain is responsible for submitting any report of findings prepared for you to the Central California Information Center, including one copy of the narrative report and two copies of any records that document historical resources found as a result of field work. If the consultant wishes to obtain copies of materials not included with this records search reply, additional copy or records search fees may apply.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for using the California Historical Resources Information System (CHRIS). Please let us know when we can be of further service. Please sign and return the attached Access Agreement Short Form.

Note: Billing (\$150.00) will be transmitted separately via email from our Financial Services Office (lamarroquin@csustan.edu or MSR270@csustan.edu), payable within 60 days of receipt of the invoice.

Sincerely,



R. L. Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System

*Invoice to: Laurie Marroquin lamarroquin@csustan.edu, Financial Services

Zachary Jones

From: Zachary Jones
Sent: Tuesday, January 16, 2018 11:24 AM
To: 'nahc@nahc.ca.gov'
Cc: Zachary Jones
Subject: Native American Consultation Request
Attachments: Local-Government-Tribal-Consultation w map.pdf

Good Afternoon,

I have attached a copy of the request for Local Government Tribal Consultation List as required by the State of California Land and Water Conservation Fund Grant application.

I have also attached a map of the proposed area. Please let me know if you have any questions.

Sincerely,

Zach Jones
Director – Department of Parks and Recreation
City of Lathrop | 390 Towne Center Drive, 95330
Lathrop, CA 95330
Office: 209-941-7385
Fax: 209-941-7248
www.ci.lathrop.ca.us



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Native American Heritage Commission

1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
916-373-3710
916-373-5471 – Fax
nahc@nahc.ca.gov

Type of List Requested

CEQA Tribal Consultation List (AB 52) – Per Public Resources Code § 21080.3.1, subs. (b), (d), (e) and 21080.3.2

General Plan (SB 18) - Per Government Code § 65352.3.

Local Action Type:

General Plan General Plan Element General Plan Amendment

Specific Plan Specific Plan Amendment Pre-planning Outreach Activity

Required Information

Project Title: Lathrop Community Sports Park

Local Government/Lead Agency: City of Lathrop

Contact Person: Zach Jones, Director of Parks and Recreation

Street Address: 390 Towne Centre Drive

City: Lathrop, California Zip: 95330

Phone: 209-941-7385 Fax: 209-941-7248

Email: zjones@ci.lathrop.ca.us

Specific Area Subject to Proposed Action

County: San Joaquin City/Community: Lathrop, California

Project Description:

City of Lathrop is applying for grant funding through the State of California Land and Water Conservation funds. This grant would assist the City in funding the development and construction of a 16.69 acre Community Park. The park would feature lighted athletic fields to support recreational and competitive sports programs which currently do not exist within the community of Lathrop.

The proposed project is located along the western edge of the existing Lathrop High School. Please see attached map.

Additional Request

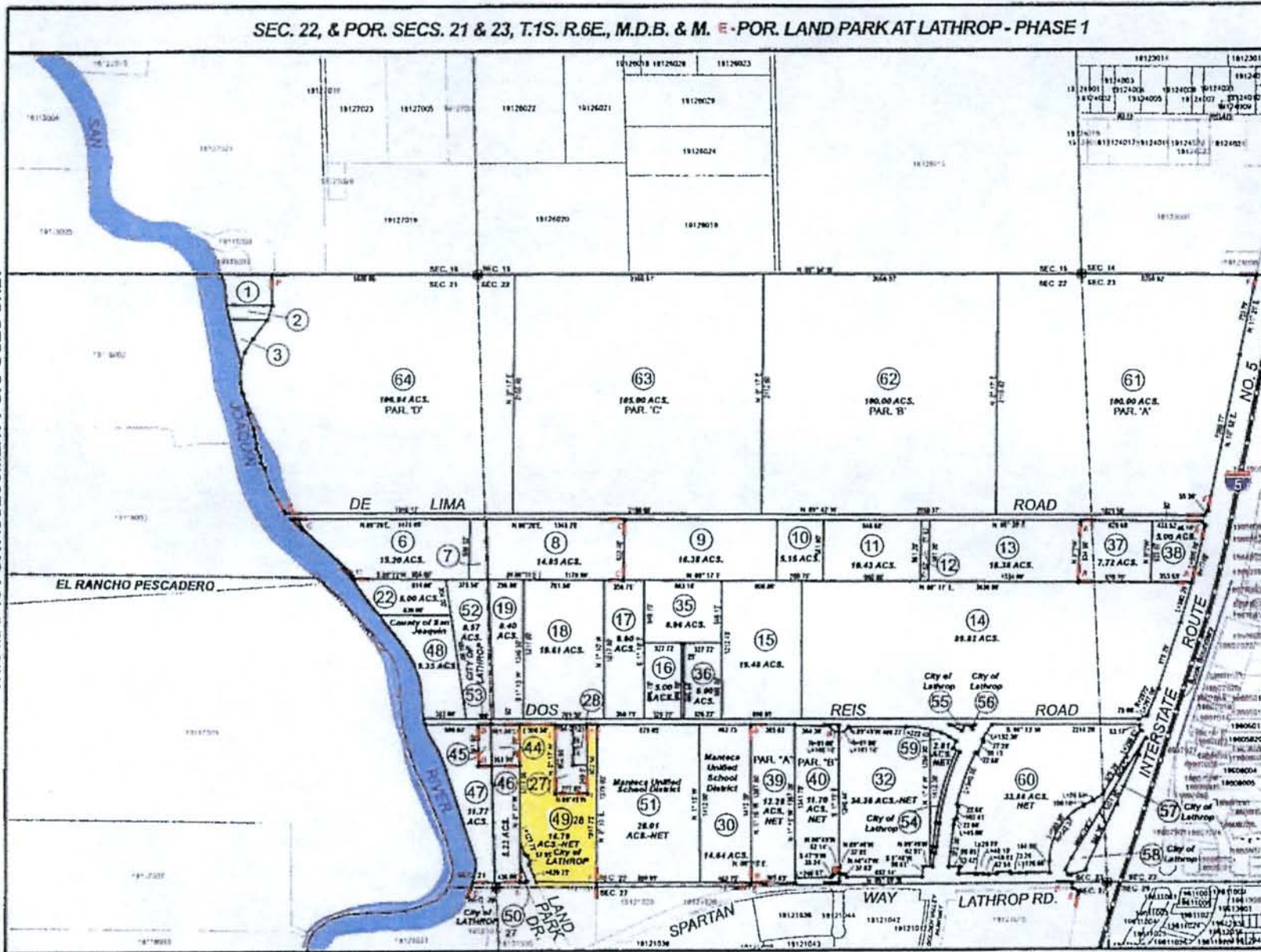
Sacred Lands File Search - Required Information:

USGS Quadrangle Name(s):

Township: Range: Section(s):

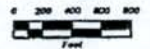
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SEC. 22, & POR. SECS. 21 & 23, T.1S. R.6E., M.D.B. & M. E -POR. LAND PARK AT LATHROP - PHASE 1



191-22

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- E - R.M. Bk. 40 Pg. 100

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YEAR	PAR. #	PAR. #
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86-87	48	
87-88	51	
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14-15	58	

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NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
 1550 Harbor Blvd., Suite 100
 West Sacramento, CA 95691
 (916) 373-3710



January 18, 2018

Zach Jones
 City of Lathrop

Sent via Email: zjones@ci.lathrop.ca.us
 Number of Pages: 3

RE: Lathrop Community Sports Park, San Joaquin County

Dear Mr. Jones:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties. Please note that the intent above reference codes is to avoid and or mitigate impacts to tribal cultural resources, as defined, for California Environmental Quality Act (CEQA) projects.

As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 require public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose avoiding and or mitigating impacts to tribal cultural resources:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, **the lead agency shall provide formal notification** to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section. (Public Resources Code Section 21080.3.1(d))

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.3.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC believes that agencies should also include with their notification letters information regarding any cultural resources assessment that has been completed on the APE, such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

Buena Vista Rancheria of Me-Wuk Indians Rhonda Morninestar Pope. Chairperson 1418 20th Street. Suite 200 Me-Wuk / Miwok Sacramento , CA 95811 rhonda@buenavistatribe.com (916) 491-0011 Office (916) 491-0012 Fax	✓ Southern Sierra Miwuk Nation Lois Martin. Chairperson P.O. Box 186 Mariposa , CA 95338 (209) 742-6867 Office Miwok Pauite Northern Valley Yokut
California Valley Miwok Tribe 4620 Shippee Lane Stockton , CA 95212 CalaverasMiwukPreservation (209) 931-4567 Office (209) 931-4333 Fax	✗ United Auburn Indian Community of the Auburn Rancheria Gene Whitehouse. Chairperson 10720 Indian Hill Road Auburn , CA 95603 (530) 883-2390 Office (530) 883-2380 Fax Maidu Miwok
Ione Band of Miwok Indians Crystal Martinez-Alire. Chairperson P.O. Box 699 Plumouth , CA 95669 crystal@ionemiwok.net (209) 245-5800 Office (209) 245-3112 Fax	✗ Wilton Rancheria Raymond Hitchcock. Chairperson 9728 Kent Street Elk Grove , CA 95624 rhitchcock@wiltonrancheria-nsn.gov (916) 683-6000 Office (916) 683-6015 Fax Miwok
Ione Band of Miwok Indians Randy Yonemura. Cultural Committee Chair P.O. BOX 699 Plumouth , CA 95669 randy_yonemura@yahoo.com (209) 245-5800 Office (916) 601-4069 Cell (209) 245-6377 Fax	Miwok
North Valley Yokuts Tribe Katherine Erolinda Perez. Chairperson P.O. Box 717 Linden , CA 95236 canutes@verizon.net (209) 887-3415	Ohlone/Costanoan Northern Valley Yokuts Bav Miwok

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American Tribes with regard to cultural resources assessments for the proposed: Lathrop Community Sports Park, San Joaquin County.

pursuant to PRC 21080.3.1(d) if you would like to consult on this project. Please provide a designated lead contact person if you have not provided that information to us already.

Your comments and concerns will be important to the City as they move forward with their project. If you have any questions or concerns with the project, please contact me via email (zjones@ci.lathrop.ca.us) or at my office (209-941-7385). My mailing address is:

Zachary Jones
Director of Parks and Recreation
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Sincerely,


Zachary Jones

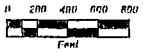
Encl: Proposed APE Map

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

SEC. 22, & POR. SECS. 21 & 23, T.1S. R.6E., M.D.B. & M. E-POR. LAND PARK AT LATHROP - PHASE 1

191-22

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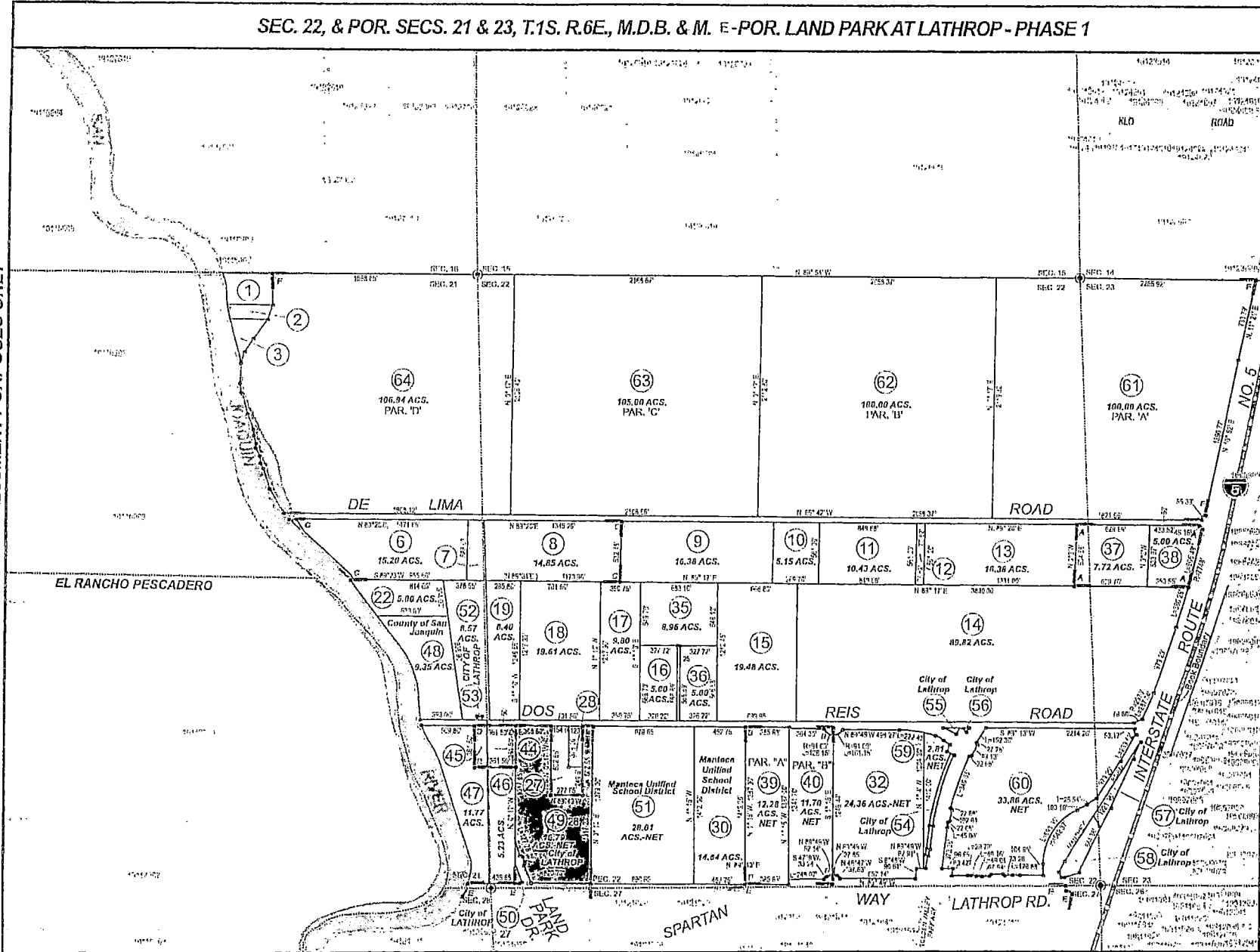
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January 2018

California Valley Miwok Tribe
4620 Shippee Lane
Stockton, CA 95212
Office (209) 931-4567
Fax (209) 931-4333

Re: Section 106 National Historic Preservation Act of 1966 and Public Resources Code Section 21080.3.1 and 21080.3.2 California Native American Tribes consultation

To whom it may concern:

In compliance with 36CFR 800, Executive order 11593, Section 106 of the National Historic Preservation Act of 1966, and in accordance with Public Resources Code Sections 21080.3.1 and 21080.3.2, the City of Lathrop is providing this notification of our proposal to develop a community park in conjunction with an application for grant funding from the State of California Land and Water Conservation Fund.

The City of Lathrop (City) is proposing to develop a 16.79 acre parcel of City owned property adjacent to Lathrop High School as indicated on included Area of Potential Effect (APE) map (APN: 19122049). The project will include lighted all-weather turf multipurpose athletic fields, an outdoor fitness area, restroom/concessions building, perimeter walking trail, a children's play area, as well as a parking lot to accommodate park visitors.

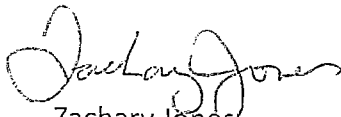
Cultural resources investigations for compliance with CEQA and Section 106 of the National Historic Preservation Act were completed as part of the Central Lathrop Specific Plan in November of 2004. As part of the scoping process a records search at the California Historical Resources Information system is being conducted and the Native American Heritage Commission (NAHC) was contacted for a review of the Sacred Lands Files.

Please consider this letter and project information as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d) if you would like to consult on this project. Please provide a designated lead contact person if you have not provided that information to us already.

Your comments and concerns will be important to the City as they move forward with their project. If you have any questions or concerns with the project, please contact me via email (zjones@ci.lathrop.ca.us) or at my office (209-941-7385). My mailing address is:

Zachary Jones
Director of Parks and Recreation
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Sincerely,



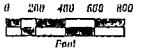
Zachary Jones

Encl: Proposed APE Map

SEC. 22, & POR. SECS. 21 & 23, T.1S. R.6E., M.D.B. & M. E-POR. LAND PARK AT LATHROP - PHASE 1

191-22

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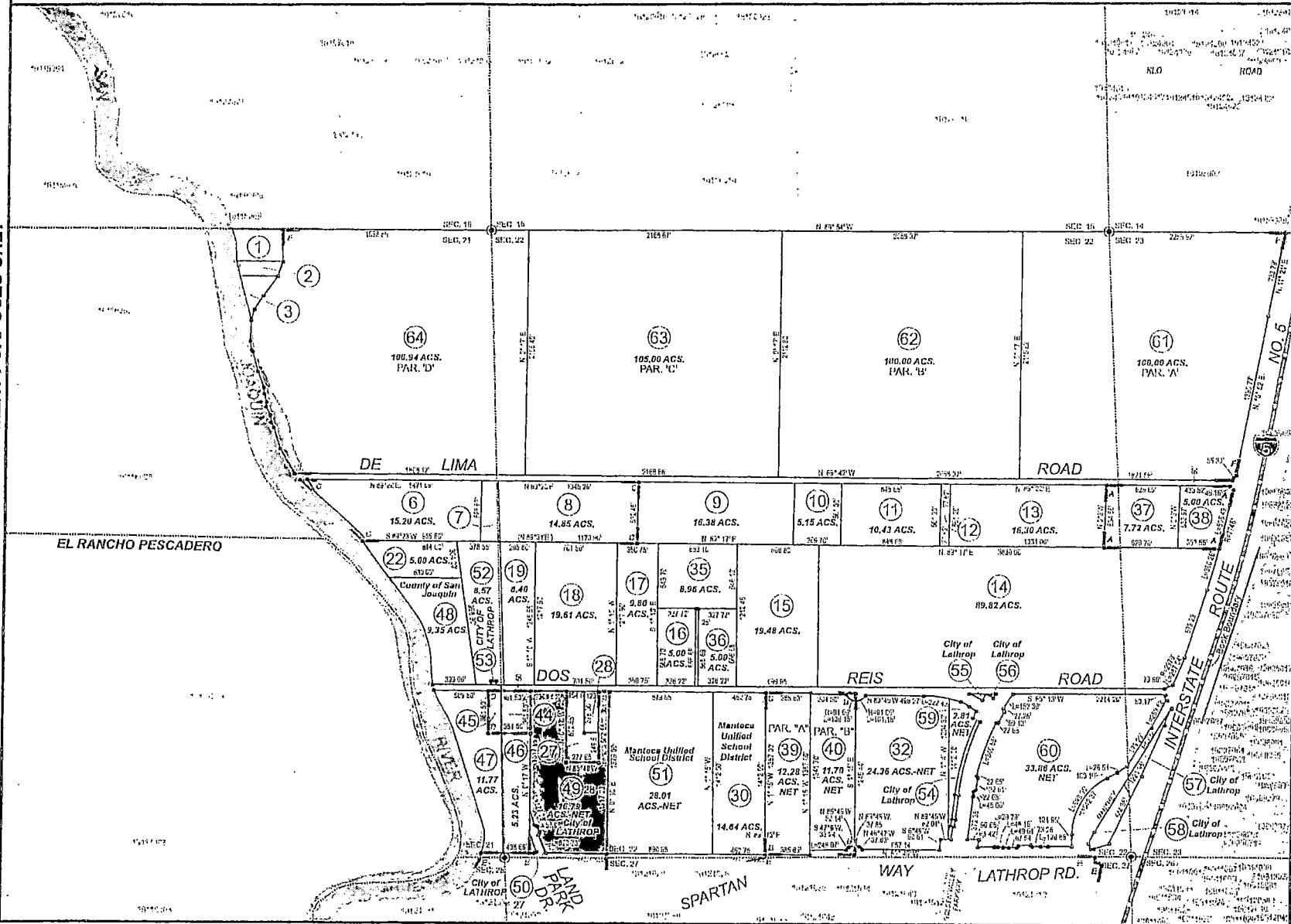
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ATTACHMENT D PAGE 7 OF 25



Department of Parks and Recreation
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Phone (209) 941-7430 – fax (209) 941-7449
www.ci.lathrop.ca.us

January 2018

Crystal Martinez-Alire, Chairperson
Ione Band of Miwok Indians
P.O. Box 699
Plymouth, CA 95669
Office (209) 245-5800
Fax (209) 245-3112

Re: Section 106 National Historic Preservation Act of 1966 and Public Resources Code Section 21080.3.1 and 21080.3.2 California Native American Tribes consultation

Dear Ms. Martinez-Alire:

In compliance with 36CFR 800, Executive order 11593, Section 106 of the National Historic Preservation Act of 1966, and in accordance with Public Resources Code Sections 21080.3.1 and 21080.3.2, the City of Lathrop is providing this notification of our proposal to develop a community park in conjunction with an application for grant funding from the State of California Land and Water Conservation Fund.

The City of Lathrop (City) is proposing to develop a 16.79 acre parcel of City owned property adjacent to Lathrop High School as indicated on included Area of Potential Effect (APE) map (APN: 19122049). The project will include lighted all-weather turf multipurpose athletic fields, an outdoor fitness area, restroom/concessions building, perimeter walking trail, a children's play area, as well as a parking lot to accommodate park visitors.

Cultural resources investigations for compliance with CEQA and Section 106 of the National Historic Preservation Act were completed as part of the Central Lathrop Specific Plan in November of 2004. As part of the scoping process a records search at the California Historical Resources Information system is being conducted and the Native American Heritage Commission (NAHC) was contacted for a review of the Sacred Lands Files.

Please consider this letter and project information as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d) if you would like to consult on this project. Please provide a designated lead contact person if you have not provided that information to us already.

Your comments and concerns will be important to the City as they move forward with their project. If you have any questions or concerns with the project, please contact me via email (zjones@ci.lathrop.ca.us) or at my office (209-941-7385). My mailing address is:

Zachary Jones
Director of Parks and Recreation
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

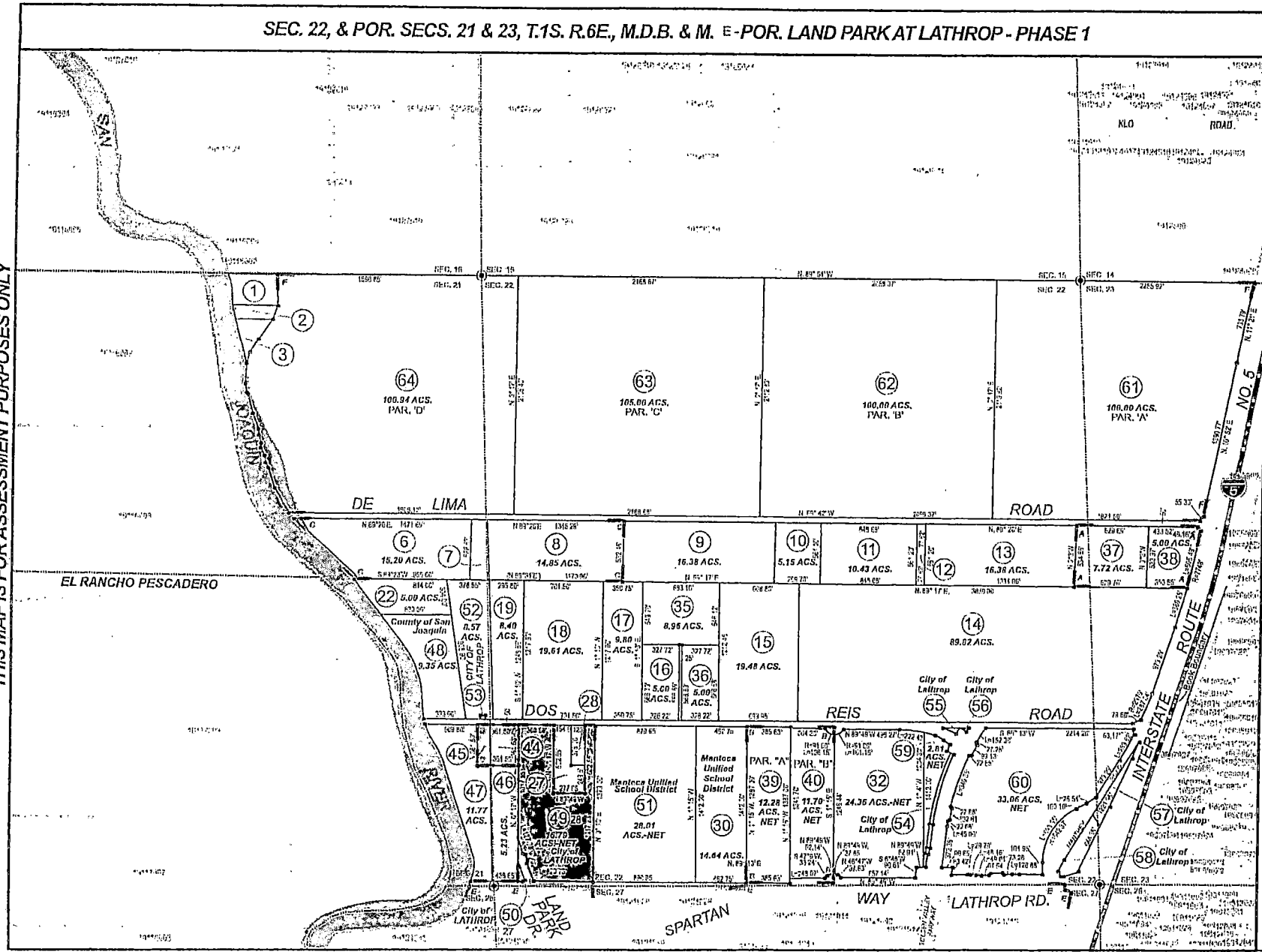
Sincerely,


Zachary Jones

Encl: Proposed APE Maps

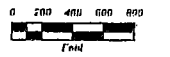
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191-22

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January 2018

Randy Yonemura, Cultural Committee Chair
Ione Band of Miwok Indians
P.O. Box 699
Plymouth, CA 95669
Office (209) 245-5800
Fax (209) 245-3112
Randy_yonemura@yahoo.com

Re: Section 106 National Historic Preservation Act of 1966 and Public Resources Code Section 21080.3.1 and 21080.3.2 California Native American Tribes consultation

Dear Mr. Yonemura,

In compliance with 36CFR 800, Executive order 11593, Section 106 of the National Historic Preservation Act of 1966, and in accordance with Public Resources Code Sections 21080.3.1 and 21080.3.2, the City of Lathrop is providing this notification of our proposal to develop a community park in conjunction with an application for grant funding from the State of California Land and Water Conservation Fund.

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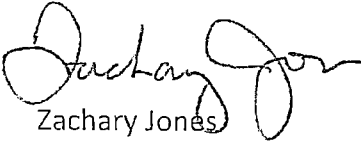
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Zachary Jones
Director of Parks and Recreation
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Sincerely,



Zachary Jones

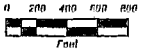
Encl: Proposed APE Maps

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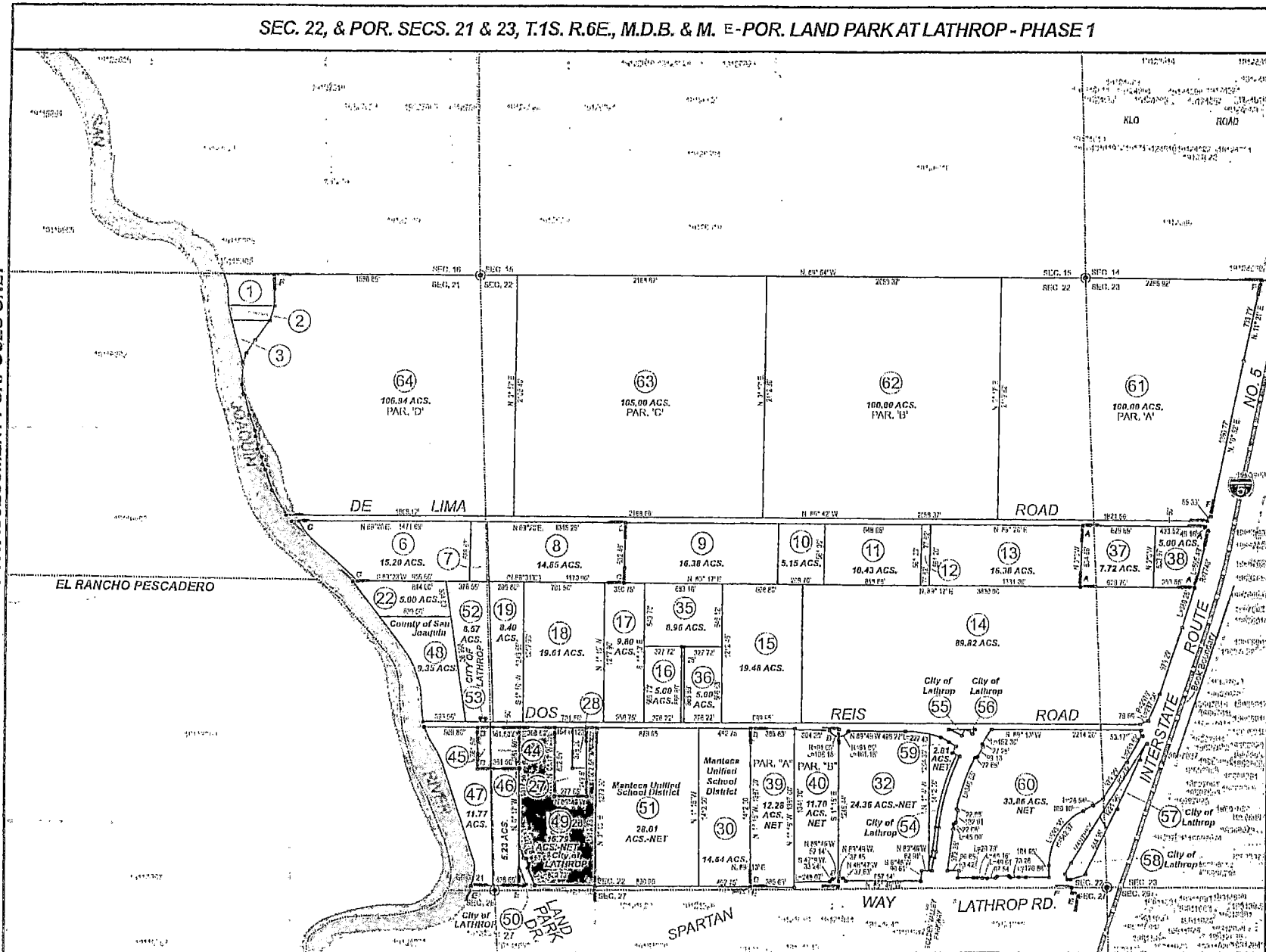
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10-11	53	
14-15	66	

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www.ci.lathrop.ca.us

January 2018

Katherine Erolinda Perez, Chairperson
North Valley Yokuts Tribe
P.O. Box 717
Linden, CA 95236
Office (209) 887-3415
canutes@verizon.net

Re: Section 106 National Historic Preservation Act of 1966 and Public Resources Code Section 21080.3.1 and 21080.3.2 California Native American Tribes consultation

Dear Ms. Erolinda,

In compliance with 36CFR 800, Executive order 11593, Section 106 of the National Historic Preservation Act of 1966, and in accordance with Public Resources Code Sections 21080.3.1 and 21080.3.2, the City of Lathrop is providing this notification of our proposal to develop a community park in conjunction with an application for grant funding from the State of California Land and Water Conservation Fund.

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Please consider this letter and project information as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days,

pursuant to PRC 21080.3.1(d) if you would like to consult on this project. Please provide a designated lead contact person if you have not provided that information to us already.

Your comments and concerns will be important to the City as they move forward with their project. If you have any questions or concerns with the project, please contact me via email (zjones@ci.lathrop.ca.us) or at my office (209-941-7385). My mailing address is:

Zachary Jones
Director of Parks and Recreation
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Sincerely,



Zachary Jones

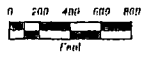
Encl: Proposed APE Map

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

SEC. 22, & POR. SECS. 21 & 23, T.1S. R.6E., M.D.B. & M. E-POR. LAND PARK AT LATHROP - PHASE 1

191-22

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY AND IS NOT FOR THE INTENT OF INTERPRETING LEGAL BOUNDARY RIGHTS, ZONING REGULATIONS AND/OR LEGALITY OF LAND DIVISION LAWS.



LEGEND:
 (00) Assessor's Parcel Numbers
 Book Page Parcel Number

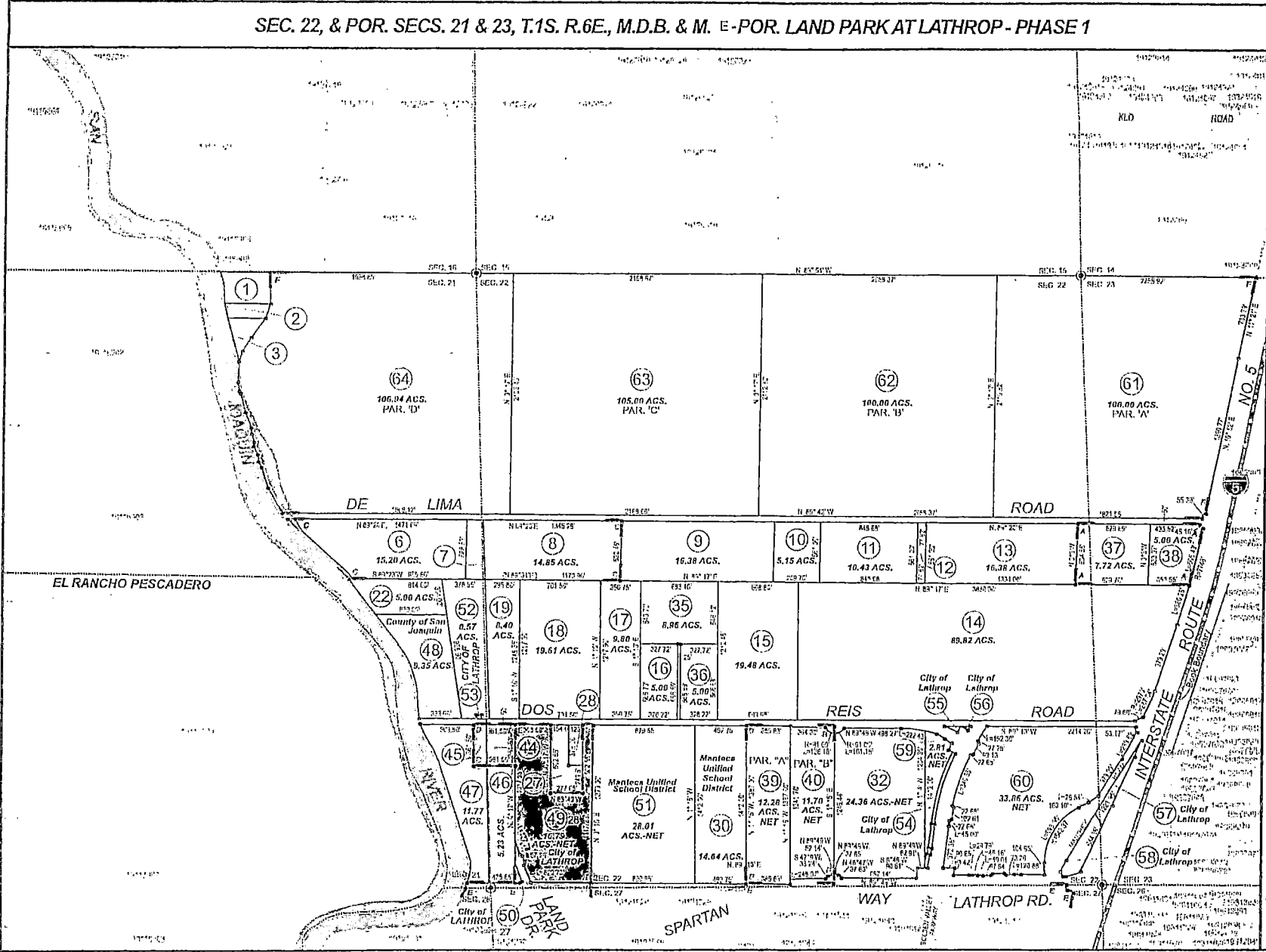
A-R.S. Bk. 26 Pg. 165
 B-P.M. Bk. 02 Pg. 092
 C-R.S. Bk. 20 Pg. 195
 D-P.M. Bk. 11 Pg. 084
 E-R.M. Bk. 40 Pg. 100

△-Williamson Act Parcel

HIGHEST A.P.N. USED		
YEAR	PAR. #	PAR. #
81-82	43	
86-89	47	
86-87	40	
07-08	51	
10-11	53	
14-15	60	

BK 191 PG. 22
 County of San Joaquin, CA

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Department of Parks and Recreation
We C.A.R.E – Create Active Recreation Experiences

390 Towne Centre Drive, Lathrop, CA 95330
Phone (209) 941-7430 – fax (209) 941-7449
www.ci.lathrop.ca.us

January 2018

Ms. Lois Martin, Chairperson
Southern Sierra Miwuk Nation
P.O. Box 186
Mariposa, CA 95338
Office: (209) 742-6867

Re: Section 106 National Historic Preservation Act of 1966 and Public Resources Code Section 21080.3.1 and 21080.3.2 California Native American Tribes consultation

Dear Ms. Martin:

In compliance with 36CFR 800, Executive order 11593, Section 106 of the National Historic Preservation Act of 1966, and in accordance with Public Resources Code Sections 21080.3.1 and 21080.3.2, the City of Lathrop is providing this notification of our proposal to develop a community park in conjunction with an application for grant funding from the State of California Land and Water Conservation Fund.

The City of Lathrop (City) is proposing to develop a 16.79 acre parcel of City owned property adjacent to Lathrop High School as indicated on included Area of Potential Effect (APE) map (APN: 19122049). The project will include lighted all-weather turf multipurpose athletic fields, an outdoor fitness area, restroom/concessions building, perimeter walking trail, a children's play area, as well as a parking lot to accommodate park visitors.

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Zachary Jones
Director of Parks and Recreation
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Sincerely,



Zachary Jones

Encl: Proposed APE Map

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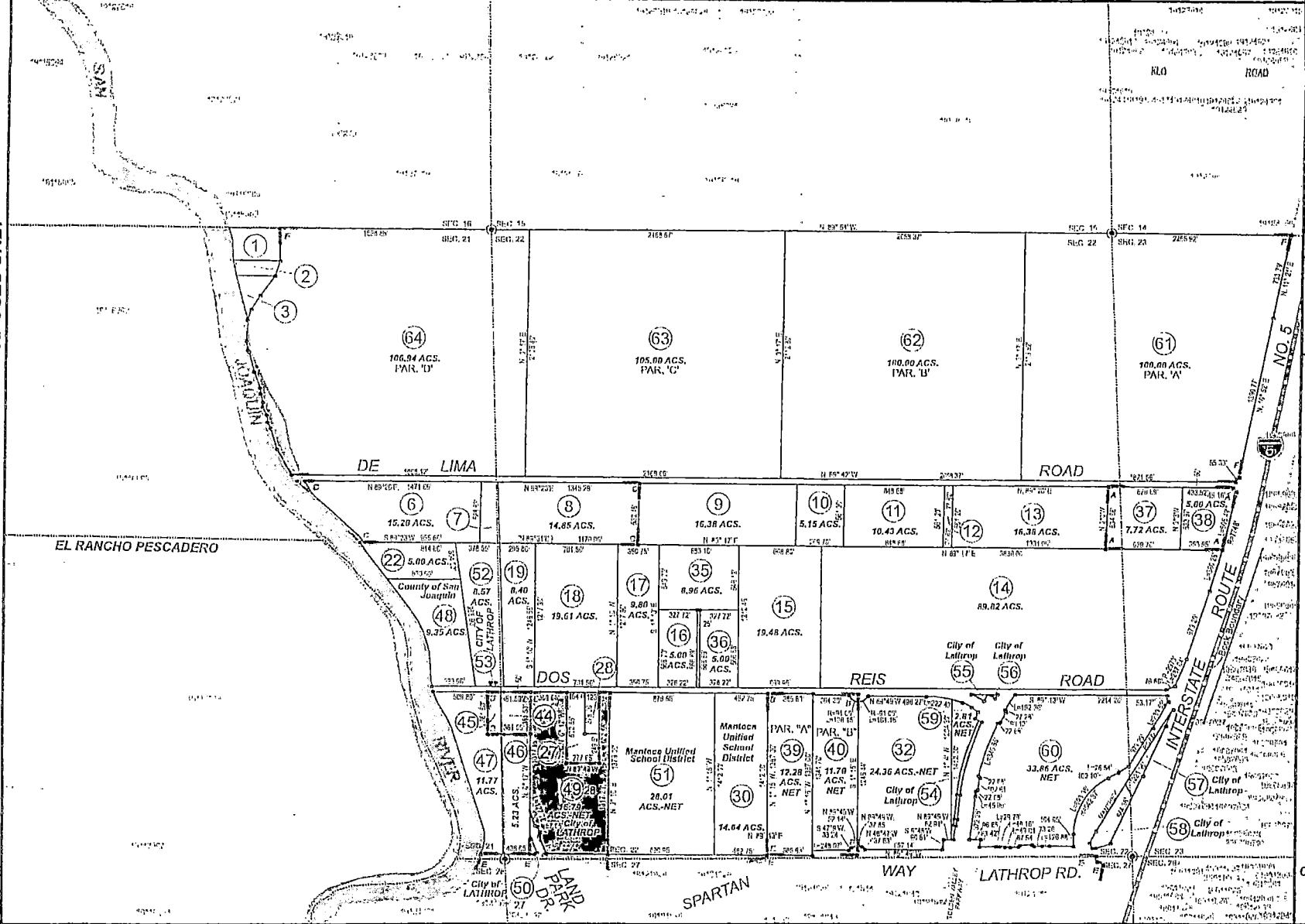


Zachary Jones

Encl: Proposed APE Maps

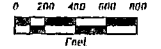
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191-22

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- B - P.M. Bk 02 Pg. 092
- C - R.S. Bk 28 Pg. 195
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▲ - Williamson Act Parcel

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www.ci.lathrop.ca.us

January 2018

Raymond Hitchcock, Chairperson
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624
Office (916) 683-6000
Fax (916) 683-6015
rhitchcock@wiltonrancheria-nsn.gov

Re: Section 106 National Historic Preservation Act of 1966 and Public Resources Code Section 21080.3.1 and 21080.3.2 California Native American Tribes consultation

Dear Mr. Hitchcock:

In compliance with 36CFR 800, Executive order 11593, Section 106 of the National Historic Preservation Act of 1966, and in accordance with Public Resources Code Sections 21080.3.1 and 21080.3.2, the City of Lathrop is providing this notification of our proposal to develop a community park in conjunction with an application for grant funding from the State of California Land and Water Conservation Fund.

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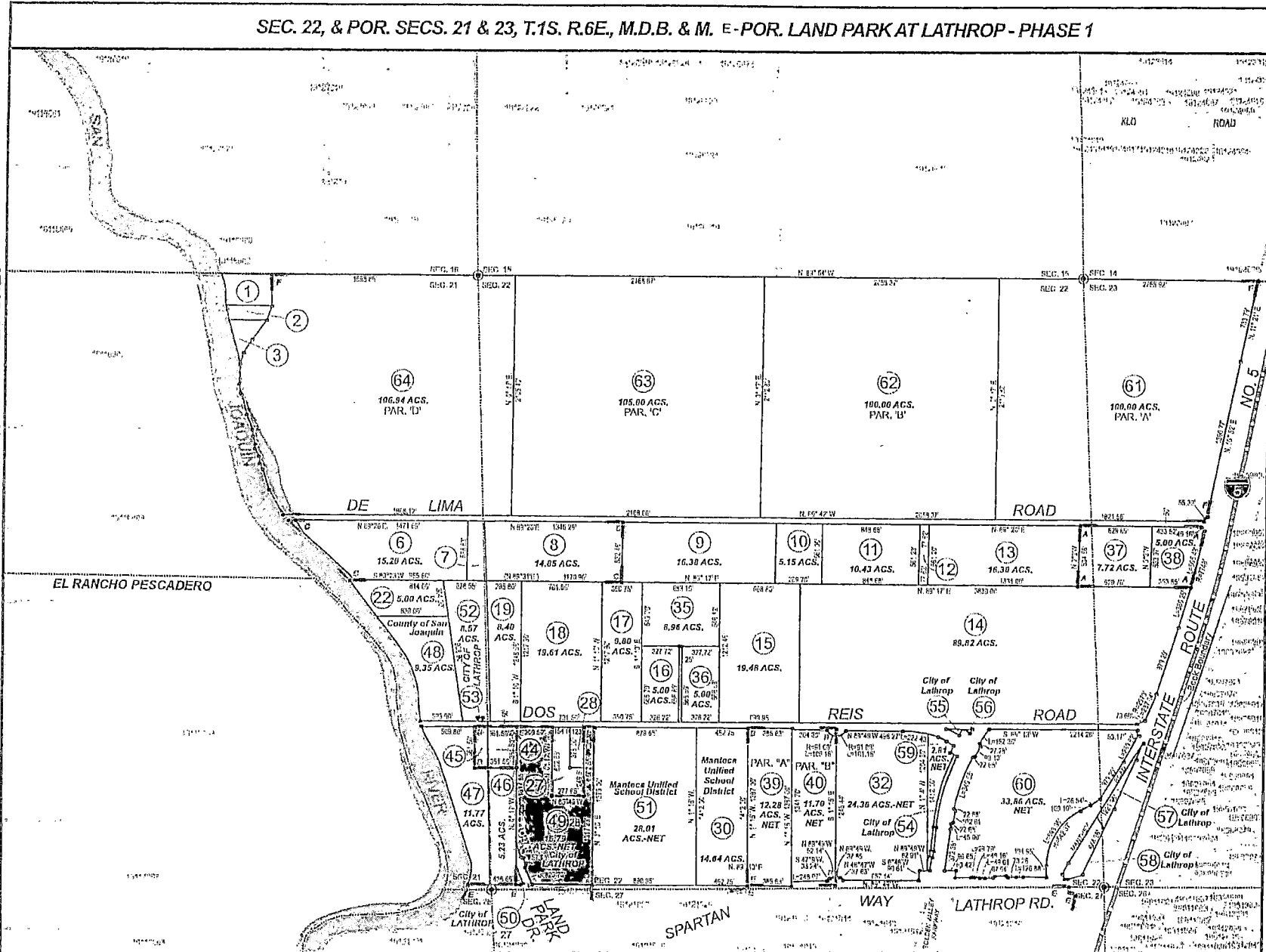
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 County of San Joaquin, CA

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 Assessor Mapping/GIS 2016



Community Development

16775 Howland Road- Lathrop, CA 95330
Phone (209) 858-2860 Ext. 327 - Fax (209) 858-5259
www.ci.lathrop.ca.us

NOTICE OF DETERMINATION

Handwritten signature and official stamp: BY: [Signature] SAN JOAQUIN COUNTY 04 NOV 10 PM 1:19 SESSIONS RECORDS

TO: Governor's Office of Planning and Research, State Clearinghouse
County Clerk, County of San Joaquin
FROM: City of Lathrop
16775 Howland Road, Suite One
Lathrop, CA 95330
DATE: November 9, 2004
SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the
Public Resources Code.
PROJECT TITLE: Central Lathrop Specific Plan and associated Environmental Impact Report
CONTACT PERSON: Bruce Coleman, Community Development Director
TELEPHONE NUMBER: (209) 858-2860, Extension 258
PROJECT LOCATION: The project is located in the City of Lathrop, San Joaquin County, bounded by
Interstate 5 (I-5) on the east, the San Joaquin River on the west, the West Lathrop
Specific Plan area and the current city limit line on the south, and the point where
Squires Road would continue westward if it crossed I-5 to the north.
PROJECT DESCRIPTION: The proposed Central Lathrop Specific Plan (CLSP) project includes 6,790
residential units at various densities, up to approximately 5 million square feet of
office/commercial uses, a Main Street District, neighborhood and community parks,
schools, and open space areas. Several off-site project elements could be located on
land north or south of the 1,521-acre CLSP area. These off-site elements relate to
possible construction of a second City of Lathrop water recycling plant (WRP #2)
and identification of land to be used for storage and disposal (via agricultural
irrigation) of treated recycled water and to the siting of various utility lines. The
project is divided into two phase: Phase 1, which encompasses approximately the
southern two-thirds of the CLSP area, is estimated to be completed in 2010, and

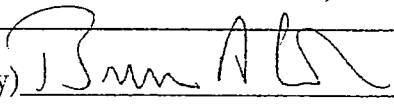
Notice of Determination
November 9, 2004
Page 2

Phase 2, covering approximately the northern one-third of the plan area, is anticipated to reach buildout in 2020.

This is to advise that the City of Lathrop approved the above-described project on November 9, 2004 and has made the following determinations regarding this project:

1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures have been included in the Conditions of Approval for this project.
4. A Statement of Overriding Considerations was adopted for this project.

This is to certify that the Environmental Impact Report, Initial Study, Mitigation Monitoring and Reporting Program, record of project approval, and other related documents may be examined at the City of Lathrop, Community Development Department/Planning Division, 16775 Howland Road, Lathrop, California 95330.

Signature (Public Agency) <u></u>	Date: <u>11/18/04</u>
Title: <u>Community Development Director</u>	



STATE OF CALIFORNIA - THE RESOURCES AGENCY
 DEPARTMENT OF FISH AND GAME
 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFG 753.5a (8-03)

253855

Lead Agency: City of Lathrop Date: 11/10/04
 County / State Agency of Filing: San Joaquin Document No.:
 Project Title: Central Lathrop Specific Plan & Assoc. Environmental Impact Report
 Project Applicant Name: Richland Investments Phone Number: 209 858 2860
 Project Applicant Address: 41238
 Project Applicant (check appropriate box): Local Public Agency School District Other Special District
 State Agency Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report \$850.00 \$ 850.00
- Negative Declaration \$1,250.00 \$ _____
- Application Fee Water Diversion (State Water Resources Control Board Only) \$850.00 \$ _____
- Projects Subject to Certified Regulatory Programs \$850.00 \$ _____
- County Administrative Fee \$25.00 \$ 25.00
- Project that is exempt from fees

TOTAL RECEIVED \$ 875.00

Signature and title of person receiving payment: Patricia Paulsen, Dep. County Clerk

WHITE-PROJECT APPLICANT YELLOW-DFG/FASB PINK-LEAD AGENCY GOLDENROD-STATE AGENCY OF FILING

11/10/2004 01:17PM
 RECEIPT # 206848
 SAN JOAQUIN COUNTY RECORDERS
 Assessor-Recorder County Clerk
 GARY W. FREEMAN
 # 5, EL DORADO 2ND FLOOR
 STOCKTON, CA 95202
 FROM: RICHLAND INVESTMENTS LLC
 BY: PAI
 C COPIES 875.00
 TOTAL FEE -----> 875.00
 AMOUNT (Check) RECEIVED -----> (875.00)
 CHANGE -----> 0.00
 I Check Received
 Check #1011015
 \$\$\$ RECEIPT \$\$\$

RESOLUTION NO. 04-1777

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING
FINDINGS CONCERNING MITIGATION MEASURES, ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM, MAKING FINDINGS
CONCERNING ALTERNATIVES AND ADOPTING A STATEMENT OF
OVERRIDING CONSIDERATIONS IN ACCORDANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT FOR THE CENTRAL LATHROP SPECIFIC
PLAN PROJECT

WHEREAS, a Notice of Preparation of the Central Lathrop Specific Plan was mailed to all responsible and affected agencies on July 30, 2004, pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, a Draft Environmental Impact Report for the Central Lathrop Specific Plan Project ("DEIR") was prepared for the Central Lathrop Specific Plan Project in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et. seq.; and

WHEREAS, the City Council has independently reviewed and analyzed the Final Environmental Impact Report for the Central Lathrop Specific Plan Project ("FEIR") and considered the information contained therein and all comments, written and oral, received at the public hearing on the FEIR prior to approving this resolution and recommending action on the Central Lathrop Specific Plan Project; and

WHEREAS, the City distributed copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Central Lathrop Specific Plan Project and to other interested persons and agencies and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the DEIR was given in compliance with CEQA Guidelines Section 15085; and

WHEREAS the Public Comment Period for the DEIR ended on September 13, 2004; and

WHEREAS, written and oral comments to the DEIR have been received and responses to those comments were prepared in the form of the FEIR; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided notice regarding the availability of the FEIR and circulated the proposed responses to comments to public agencies submitting comments on the DEIR; and

WHEREAS, the City Council reviewed the FEIR prepared for the Central Lathrop Specific Plan Project, City Staff reports pertaining to the DEIR and FEIR, and all evidence received at the duly noticed public hearings. All of these documents and evidence are herein incorporated by reference into this Resolution; and

WHEREAS, the FEIR identified certain significant and potentially significant adverse effects on the environment caused by the Central Lathrop Specific Plan Project. It is the intent of the City Council that the mitigation measures contained in the SEIR are implementation measures for the development of the Central Lathrop Specific Plan Project; and

WHEREAS, the City is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, these exist certain overriding economic, social and other considerations for approving the Central Lathrop Specific Plan Project that the City Council believes justify the occurrence of those impacts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY CERTIFY THE FEIR FOR THE CENTRAL LATHROP SPECIFIC PLAN PROJECT, AS FOLLOWS:

1. It is hereby certified that the FEIR has been completed in compliance with CEQA.
2. It is hereby certified that the FEIR has been presented to the City Council, which reviewed and considered the information and analysis contained therein before making the findings attached hereto, and recommending that the City Council adopt the mitigation monitoring program as set forth in the FEIR, and issue the statement of overriding considerations. The findings and statement of overriding considerations are contained in "The City of Lathrop Findings Required Under The California Environmental Quality Act" attached hereto as Exhibit A and incorporated herein by reference.
3. The City Council finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that many of the proposed mitigation measures described in the attached Exhibit B are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the City Council approves the Project.
4. To the extent that these findings conclude that various proposed mitigation measures outlined in the FEIR are feasible and have not been modified, superseded, or

withdrawn, the City Council hereby binds itself, all landowners within the Project area, and their assigns and successors in interest to implement those measures. These findings are not merely informational but constitute a binding set of obligations that will come into effect when the City Council adopts a Resolution approving the Central Lathrop Specific Plan Project. The actual implementation of the mitigation measures hereby adopted shall occur by having them included as conditions of approval on subsequent discretionary entitlements granted within the Central Lathrop Specific Plan Project area.

5. As set forth in its findings of fact, the City Council hereby finds that none of the proposed project alternatives set forth in the FEIR and the Findings can feasibly substantially lessen or avoid the significant adverse environmental effects that will not be substantially lessened or avoided by the adoption of all feasible mitigation measures.

6. In order to comply with the Public Resources Code Section 21080.6, the City Council hereby adopts the mitigation and monitoring program as set forth in **Exhibit B** and incorporated into the FEIR. The program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest, and any other responsible parties comply with the feasible mitigation measures identified below. The mitigation and monitoring program identifies, for each mitigation measure, the party responsible for implementation.

7. Since the adoption of all feasible mitigation measures will not mitigate or avoid all significant adverse environmental effects caused by adoption of the Central Lathrop Specific Plan Project, the City Council hereby issues, pursuant to CEQA Guidelines Section 15093 and attached hereto as Exhibit A, a statement of overriding considerations that renders those effects acceptable.

8. The DEIR and FEIR set forth environmental impacts that would be significant or potentially significant in the absence of mitigation measures. As to each such impact, the City Council hereby finds that changes or alterations incorporated into the project mitigate or avoid the significant or potentially significant environmental impacts. Also set forth are impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the City Council hereby finds that there exist certain overriding economic, social and other considerations for approving the Central Lathrop Specific Plan Project that the City Council believes justify the occurrence of those impacts.

9. The City Council finds that the Central Lathrop Specific Plan Project is consistent with the City of Lathrop General Plan and is the best way to implement the goals and policies of the General Plan.

Based on the findings set forth in this Resolution and the evidence in the Staff Report, the City Council hereby recommends to the City Council that it Certify the FEIR, making findings concerning mitigation measures, adopting a mitigation monitoring program, making findings concerning alternatives and adopting a statement of overriding considerations in accordance with CEQA for the Central Lathrop Specific Plan Project.

The foregoing Resolution was passed and adopted on November 9, 2004, by the following vote:

AYES: Beltran, Oliver, Griffith, Dresser, Rhodes

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney



Nancy Rusfigian, City Clerk



RECEIVED
NOV 10 2004
STATE CLEARING HOUSE

Community Development

16775 Howland Road- Lathrop, CA 95330
Phone (209) 858-2860 Ext. 327 - Fax (209) 858-5259
www.ci.lathrop.ca.us

RECEIVED

NOV 12 2004

CITY OF LATHROP
BUILDING DEPT.

NOTICE OF DETERMINATION

TO: Governor's Office of Planning and Research, State Clearinghouse
County Clerk, County of San Joaquin

FROM: City of Lathrop
16775 Howland Road, Suite One
Lathrop, CA 95330

DATE: November 9, 2004

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the
Public Resources Code.

PROJECT TITLE: Central Lathrop Specific Plan and associated Environmental Impact Report

CONTACT PERSON: Bruce Coleman, Community Development Director

TELEPHONE NUMBER: (209) 858-2860, Extension 258

PROJECT LOCATION: The project is located in the City of Lathrop, San Joaquin County, bounded by Interstate 5 (I-5) on the east, the San Joaquin River on the west, the West Lathrop Specific Plan area and the current city limit line on the south, and the point where Squires Road would continue westward if it crossed I-5 to the north.

PROJECT DESCRIPTION: The proposed Central Lathrop Specific Plan (CLSP) project includes 6,790 residential units at various densities, up to approximately 5 million square feet of office/commercial uses, a Main Street District, neighborhood and community parks, schools, and open space areas. Several off-site project elements could be located on land north or south of the 1,521-acre CLSP area. These off-site elements relate to possible construction of a second City of Lathrop water recycling plant (WRP #2) and identification of land to be used for storage and disposal (via agricultural irrigation) of treated recycled water and to the siting of various utility lines. The project is divided into two phase: Phase 1, which encompasses approximately the southern two-thirds of the CLSP area, is estimated to be completed in 2010, and

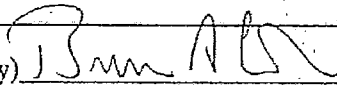
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Signature (Public Agency)



Date: 11/18/04

Title: Community Development Director